

# MOZAMBIQUE

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## 1 Population indicators

### 1.1 What is the total population of Mozambique?

The total population of Mozambique according to the 2007 Census<sup>1</sup> was 20 366 795,<sup>2</sup> but recent estimates indicate that the number has grown to 23 515 934.<sup>3</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Mozambique and the criteria used to determine who falls within the class of persons with disabilities in Mozambique.

A National Census is used to obtain data on the prevalence of disability in Mozambique. Between 2007 and 2008 a National Household Survey Among People with Disabilities was carried out in Mozambique as part of a project jointly organised by Mozambique's National Statistical Office (INE), the Federation of People with Disabilities in Mozambique (FAMOD), and a Norwegian based NGO, the *Stiftelsen for Industriell og Teknisk Forskning* (SINTEF), as partner.<sup>4</sup>

### 1.3 What is the total number and percentage of people, women and children with disabilities in Mozambique?

According to the 2007 Census:

- 475 011 people were reported to have a disability, representing approximately 2,5 per cent of the population in Mozambique.<sup>5</sup>

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1 INE *Tabelas - III Recenseamento Geral da População e Habitação* available at: <http://www.ine.gov.mz/> (accessed 26 September 2013). The 2007 Census used the terminology of persons with disabilities to gather data which reflects the prevalence of certain disabilities, defined as people who have 'impairments of physical, mental or sensory nature'.

2 Mozambique's Government's Official Website: <http://www.portaldogoverno.gov.mz/Mozambique> (accessed 26 September 2013).

3 MUNDI *Moçambique População Perfil* 2012 available at: [http://www.indexmundi.com/pt/mocambique/populacao\\_perfil.html](http://www.indexmundi.com/pt/mocambique/populacao_perfil.html) (accessed 26 September 2013).

4 SINTEF *Living condition[s] among people with disabilities in Mozambique: A national representative study*(2009) available at: <http://www.safod.org/Resource%20centre/LC%20Report%20Mozambique%20-%20final.pdf> (accessed 26 September 2013).

- 225 259 women were reported to be living with a disability, representing approximately 47 per cent of the total numbers of persons with disabilities in Mozambique.<sup>6</sup>
- 103 276 persons with disabilities were children between the ages 0 to 15 years old, representing approximately 21 per cent of the total population with disabilities.<sup>7</sup>

#### 1.4 What are the most prevalent forms of disability in Mozambique?

According to the 2007 Census, of the total percentage of persons with disabilities the following was recorded:<sup>8</sup>

- (1) 98 375 had a physical impairment (amputee or stunted legs);
- (2) 61 203 had a hearing impairment;
- (3) 44 567 had a visual impairment;
- (4) 40 372 had an intellectual impairment;
- (5) 39 099 had an intellectual impairment and a physical impairment (amputee or stunted arms);
- (6) 34 538 had paralysis; and
- (7) 167 229 had 'other impairments'.

## 2 International obligations

### 2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Mozambique? Has Mozambique signed and ratified the CRPD and the Optional Protocol? If so, provide date(s).

Mozambique signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD)<sup>9</sup> and its Optional Protocol<sup>10</sup> on 30 November 2010, and subsequently ratified both on 31 December 2010.

5 INE *Tabela população portadora de deficiência por idade, segundo área de residência e sexo, Moçambique* (2007), <http://www.ine.gov.mz/> (accessed 26 September 2013). These figures have been subject to recurring debates due to the lack of a robust systematic collection of data regarding the number of disabled people living in the country, see The Leonard Cheshire Disability and Inclusive Development Centre, University College London *Disability Policy Audit in Namibia, Swaziland, Malawi and Mozambique* (2008) 81, available at: [http://www.ucl.ac.uk/lc-ccr/downloads/DISABILITY\\_POLICY\\_AU\\_DIT\\_RESEARCH\\_FINAL\\_REPORT.pdf](http://www.ucl.ac.uk/lc-ccr/downloads/DISABILITY_POLICY_AU_DIT_RESEARCH_FINAL_REPORT.pdf) (accessed 26 September 2013).

6 INE (n 5 above).

7 As above.

8 As above.

9 Resolução no 29/2010 de 31 de Dezembro de 2010; Publication: *BR no 052, I Série, 8º Supl. de 31 de Dezembro de 2010, pág. 336-(403) a 336-(426)*.

10 Resolução no 30/2010 de 31 de Dezembro de 2010 Publication: *BR no 052, I Série, 8º Supl. de 31 de Dezembro de 2010, pág. 336-(426) a 336-(429)*.

**2.2 If Mozambique has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for the submission of the report? Has Mozambique submitted its report? If not, what reasons does the relevant government department give for the delay?**

- The Country Report was due two years after the CRPD was entered into force; therefore it was due by 31 December 2012.
- The Ministry of Women and Social Action is responsible for submitting the Country Report. The first Draft Country Report has not yet been prepared – the reason for the delay is not known.
- The Ministry of Justice on previous occasions mentioned organisational arrangements as one of the key reasons for the general delay in submitting the report to the international treaty monitoring body, the Committee on the Rights of Persons with Disabilities.<sup>11</sup>

**2.3 If Mozambique has submitted the report in 2.2 and if the Committee on the Rights of Persons with Disabilities has reviewed the report, indicate if the Committee made any concluding observations and recommendations to Mozambique's report. Was there a domestic effect in Mozambique on disability issues due to the reporting process?**

See 2.2. To date, no report has been submitted to the Committee on the Rights of Persons with Disabilities.

**2.4 While reporting under various other United Nations instruments, the African Charter on Human and Peoples' Rights or the African Charter on the Rights and Welfare of the Child; has Mozambique also reported specifically on the rights of persons with disabilities in its most recent reports? If so, have concluding observations adopted by the treaty bodies, addressed disability? If relevant, were these observations given effect to? Was mention made of disability rights in your state's United Nations Universal Periodic Review (UPR) report? If so, what was the effect of these observations or recommendations?**

- Generally, Mozambique ratifies international and regional human rights instruments without reservation, but fails to comply with its reporting obligations to both the United Nations and African regional treaty monitoring bodies.<sup>12</sup>

11 Most of the treaties were signed in a transitional period during or after the civil war, and only recently has there been a more efficient inter-ministerial structure to start preparing submission of overdue reports. Information provided by the Delegates of the Ministry of Justice during the 49th Session of the African Commission on Human and Peoples' Rights, held in Banjul, The Gambia, May 2011.

12 OSISA *Mozambique: Justice sector and the rule of law* (2006) 6 available at: [http://www.afrimap.org/english/images/report/Mozambique%20Justice%20report%20\(Eng\).pdf](http://www.afrimap.org/english/images/report/Mozambique%20Justice%20report%20(Eng).pdf) (accessed 26 September 2013).

- As per the UPR, Mozambique was last reviewed by the UPR in February 2011.<sup>13</sup>

**2.5 Was there any domestic effect on Mozambique’s legal system after ratifying the international or regional instruments in 2.4 above?**

The Mozambican civil law legal system is based on the Romano-Germanic tradition law, whereby once international treaties or other international instruments are ratified and published, they automatically enter into force in national law as set out in the Constitution.<sup>14</sup> According to article 204 of the Constitution, it is the competency of the Council of Ministers to prepare international treaties for signature, the President of the Republic has to sign international treaties,<sup>15</sup> and Parliament has to ratify international treaties. This means that constitutional provisions, such as the Bill of Rights and the ratification of international treaties and covenants, are ineffective if they are not supplemented with national legislation and regulation relating to human rights.<sup>16</sup> Furthermore, the constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and with the African Charter of Human and Peoples’ Rights.<sup>17</sup>

**2.6 Do ratified international treaties automatically become domestic law under your legal system? If so, are there any cases where the courts applied international treaty provisions directly?**

See question 2.5 above.

13 UN Human Rights Council *Report of the Working Group on the Universal Periodic Review: Mozambique* (2001), available at: <http://www.refworld.org/topic,50fbce51b1,50fbce5208,4dd4ea602,0,,,MOZ.html> (accessed 26 September 2013). During this tenth session of the UPR, recommendations were made by the recommending states, which contained express reference to disability rights. The recommendations focused on the ratification of the CRPD and its Optional Protocol. Mozambique clarified that the National Assembly adopted a resolution approving the ratification of the CRPD. At the time, Mozambique’s Minister of Justice confirmed that resolutions approving Mozambique’s ratification of the CRPD and its Optional Protocol were in the process of publication prior to the deposit of the instrument of ratification.

14 According to article 18 of the Mozambican Constitution: ‘[v]alidly approved and ratified International treaties and agreements shall enter into force in the Mozambican legal order once they have been officially published, for as long as they are internationally binding on the Mozambican State’.

15 Mozambican Constitution, art 162.

16 Mozambican Constitution, art 18(1)(2).

17 Mozambican Constitution, art 43; OSISA (n 12 above) 23.

There have been some ongoing debates as to the interpretation of Article 17(2) of the Constitution which states that ‘[t]he Republic of Mozambique shall accept, observe and apply the principles of the Charter of the United Nations and of the Charter of the Organisation of African Unity’. This provision seems to refer to application of the principles, but not the substantive provisions of the Universal Declaration and the African Charter. Article 17(2) is complemented by article 43 of the Constitution, which states that ‘[t]he constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and with the African Charter of Human and Peoples’ Rights’. Article 43 goes much further than Article 17(2) in emphasising the centrality of these human rights treaties. Article 43, contains explanatory language aimed at providing constitutional guidance on the interpretation of human rights provisions under Mozambique’s Constitution. The Mozambican courts have not tested the application and interpretation of international instruments to which Mozambique is a state party. Therefore many of the principles of international law still need to be substantively developed in the Mozambican context.

**2.7 With reference to 2.4 above, has the United Nations CRPD, or any other ratified international instrument, or parts thereof, been incorporated verbatim in national legislation? Provide details.**

International treaties are received in the form of a resolution approved either by Parliament or by the Council of Ministers. The CPRD and its Optional Protocol were adopted by a resolution from the Mozambican Parliament.<sup>18</sup>

### 3 Constitution

**3.1 Does the Constitution of Mozambique contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.**

- Article 37 of the Mozambican Constitution, states that citizens with a disability shall fully enjoy the rights enshrined in the Constitution, and shall be subject to the same duties, except those which their disability prevents them from exercising or fulfilling.
- Article 125(1) of the Mozambican Constitution states that persons with disabilities shall have a right to special protection by family, society and the state. According to article 125(2) the state shall promote the creation of conditions for learning and developing sign language. Article 125(3) states that the state shall promote the creation of conditions necessary for the economic and social integration of the disabled. The state shall promote, in co-operation with associations of the disabled and with private entities, a policy that will guarantee (a) the rehabilitation and integration of the disabled; (b) the creation of appropriate conditions to prevent them from becoming socially isolated and marginalised; (c) priority treatment of disabled citizens by public and private services; and (d) easy access to public places.<sup>19</sup> Article 125(5) states that the state shall encourage the establishment of associations of the disabled.

**3.2 Does the Constitution of Mozambique contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

Article 15 of the Mozambican Constitution, in the context of National Liberation, Defence of Sovereignty and Democracy, and the armed conflict that ended with the signing of the General Peace Agreement in 1992 states that the state shall ensure the special protection of those who were disabled in the national liberation struggle, as well as the orphans and other dependants of those who died in this cause.

Article 16(1) of the Mozambican Constitution maintains that the state shall ensure special protection for persons disabled during the armed conflict that ended with the signing of the General Peace Agreement in 1992 as well as the orphans and other direct dependants. Article 16(2) confirms that the state shall, likewise protect those who have been disabled in the performance of public service or a

<sup>18</sup> Resolução no 29/2010 de 31 de Dezembro de 2010; Publication: *BR no 052, I Série, 8º Supl. de 31 de Dezembro de 2010, pág. 336-(403) a 336-(426)* and Resolução no 30/2010 de 31 de Dezembro de 2010 Publication: *BR no 052, I Série, 8º Supl. de 31 de Dezembro de 2010, pág. 336-(426) a 336-(429)*.

<sup>19</sup> Mozambican Constitution, art 125(4).

humanitarian act. Article 16(3) determines how the rights established in this article are to be made effective.

Another provision indirectly applicable to the rights of people with disabilities in Mozambique is article 95, which states that all citizens shall have the right to assistance in the case of disability or old age, therefore, the state shall promote and encourage the creation of conditions for realising this right.

With respect to childhood, the Constitution states that all children have the right to protection from the family, from society and from the state, keeping in mind their full development and, in particular orphans, disabled and abandoned children, shall be protected by family, by society and by the state against all forms of discrimination, ill treatment and the abusive use of authority within family and other institutions.<sup>20</sup>

Article 35 of the Constitution ensures that all citizens are equal before the law, and they shall enjoy the same rights and be subject to the same duties, regardless of various status or conditions, therein enunciated.

## 4 Legislation

### 4.1 Does Mozambique have legislation that directly addresses disability? If so, list the legislation and explain how the legislation addresses disability.

Mozambique has enacted different pieces of legislation that mention people with disabilities or deal with issues relating to disabilities. The follow table sets out the most prominent legislation that mentions or refers to disability related issues:

Legislation	Description
Decree no 53/2008 of 30 December 2008	Regulates the Construction and Maintenance of Technical Accessibility, Circulation and Use of Public Service Systems by People with Disabilities. It approves the technical specifications on accessibility and the use of the International Symbol of Access.
Resolution no 68/2009 of 21 November 2009	Creates the Strategy for People with Disabilities in Public Service.
Ministerial Diploma no 134/2010 of 19 August 2010	Assistance to demobilised combatants with a disability and their relatives or dependents.
Decree no 78/2009 of 15 December 2009	Creates the National Disabilities Council.
Resolution no 20/1999 of 23 June 1999 Disability Policy	Disability Policy that outlines some specific rights for people with disabilities, including but not limited to the right to independent living; the right to integration in the family and community; the right to rehabilitation and access to compensation means; the right to formal, special or vocational education; the right to employment; and the right to social protection.

<sup>20</sup> Mozambican Constitution, art 121(1)(2).

**4.2 Does Mozambique have legislation that indirectly addresses disability? If so, list the main legislation and explain how the legislation relates to disability.**

Decree no 11/2009 of 29 May 2009 Regulation on Automobile Transportation	Regulates automobile transportation and sets forth exemption and reduction of rates in urban and inter-urban and public transport.
Law no 23/2007 of 21 August 2007 Labor Law	The Labour Law protects the rights of employees from disadvantaged groups, amongst others people with disabilities. <sup>a</sup>
Law 1 no 12/2009 of 12 March 2009 Law on the rights and duties of the persons living with HIV and AIDS	Establishes the rights and duties of persons living with HIV and AIDS, and takes measures necessary for the prevention, protection and treatment of the same and indicates that people with a disability have the right to be secured proper communication and civic education in the appropriate language or means taking into account their special needs.
Law no 6/92 of 6 May 1992 Law on the general framework of the National Education System (NES)	This legislation redresses the general framework of the National Education System (NES) and enunciates the right of children with disabilities to education and foresees special classes of mainstream schools, ensuring the right of children with multiple disabilities or severe mental disorders to benefit from education tailored to their needs in a personalised manner. Article 29(3) of the legislation sets forth that vocational training shall be provided to children with disabilities in order to assist their integration into society and the labour market.

- a. The law mentions that measures that benefit certain disadvantaged groups, namely, by reason of their sex, reduced capacity to work, disability or chronic illness, for the purpose of guaranteeing the exercise of the rights established in this law on an equal footing and to correct a factual situation of inequality in social life, shall not be considered discriminatory.

## 5 Decisions of courts and tribunals

**5.1 Have the courts (or tribunals) in Mozambique ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases indicating what the facts, the decision(s), the reasoning and impact (if any) the cases have had.**

There is no data on the decisions made by judiciary in Mozambique in respect of an issue(s) relating to disability.

## 6 Policies and programmes

### 6.1 Does Mozambique have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

#### National Disability Strategy<sup>21</sup>

The policy facilitates the promotion and protection of the rights of people with disabilities. It provides guidance for disability considerations in policy and legislative reform. The underlying principles and strategies are aiming to ensure people with disabilities' effective participation in every aspect of contemporary society. It outlines some specific rights for people with disabilities, including, but not limited to the right to independent living; the right to integration in the family and community; the right to rehabilitation and access to compensatory means; the right to formal, special or vocational education; the right to employment; and the right to social protection. Most of the provisions of the strategy have to be implemented, due to government's insufficient financial resources. This means that accessibility to public services, buildings and public transportation for people with disabilities to facilities remains a general problem, which is compounded by negative social attitudes by the larger public.<sup>22</sup>

#### Strategy for People with Disabilities in Public Service

The policy's aims are to strategically promote and develop vocational education for people with disabilities, as well as to create conditions for the maintenance, integration or reintegration of people with disabilities in public anointing; phasing mechanisms, percentages or quotas reserved for people with a disability in the institutions of the state, as well as the need to ensure career development and advancement.<sup>23</sup>

#### Landmine Survivor Assistance

This programme has been in place since 2004. The aim is to develop a strategy for supporting landmine survivors and others with injuries that have been caused by the civil war, 1976-1992. This is a multi-sectoral programme, involving the Ministry of Health, the Ministry of Women and Social Action and the National Demining Institute. Assistance to victims comprises two essential components: medical care, provided by the Ministry of Health; and psychosocial assistance, provided by the Ministry of Women and Social Action, and also a number of humanitarian organisations including Network of Associations of Assistance to Victims of Mines, Red Cross, AMA, Handicap International, Power, FAMOD

21 Approved by Resolution 20/1999 of 23 June.

22 The Leonard Cheshire Disability and Inclusive Development Centre (n 5 above) 83.

23 Resolution no 68/2009 of 29 November, Strategy for People with Disabilities in Public Service, Executive Summary.



(*Forum das Associações Moçambicanas de Deficientes/Forum of the Mozambican Associations of People with Disabilities*) and UNICEF.<sup>24</sup>

**6.2 Does Mozambique have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.**

A number of health rehabilitation centres are located in the ten provincial capitals. Most of the centres are government-funded, and provide physiotherapy to people with disabilities.

## 7 Disability bodies

**7.1 Other than the ordinary courts or tribunals, does Mozambique have any official body that specifically addresses the violation of the rights of people with disabilities? If so, describe the body, its functions and powers.**

There are no bodies other than courts that specifically address the violation of rights of people with disabilities.

**7.2 Other than ordinary courts or tribunals, does Mozambique have any official body that, though not established to specifically address the violation of the rights of people with disabilities, can nonetheless do so? If so, describe the body, its functions and powers.**

The only other bodies addressing the violation of rights of people with disabilities are the National Human Rights Institutions discussed in question 8 below.

## 8 National human rights institutions

**8.1 Does Mozambique have a Human Rights Commission or an Ombudsman or a Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission or the Ombudsman or Public Protector of Mozambique has ever addressed issues relating to the rights of persons with disabilities.**

- Mozambique has a Human Rights Commission and an Ombudsman which were

24 Ministério dos Negócios Estrangeiros e Cooperação, Instituto Nacional de Desminagem *Plano Nacional de Acção contra Minas* (2008-2014) 3, available at: [http://www.gichd.org/fileadmin/pdf/other\\_languages/portuguese/LMAD/NMAS-Mozambique-2002-2006-po.pdf](http://www.gichd.org/fileadmin/pdf/other_languages/portuguese/LMAD/NMAS-Mozambique-2002-2006-po.pdf) (accessed 26 September 2013).

established in terms of the Constitution.<sup>25</sup> According to the founding provisions of the Constitution, Mozambique is one sovereign, democratic state founded on various values. Both, the Mozambican Human Rights Commission and the Ombudsman are part of the state institutions that support constitutional democracy in terms of the Constitution. Both these institutions are required to be independent and subject only to the Constitution and the law.<sup>26</sup>

- The Mozambican Human Rights Commission was created by the Law no 33/2009 of 22 December which governs its powers and functions, while the Ombudsman was created by the Law no 7/2006 of 16 August.
- Both of these National Human Rights Institutions have as a backdrop the defence and promotion of the rights and freedoms of individuals.<sup>27</sup> The Constitution clearly enunciates that constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. The Constitution also establishes freedoms and guarantees which the state must give effect to.<sup>28</sup> Therefore, the National Human Rights Institutions should ensure the promotion and protection, not only of the rights enshrined in the Constitution, but also enshrined in other international instruments to which Mozambique is a party, including the CRPD.
- Since their creation, there are no records of the resolution or consideration of issues relating to the rights of persons with disabilities by either of the aforementioned National Human Rights Institutions in Mozambique.

## 9 Disabled peoples organisations (DPOs) and other civil society organisations

### 9.1 Do you have organisations that represent and advocate for the rights and welfare of persons with disabilities in Mozambique? If so, list each organisation and describe its activities.

Organisation		Funding Year	Forms of Disability
ACAMO	Associação de Cegos e Amblíopes de Moçambique	1995	Visual
ACRIDEME	Associação de pais e amigos de Crianças Deficientes Mentais	1994	Mental
ADEMIMO	Associação de Deficientes Militares e Paramilitares de Moçambique	1992	Visual/Auditory/Motor/Intellectual
ADEMO	Associação dos Deficientes Moçambicanos	1989	Visual/Auditory/Motor/Intellectual
ADESU	Associação dos Deficientes do Ensino Superior	1995	Mental
ADPPDCM	Associação de Desporto da Pessoa Portadora de Deficiência da Cidade de Maputo	2007	Visual/Auditory/Motor/Intellectual

25 Mozambican Constitution, art 256.

26 Mozambican Constitution, art 258.

27 Article 5 of the Law establishing the Human Rights Commission and art 15 of the Law on Ombudsman.

28 Mozambican Constitution, arts 11(e) and 43.

ADPPDPM	Associação Desportiva para Pessoas com Deficiência da Província de Maputo	2003	Visual/Auditory/Motor
AJODEMO	Associação dos Jovens Deficientes de Moçambique	1995	Motor
AMDV	Associação Moçambicana dos Deficientes Visuais	2003	Visual/Motor
AMMD	Associação Moçambicana de Mulheres portadoras de Deficiência	2007	Motor
AMOFAS	Associação Moçambicana dos Familiares e Amigos dos Surdos	1995	Auditory
ASUMO	Associação dos Surdos Moçambicanos	1999	Auditory
CERCI	Cooperativa para a Educação e a Reabilitação de Cidadões Inadaptados	2002	Visual/Auditory/Motor/Intellectual
CINFORTECNICA	Associação de Jovens Técnicos Portadores de Deficiência de Moçambique	2005	Visual/Auditory/Motor/Intellectual
CODDEFAM	Comité de Defesa dos Deficientes das Forças Armadas de Moçambique	2002	Visual/Auditory/Motor/Intellectual
CPM	Comité Paralímpico de Moçambique	2008	Visual/Auditory/Motor/Intellectual
NLHUVUKU	Grupo teatral	1997	Motor
RAVIM	Rede para Assistência as Vitimas de Minas	2005	Motor
FAMOD	Forum das Associações Moçambicanas de Deficientes	1998	Rede nacional das APCD

**9.2 In the countries in your region, are DPOs organised or coordinated at a national and/or regional level?**

FAMOD functions as an umbrella for DPOs in Mozambique. FAMOD members cover organisations dealing with all types of disabilities whose activities cover all geographical areas of Mozambique. FAMOD's vision is to strengthen the interest of the members of associations through courses, seminars and workshops: to change societies' attitudes with reference to people with disabilities; to integrate the subjects of disability in project and programmes of national development and to coordinate and to share the information with partners that work with people with disabilities.<sup>29</sup>

**9.3 If Mozambique has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

There is working relationship between the Mozambican DPOs and the Ministry of Women and Social Action. This relationship has facilitated interactions with the disability sector through its civil society structures.

<sup>29</sup> SAFOD Research Program *Forum Mozambican of Associations of Disabled*, available at: <http://www.safod.org/SRP%20Web%20site/Mozambique%20SRP%20Country%20R%20eport.pdf> (accessed 26 September 2013).

**9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

It is difficult to ascertain the extent to which organisations in Mozambique specifically monitor the implementation and their participation in the implementation of the CRPD.<sup>30</sup>

**9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

Most of the barriers associated with implementation are a lack of political will, resources and funding for DPOs. DPOs in Mozambique are operating in a society that has little awareness of disability issues.

**9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?**

No.

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

The ratification of the CRPD itself may be seen as an important recognition of the rights of persons with disabilities. This was due to the involvement and engagement of DPOs in the ratification process. Since ratification there is no outstanding development.

**9.8 Has your research (for this project) shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

Resource constraints (both qualified personnel and funding) limit the extent to which DPOs are able to comprehensively engage with the implementation process. This will be an area for capacity building and support with respect to DPO's engagement with the implementation process in future.

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

See question 9.8 above.

30 The Leonard Cheshire Disability and Inclusive Development Centre (n 5 above) 87. In a focus group discussion organised by FAMOD, the attendants representing a number of DPOs expressed the view that the Mozambican Government has only come up with a wish list in the form of policies.

**9.10 Are there specific research institutes in your region that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

There are currently no specific research institutes in Mozambique that work on the rights of persons with disabilities, which have facilitated the involvement of DPOs in the process.

## **10 Government departments**

**10.1 Do you have government departments that are specifically responsible for promoting and protecting the rights and welfare of person with disabilities? If so, describe the activities of the departments.**

Ministry for Women and Social Action is the main government body with the main responsibilities *vis a vis* disability and they focus, amongst others on coordinating other sectors' activities relating to the dissemination of already established policies and supervising their implementation.

## **11 Main human rights concerns of people with disabilities**

**11.1 What are the contemporary challenges of persons with disabilities in Mozambique? (For example, in some parts of Africa ritual killing of certain classes of PWDs such as people with albinism occurs. Tanzania has been in the headlines in this regard. We should have a way of interrogating customary practices that discriminate, injure and kill persons with disabilities).**

Stigmatisation and discrimination amongst Mozambique's disabled population serves to compound poverty and reduces the possibilities of persons with disabilities in Mozambique.

**11.2 How does Mozambique respond to the needs of persons with disabilities with regards to the areas listed below?**

- **Access to public buildings**

There is currently a need to ensure compliance with accessibility. These challenges have been responded to by approval of the Regulation on Construction and Maintenance of Technical Accessibility,<sup>31</sup> Circulation and Use of Public Service Systems by People with Disabilities.<sup>31</sup> New Government buildings under

31 Decree no 53/2008 of 30 December 2008.

construction included some improvements for those with disabilities, including accessibility ramps.

- **Access to public transport**

Decree no 11/2009 of 29 May 2009, approves the Regulation on Automobile Transportation and sets forth the exemption and reduction of rates in urban and inter-urban areas and public transport for disabled people. This is based upon non-discriminatory constitutional principles and outlines specific rights for people with disabilities. A considerable percentage of people with disabilities lives in rural areas and are constrained in their ability to move far from home to seek either medical care or to attend to other situations due to transport costs, services being predominantly found in cities.

- **Access to education**

Mozambique's Ministry of Education and Culture is primarily responsible for monitoring policies and implementing strategies to ensure that disabled people have access to basic education and skills training. The legislation in place, mainly, Law no 6/92 of 6 May enunciates the right of children with disabilities to education and foresees special classes in mainstream schools ensuring the right of children with multiple disabilities or severe mental disorders to benefit from education tailored to their capacities in a personalised manner. Article 29(3) of the Law sets forth that vocational training shall be provided to children with disabilities in order to assist their integration into society and the labour market.

- **Access to vocational training**

The Ministry of Labour, through the Institute for Employment and Professional Training (INEFP) provides training which enables people with disabilities to acquire specific skills and thus become self-employed.<sup>32</sup>

- **Access to employment**

The Law no 23/2007 of 21 August 2007 which approves the Labour Law, contains important provisions concerning employment of persons with disabilities. Pursuant to the Law, employers shall promote the adoption of appropriate measures that allow employees with disabilities or chronic illnesses to have the same rights and duties as other employees, with respect to access to employment, vocational training and promotion, as well as suitable working conditions to enable them to perform socially useful activities, taking into account the specific circumstances of their impaired working capacity. It also defines the role of the state, in coordination with trade union and employer associations and organisations representing people with disabilities to promote employment and takes into account the means and resources available, stimulates and supports actions leading to the vocational rehabilitation of persons with disabilities and to their placement in jobs suited to their residual capacities. Accordingly, special measures to protect access to employment for persons with disabilities must be instituted and implemented by the state.

- **Access to recreation and sport**

Mozambique's government through the Ministry of Youth and Sports has been working towards creating an enabling environment for young people to engage in sporting and recreational events, with specific provisions to promote the involvement and participation of youngsters with a disability. The government has established a Sports Federation for People with Disability.<sup>33</sup>

32 Disability and Development Partners *Disability and HIV & Aids in Mozambique* (April 2008) 8, available at: <http://www.ddpuk.org/full-report.pdf> (accessed 26 September 2013).

33 As above.

- **Access to justice**

There is no specific programme to support access to justice for persons with disabilities. In general, there are a number of obstacles to the application of the right to access to justice in the country. These include but are not limited to poverty and therefore the inability to afford legal fees, lack of awareness, corruption, inaccessible buildings and transport. There are some institutions and programmes in Mozambique designed to provide pro bono assistance with regard to access to justice, which in general can indirectly benefit people with disabilities.

- **Access to health care**

The Ministry of Health provides rehabilitation centres and the Ministry of Women and Social Action is responsible for coordinating psychosocial and economic reintegration activities, which include community-based rehabilitation. Therefore, physiotherapy and orthopaedic services are provided by both ministries.

**11.3 Does Mozambique provide for disability grants or other income support measures for persons with disabilities?**

Basic social security in Mozambique is provided to nationals without own means of subsistence, including people with disabilities, who are living under absolute poverty. This system is managed by the Ministry of Women and Social Action, through INAS – *Instituto Nacional de Acção Social*. Decree no 52/2011 of 12 October, regulates conditions of access to the grants.

**11.4 Do people with disabilities have a right to participation in political life (for example, political representation and leadership and voting independently) in Mozambique?**

The most basic form of political participation, is free and regular voting to choose one's representatives. Free and fair elections require universal suffrage for all eligible men and women to vote in Mozambique and do not exclude minorities such as people with disabilities.

**11.5 Specific categories experiencing particular issues or vulnerability:**

**Women with disabilities**

Women with disabilities, in particular, bear the brunt of inequality based on disability, gender, and socio-economic status.

**Children with disabilities**

Education and access to education remains one of critical issues or vulnerability.

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Mozambique at the moment?

Recognition of, and the need to address the inadequate inclusion of people with disabilities in HIV & AIDS policies and prevention and treatment programmes in Mozambique.

### 12.2 What legal reforms are being proposed? What legal reforms would you like to see in Mozambique? Why?

Some of the key aspects that need to be addressed in Mozambique relate to increasing awareness about disability in Mozambique among people with disabilities as well as the non-disabled, in order to improve respect of human rights for people with disabilities. The concerns of people with disabilities include lack of access to socio-economic opportunities and employment, limited access to buildings and transportation, and the lack of wheelchairs. Specialised access facilities are rare, and there are few job opportunities for people with disabilities in the formal sector.

The country's only psychiatric hospital is overburdened with patients and lacks the means to ensure basic nutrition, medicine or shelter. Hospital doctors also reported that many families abandon their relatives with disabilities. Demobilised persons with disabilities continued to assert that they did not receive their pensions.

Accessibility to facilities remains a problem in Mozambique. The Construction and Maintenance of Technical Accessibility, Circulation and Use of Public Service Systems by People with Disabilities was adopted.<sup>34</sup>

34 'FAMOD deplora inacessibilidade da Assembleia da República para os deficientes' 6 December 2012, available at: <http://www.verdade.co.mz/destaques/democracia/32706-famod-deplora-inacessibilidade-da-assembleia-da-republica-para-os-deficientes> (accessed 26 September 2013).