



**Convention on the Rights  
of Persons with Disabilities**

Distr.: General  
29 June 2020

Original: English  
English, Russian and Spanish only

---

**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Mozambique under  
article 35 of the Convention, due in 2014\***

[Date received: 3 January 2020]

---

\* The present document is being issued without formal editing.

GE.20-08547(E)



Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## Abbreviations and acronyms

ACIVTLS	Alberto Cassimo Institute of Vocational Training and Labour Studies
AIDS	Acquired Immunodeficiency Syndrome
APOVC	Action Plan for Orphans and Vulnerable Children
BSSP	Basic Social Subsidy Program
CRM	Constitution of the Republic of Mozambique
DHS	Demographic Health Survey
DSSP	Direct Social Support Program
ESP	Economic and Social Plan
FGP	Five-Year Government Plan
HIV	Human Immunodeficiency Virus
ICRPD	International Convention on the Rights of People with Disability
MEHD	Ministry of Education and Human Development
MLESS	Ministry of Labor, Employment and Social Security
MGCSA	Ministry of Gender, Child and Social Action
MH	Ministry of Health
NCIC	National Council for Child Issues
NCID	National Council for Issues of Disability
NCSA	National Council of Social Action
NSBSS	National Strategy for Basic Social Security
NISA	National Institute for Social Action
NIS	National Institute of Statistics
NIVTE	National Institute for Vocational Training and Employment
NISS	National Institute of Social Security
NAPC	National Action Plan for Children
NAPD	National Action Plan for the Area of Disability
PMR	Physical Medicine and Rehabilitation
PwD	Person with Disability
PSAP	Productive Social Action Program
SSSAP	Social Services for Social Action Program
SADC	Southern African Development Community
SSSA	Secretary of State for Social Action

## **I. Introduction**

1. The Government of the Republic of Mozambique has ratified the 2012 International Convention on the Rights of People with Disability (ICRPD), regarding it as an important and reference tool for the promotion of human rights, in particular those of people with disability, and thus reaffirms the commitment for its materialization.
2. The article 35, paragraph 1, of the Convention on the Rights of People with Disability requires Member States to submit to the Steering Committee on the Rights of People with Disability reports on the implementation of the Convention, two years after its ratification and thereafter periodically in every 4 years.
3. In this context, Mozambique, in compliance with the United Nations' report template, has written up the present report which illustrates the mains actions carried out by the various stakeholders involved in the implementation of the International Convention on the Rights of People with Disability and the progress reached since ratification, covering the period 2012–2017.
4. The first part of the report consists of an introduction, methodological procedures, general aspects of the country and the general framework for the protection and promotion of the rights of people with disability. In the second part, the highlights the general and specific actions carried out on the implementation of the convention.

## **II. Methodological procedures**

5. The preparation of this report was based on the collection and analysis of qualitative and quantitative data among the key stakeholders involved in the area of disability. Internal consultations were also held, as well as at the level of the Steering Committee on the Rights of People with Disability of the National Council of Social Action, to gather information in order to get to a comprehensive report.

## **III. General aspects of Mozambique**

### **A. Geographical Location**

6. The Republic of Mozambique is located in the South east coast of Africa, covering a total area of 799,380 km<sup>2</sup>, subdivided into eleven provinces, namely: Niassa, Cabo Delgado, Nampula, Zambézia, Tete, Manica, Sofala, Inhambane, Gaza, Maputo Province and Maputo City. The Capital of Mozambique is Maputo City.
7. Mozambique is bordered by Tanzania in the North, by South Africa (Kwazulu Natal) and Swaziland (Eswatini) in the South, by Malawi, Zambia, Zimbabwe and South Africa in the West and by the Indian Ocean in the east. Mozambique is a member of the Southern African Development Community (SADC).

### **B. Demographic composition**

8. According to the 2007 Census, there are about 475,011 people with disability, equivalent to 2.3% of the total Mozambican population out of the then total population of 23,700,715 inhabitants. The census's data also indicated the causes of disability in the following order of importance: Disease (57.9%); at birth (33.1%) and others (6.8%). The census also describes the types of disabilities such as amputation of superior members of the body, legs, (20.7%), deafness (12.7%), blindness (9.4%), mental impairment (8.5%), amputation of inferior members, arms (8.2%), and paralysis (7.3%) and others (35.2%). Source – INE 2007.
9. In August 2017, another General Census of the Population was carried out, and preliminary results have shown that Mozambican population in general is estimated at 28

861 863 inhabitants, however, the publication of the detailed and final results on the population with disability are still to come.

10. Mozambican population is predominantly rural and the population density varies, being the largest in Maputo City with about 4139 inhabitants per km<sup>2</sup> and the lowest in Niassa Province with about 13 inhabitants per km<sup>2</sup>. The average density of the country's population is about 32 inhabitants per /km<sup>2</sup> (INE, Culture Statistics, 2015).

### **C. Culture and Religion**

11. Culture is an important instrument to promote patriotic education and national unity. Singing, dancing, poetry, sculpture, painting and other forms of cultural expression have always played an important role in the mobilization of Mozambican citizens in the struggle for valorization and realization of the cultural dignity.

12. The country has Portuguese as its official language and it has a diversity of national languages.

13. With regards to religion, a significant number of the Mozambican population professes, besides other African religions, Christianity. The Islamic religion is also predominant, especially in the northern part of the country.

14. It is worth to mention that the Article 12 of the Constitution of the Republic establishes the principle of secularism of the State that argues in favour of the separation between the State and religion. It also establishes that religious confessions are free in their organization and in the exercise of their worship functions, and must comply with the laws of the State.

### **D. Political, Economic and Social Situation**

15. The country held its Fifth democratic and peaceful presidential and legislative elections in 2014. The Government prioritizes political dialogue by reaffirming its commitment to political stability and reconciliation.

16. Poverty reduction is one of the key objectives in the Government agenda. In this context, in 2015, it approved the National Development Strategy (2015–2035) with the aim of improving the living standards of the population through structural transformation of the economy, expansion and diversification of the production basis. The key strategic principles under the referenced development strategy are: (a) Development of Human Capital; (b) Development of Support Infrastructure for Production; (c) Research, innovation and technological development; (d) Institutional articulation.

17. According to INE Family Budget Survey (FBS 2014/15) data, the country decreased the incidence of poverty from around 54% in 2008/9 to 46.1% in 2014/15. Analysis by provinces indicates that the incidence of poverty is higher in Cabo Delgado (60.6%), Zambézia (57.1%) and Tete (56.1%). Maputo City and Maputo Province registered the lowest rates with 11.6% and 18.9% respectively (MEF, Poverty and Welfare in Mozambique: Fourth National Assessment, 2016).

18. Data on human development indicate improvements in access in health services, education (both primary and secondary), social protection, particularly in rural areas, as well as the possession of durable assets by households and the quality of housing, which attests to positive development trends in achieving strategic government priorities. These improvements result from the expansion of social infrastructures and investment in basic (non-contributory), contributory and complementary social security schemes.

19. The rate of access to potable water increased between 2008/9 and 2014/15, with households using reliable water sources rising from 40.5% to 50.9% (FBS 2008/9 and 2014/5). In urban areas, where piped water predominates, access to safe water sources has increased from 64.7 to 82.5%.

20. Sanitation has made progress with the increase in households with access to sanitation from 16% in 2008/9 to 26.9% in 2014/15. The biggest challenges are in rural areas where 13.2% of households have access to sanitation against to 57.8% from urban areas (IOF 2014/2015).

21. The illiteracy rate decreased from 49.9% in 2008/9 to 44.9% in 2014/15. This reduction was observed for both sexes and in all age groups, except for 15 to 19 age group, both in the urban and rural areas. (IOF 2008/9 and 2014/15).

22. The proportion of the population with access to school increased from 59.6% in 2008 to 67.6% in 2014/15 (IOF, 2008/9 and 2014/15).

23. The prevalence of HIV / AIDS among 15–49 years old people is about 13.2%, being higher among women (15.4%) compared to men (10.1%). In total, by 2015, about 1.5 million people were living with HIV in Mozambique.

24. Malaria is one of the major public health problems in Mozambique, responsible for high rates of morbidity and mortality, incapacity and poverty. According to IMASIDA, 2015, the prevalence of malaria in children aged 6-59 months increased from 35% to 40% from 2011 to 2015, with a greater incidence in rural areas (47%) than in urban areas (19%).

25. Mozambique is prone to natural disasters such as droughts, cyclones and floods that have a negative social and economic impact. Floods have caused deaths and displaced people. Economic and social activities are affected, while infrastructure such as roads, bridges, hospitals and schools are damaged or destroyed. The occurrence of low magnitude earthquakes have been recorded in recent years.

26. Mozambique has made progress in implementing the Sustainable Development Objectives characterized by improved indicators of social protection, health, education, water and sanitation. However, there are withstanding challenges in improving access to quality basic social services, increasing funding for the expansion of social protection programs, and removing obstacles to the full enjoyment of the rights of people with disability, such as poverty, violence and harmful social practices. It is therefore necessary to continue efforts to ensure the promotion and protection of the rights of this population group.

## **IV. General framework for the protection and promotion of the rights of people with disability**

### **A. Legal Provisions**

27. The Constitution of the Republic establishes equality between Mozambican citizens without distinction of any kind, especially Articles 35, 37 and 125, which are mentioned below:

- Article 35, “All citizens are equal under the law, enjoy the same rights and are subject to the same duties irrespective of colour, race, sex, ethnic origin, place of birth, religion, educational level, status, marital status of parents, profession or political option”.<sup>1</sup>
- Article 37, “Citizens with disability fully enjoy the same rights enshrined in the Constitution of the Republic and are subject to the same duties, except for those for which they are not capable of due to their disability”.
- Article 125, paragraph 1, “Citizens with disability have special protection rights, from the society and the State”.

28. The country has approved other provisions that advocate equal rights and opportunities among citizens, while promoting respect for the diversity and rights of people with disability, namely:

<sup>1</sup> Constitution of the Republic – articles 35, 37 and 125 (2004).

(a) The Labour Law (Law no. 23/2007, of 1st August), recommends in Article 28, the adoption of adequate measures for adequate work for people with disability and the enjoyment of the same rights and duties of other workers with regard to access to employment, training and career development;

(b) The National Educational System Law (Law no. 6/92, of 6th May) states that “education is a right for all citizens” including those with disability without any kind of discrimination;

(c) The Sports Law (Law No. 11/2002 of 12th March) promotes the practice of sports for everyone, including people with disability;

(d) The Law on Medical Assistance and Medicine (Law No. 4/87, of 19th January) advocates free primary medical assistance and medicine for all citizens including people with disability;

(e) The Family Law, (Law No. 10/2004 of August 25th), establishes equal rights between men and women within the family, the State also recognizes the family as a fundamental element and basic unity of society;

(f) The Law on Domestic Violence Against Women (Law 29/2009, of 29th September), which aims to prevent, provides necessary protection for victims of domestic violence, punish offenders and provide State Bodies with necessary instruments for the elimination of domestic violence;

(g) The Law on Social Protection System (Law no. 4/2007, of February 7th), structures the social protection system. This Law also addresses issues related to the right to equal social protection for all people, it also addresses the right to have a family, health, education and special protection for people with disability;

(h) The Regulation on Transport (Decree-Law No. 11/2009, of 29th May), establishes that there should be exemption of payment on public transport and 50% discount on inter-provinces transport for people with disability;

(i) The Regulation on Construction and Maintenance of Technical Devices for Accessibility, Circulation and Use of Service Systems and Public Places to People with Physical Disability or Limited Mobility (Decree No. 53/2008 of December 30th), which aims to provide people with disability with favorable conditions of accessibility to public places, eliminating architectural barriers.

## **B. Government Policies, Plans and Strategies**

29. The Mozambican Government has approved a framework of Policies, Strategies and Action Plans for the social inclusion of people with disability, to consider:

- The Social Action Policy, revised through Resolution 46/2017 of November 2nd, guides the intervention process of the various stakeholders to tackle social issues in the country.
- The Policy for People with Disability and the Implementation Strategy (Resolution No. 20/99 of June 23rd), is a guiding instrument that defines the priorities for Government and Civil Society intervention in the disability issue.
- The Gender Policy and Strategy of its Implementation approved by Resolution 19/2007 of May 15th and revised in 2018, calls for participation and access to equal rights and opportunities between men and women, ensuring that all citizens contribute for sustainable development and poverty reduction without any kind of discrimination based on physical or sensory condition.
- The 2009–2013 Strategy for People with Disability in Public Sector (Resolution No. 68/2009, of 27th November), aims to ensure the employability of people with disability by providing for the rights and obligations concerning access to employment in the Public Sector as well as the durability of the employment.

- The National Strategy for Basic Social Security (NSBSS-2010-2014 and NSBSS 2016–2024), are instruments that define the strategic guidelines of intervention in the four fundamental axes, namely Direct Social Action, Health, Education and the Social Productive Action. Each of these axes includes intervention strategies for people with disability.
- The Strategic Plan of the Ministry of Women and Social Action (2011–2015) aimed at strengthening the sector’s capacity to intervene and improving the provision of services to the most vulnerable target groups, such as the elderly, disability, children and women, and other people in poverty and vulnerable situations.
- The Strategic Plan of the Ministry of Education (2012–2016) with a focus on providing quality education for all children, especially inclusive education.
- The National Plan for the Disability Issue (NPDI 2012–2019), a multisectorial planning tool for the main actions in this area that establishes strategies, priorities and sectoral activities aiming at ensuring the promotion and protection of rights, as well as participation of people with disability in the process of implementation of activities for their social well-being.
- The National Plan for the Advancement of Women 2010–2014, advocates for actions in the economic and social empowerment of women, including women with disability.

## V. General measures for the implementation of the convention

30. In fulfillment of the obligations inherent to the Democratic State based on the rule of Law, Mozambique has been committed to guaranteeing the exercise of rights for the establishment of a free, fair and united society, with the promotion of actions that ensure the good of all, based on the constitutional principles.

31. The Constitution of the Republic of Mozambique establishes the regime for the reception of international conventions and their domestication after being ratified and published in the Government Official Bulletin and has a legal value and legitimacy to its implementation.

32. To this end, Mozambique has been adopting inclusive policies, through the constitutional recognition of the full citizenship of people with disability, ensured by a range of rules for the promotion and protection of the human rights of people with disability through various strategies and sectoral plans. People with disability are recognized as active citizens in the life of the State, in the effective exercise of their human rights, assuring the principle “Nothing for us without us”.

33. By ratifying the Convention on the Rights of People with Disability and its Optional Protocol, the country has taken on the challenge of harmonizing its legislation and adapting its public policies to the definition of disability. In practical terms, the application of the principles of the Convention has been made over time since the development of policies and plans that protect people with disability, tending to:

(a) In the short term, the full inclusion of issues related to disability in government and non-governmental agendas of all kinds, the implementation of rules concerning the access for people with disability to the labour market and public services, adoption of measures to enable this target group to have access to information transmitted by the media;

(b) In the medium term, the consolidation of an inclusive education policy for people with disability; implementation of programs to remove barriers that prevent or hinder the full participation of people with disability in society;

(c) In the long term, the design of information systems and the identification of indicators with the definition of databases and statistics on people with disability, legislation, technical aids, bibliography and training.

34. Challenges remain, however, as regards the availability of reliable statistics, which can inform the initiatives of formulation of various public policies in the country.

35. In the period under review, the country has developed a number of actions that contribute to the application of the principles of this Convention, illustrated in the following description:

### **Articles 1 to 3**

#### **Objective, definitions and principles**

36. For a better situational understanding of disability issues, it is important to revisit the concept of disability and the people with disability in Mozambique.

37. According to Resolution No. 20/99 of 23 June, approving the Policy for People with Disability, Disability is any reduction or loss of normal capacity for a human being resulting from such limitation.

38. People with Disability – is a person who, due to a congenital or acquired anomaly (of an anatomical, physiological, sensorial or mental nature) is disadvantaged or unable to develop an activity normally due to physical and/or social barriers.

39. These concepts bring an approach on disability that includes the entire typology and from the point of view of interaction with the social environment as provided for in the Convention and demonstrates that, the country responds to the social inclusion issues of all people with disability based on general principles set out in Article 3 of the Convention with a focus on promotion of respect for inherent dignity, equal rights and opportunities in a process of acceptance of differences as part of human diversity.

### **Article 4**

#### **Obligations**

40. This Article advocates that “Member States undertake measures to ensure and promote the full compliance with all human rights and fundamental freedoms for all People with Disability without any discrimination based on disability”.

41. The Constitution of the Republic, in its Article 3, on the democratic rule of law, states that: “The Republic of Mozambique is a state based on pluralism of expression, democratic political organization, respect for and guarantee of fundamental rights and human freedoms”. This article shows that Mozambique is a state where a free, fair and inclusive society prevails, where it is ensured that everything is done to guarantee the human wellbeing. Mozambique undertakes to fulfill its obligations with recognition of citizenship to people with disability.

42. The article 73 in the Constitution of the Republic on Universal Suffrage, states that: “Mozambican people exercise political power through universal, direct, equal, secret and periodic suffrage to elect their representatives, by a referendum on the major national issues and for the permanent democratic participation of citizens in the life of the nation”, demonstrating that there are equal rights for all without distinction, where people with disability have priority in queues, transmission of messages in sign language and in the electoral processes they are allowed entry with their assistants.

43. Article 79 of the Constitution of the Republic (right of petition and grievance): “All citizens have the right to present petition, grievance and complain to a competent authority to demand the reinstatement of their violated rights or in the interest of the general interest”. Thus, these were approved by Decree No. 30/2001 of October 15, which approves the Rules of Operation of Public Administration Services, where priority is given to People with disability in public services.

### **Article 5**

#### **Equality and non-discrimination**

44. This Article advocates that “Member States shall prohibit all discrimination based on disability and ensure equal and effective protection against discrimination in all fields to people with disability”.

45. In response to this article, the Constitution of the Republic states:
- Article 35 (Principles of universality and equality) “All citizens are equal before the law, enjoy the same rights and are subject to the same duties”.
  - In Article 37 (people with disability): “Citizens with disability 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, paragraph 3 (people with disability) “The State shall promote the creation of necessary conditions for economic and social integration of the people with disability”.

### **Article 8 Awareness**

46. This Article advocates that “Member States should foster public awareness, at the family level, on the issue related to people with disability and promote respect for their rights and dignity”.

47. The following actions were therefore carried out:

(a) Distributed 1500 copies of Decree 53/2008 of December 30, on the Accessibility Regulation in the context of its dissemination;

(b) Workshop sessions with young people from different social backgrounds were held on various topics, including on the people with disability, covering around 153,385 young people throughout the country;

(c) Sessions to disseminate the rights of people with disability were held: 76 seminars, 234 debates and 1,280 workshops;

(d) Workshops were held in wards in hospitals and external consultations on the rights and obligations of the users and their companions as well as on their behaviour in the different pathologies.

48. The actions developed have increased awareness on the rights of people with disability, which have contributed to reducing stigma and discrimination. As a result, disability issues are already on the country’s agenda although their implementation needs to be improved in order to respond effectively to the needs of people with disability.

### **Articles 9 and 20 Accessibility and Personal Mobility**

49. These articles advocate that Member States should take appropriate measures to ensure that people with disability have access to the physical environment, transport, information and communication, including information and communication technology, to facilities and services open or made available to the public, both in urban and rural areas. These measures also include identifying and removing obstacles and barriers for accessibility. Member States shall take effective measures to ensure the personal mobility of persons with disabilities as widely as possible.

50. In order to respond to those articles, the following actions were taken:

(a) Civic education sessions have been held at all levels to ensure accessibility in all public buildings, in accordance with Decree 53/2008 of 30th November, on the Regulation of Construction and Maintenance of Technical Devices for Accessibility, Circulation and Use of Service Systems and Public Places to a Person with Physical Disability or Limited Mobility;

(b) At the provincial and district level, 634 public buildings (schools, hospitals and other public administration buildings) were monitored, and construction and architectural aspects that did not meet the technical specifications established in the accessibility regulations were indicated and corrective measures were recommended for the respective adaptations;

(c) The reservation of well-marked parking areas for people with disability in the public car parks has been secured;

(d) Approved by Decree No. 12/2017 of May 4, a legal mechanism which requires the prior submission of State buildings projects for public works sector position. The purpose of this decree is to ensure compliance with the accessibility regulation;

(e) Established a laboratory and two resource centers with assistive technologies to respond to the needs for the visually impaired.

51. Awareness-raising actions that promote accessibility, as well as supervision and monitoring in public service buildings, have promoted the autonomy/independence of people with disability in the search for such services, as well as drawing attention to different providers to make their services more accessible.

52. The issue of personal mobility is reflected in the processes of creating personal autonomy through the provision of means of compensation for people with disability as well as the creation of accessibility conditions in buildings and public spaces in the urban environment, on the one hand. On the other hand, the provision of parking areas and seats for people with disability on public transport has made it easier for them to move from one point to another in suitable human conditions, despite the fact that there is still a need to improve access to public transport.

## **VI. Specific provisions**

### **Article 10**

#### **Right to life**

53. This Article advocates that Member States reaffirm that the right to life is inherent in every human being and take all necessary measures to ensure that people with disability have equal rights with others.

54. In Mozambique, the right for life is enshrined in the Constitution of the Republic in Article 40, which states that every citizen has the right to life and physical and moral integrity and cannot be subjected to torture or cruel inhuman treatment. This premise is inherent to any human being without any form of discrimination.

55. In order to respond to situations of violation of right to life, the following instruments and mechanisms for the protection of rights of people with disability have been adopted and implemented:

(a) The Civil Code and the Civil Procedure Code in its Articles 2 and 4 advocates the right to access to justice for all citizens;

(b) The Multisectorial Action Plan to Address the Problems of People with Pigmentation and their Protection.

56. The National Human Rights Commission, which monitors human rights in the country, was also established.

57. The measures taken to ensure the right to life have reduced cases of abandonment or death of children with disability, abductions and killings of albino people, have created an understanding of society with regards to human rights.

### **Article 11**

#### **Situations of Risk and Humanitarian Emergencies**

58. This Article advocates that Member States take all necessary measures to ensure the protection and safety of people with disability in situations of risk, including armed conflict, human emergencies and the occurrence of natural disasters.

59. Law 15/2014 of 20 June establishes the legal framework for the management of disasters, including prevention, mitigation and in its articles 21 and 37, establishes that:

“The public or private media must provide adequate information on the management of disasters and, in case an alert is declared, the media shall disseminate reports on disaster management at national or local level”.

“Particularly vulnerable groups, such as the elderly, women, children, the ailing and people with disability, have the right to special protection, including: Right to priority evacuation and resettlement, right to special protection against abuse during the emergency period, right to continuity of education; It also stated that crimes committed against vulnerable individuals are aggravated under criminal law”.

60. The protection of people with disability in humanitarian emergencies is carried out with the involvement of various actors (Government, Civil Society, businessmen, public and private institutions and individuals) where People with disability are given priority in care and assistance.

61. For the protection of people with disability at risk, including armed conflict and natural disasters, the Government ensures that they are prioritized in all processes since evacuation, assistance and resettlement.

62. These actions have eliminated the different forms of discrimination of people with disability in situations of vulnerability or in case of shocks resulting from various situations including climate change, ensuring priority access to humanitarian assistance and resettlement.

## **Articles 12**

### **Equal Recognition under the Law**

63. This Article advocates that member States ensure that all measures related to the exercise of legal capacity provide for adequate and effective safeguards to prevent abuse under international human rights law.

64. Article 35 of the Constitution of the Republic establishes that all citizens are equal before the law, enjoy the same rights and are subject to the same duties irrespective of color, race, sex, ethnic origin, place of birth, religion, social, marital status of the parents, profession or political option.

65. People with disability are involved in the process of creating the legislation in order to safeguard their specific needs and to avoid restrictions and exclusion in different spheres of life.

66. There is inclusion and participation of people with disability in debates on issues that concern them, as well as in evaluations on the implementation of legislation and other human rights instruments through their associative movements.

67. This legal framework allowed the recognition of disability aspects in legislation in a number of areas such as health, education, employment, transport, sports and others, as well as enabling associative movements to take their place of complementarity with government actions as well as lobbying for rights of people with disability.

## **Article 13**

### **Access to Justice**

68. This article advocates that Member States ensure effective access to justice for people with disability on an equal basis with other people by establishing age-appropriate procedural adjustments to facilitate their effective role as direct and indirect participants, including that of witnesses in all legal proceedings both at the research and other preliminary stages.

69. The Constitution of the Republic establishes the right to apply the Criminal Law through Article 59 and the right for the access to the courts in its Article 62.

70. The intervention of the Institute for Free Legal Assistance (IFLA) allowed assistance as well as legal advice for disabled without conditions to pay legal costs.

71. In order to prevent abuses and violations of human rights, a Public office for Families and Children was created to protect and safeguard the rights of people who have suffered violence, including people with disability.

72. In Mozambique, people with disability have the right to legal assistance. These actions required the inclusion of sign language interpreters in trials and in legal campaigning sessions carried out by justice administration institutions.

73. Although justice administration institutions seek to respond to the needs of people with different types of disability, they still need to improve accessibility in their various forms from facilities to easy communication that include Sign Language and other alternative technical devices that allow effective communication.

#### **Articles 14 and 17**

##### **Freedom, Safety and Protection of People Integrity**

74. These articles state that Member States should ensure that, if people with disability are deprived of their freedom through any process, on an equal basis with others, they have the right to protection under the international human rights law and is treated in accordance with the objectives and principles enshrined in this Convention through the provision of careful adjustments. Every person with disability has the right to be respected in his physical and mental integrity on an equal basis with other persons.

75. Article 59 of the Constitution of the Republic establishes that in Mozambique, everyone has the right to safety, and no one may be arrested and subjected to judgement except under the law.

76. The Constitution of the Republic in Article 62 states that the State guarantees access to all citizens to the courts and guarantees the defendants the right of defense and the right to legal assistance and legal representation.

77. Most public and private institutions apply priority service standards for people with disability, despite the challenges of architectural accessibility and communication.

#### **Articles 15 and 16**

##### **Freedom Concerning Torture and Punishment, Inhuman and Degrading Treatment, Exploitation, Violence and Abuse**

78. These articles advocate that Member States take all effective legislative, administrative, judicial or other measures to prevent people with disability, on an equal basis with others, from being subjected to torture, punishment, inhuman and degrading treatment. Member States shall take all appropriate legislative, administrative, social and educational measures to protect people with disability, both inside and outside the home, from all forms of exploitation, violence and abuse.

79. The Mozambican State ensures the protection of people with disability from violence through the following actions:

- (a) Implementation of Act 29/2009 to Domestic Violence Practiced Against Women;
- (b) Implementation of Act n° 6/2008 of July 9th on Preventing and Fighting Human Trafficking in Particular Women and Children;
- (c) Operation of Public Office to support families and children victims of violence;
- (d) To ensure human rights for people with disability in prisons and in charity institution.

#### **Article 18**

##### **Freedom of Movement and Nationality**

80. This Article advocates that Member States recognize the right of people with disability to freedom of movement, choice, residence and nationality on an equal basis with others.

81. Freedom of Movement and Nationality are enshrined in Articles 5 and 55 of the Constitution of the Republic and are guaranteed by the State.

82. People with disability are engaged in the country's development processes through active participation and are free to move around and carry out their activities in every corner of the country. However, there are challenges with regards to the prevalence of barriers that condition their full participation.

### **Article 19**

#### **Right to Independent Living and Inclusion in the Community**

83. This Article advocates that the Member States of this Convention recognize the equal right of people with disability to live in the community with equal choices with other people and take effective and appropriate measures to facilitate their full enjoyment of this right and their full inclusion and participation in the community.

84. The Social Action Policy (Resolution 46/2017 of 2 November) enshrines in the principle of non-institutionalization that, the basis of care for vulnerable groups, namely children, the elderly and people with disability, should be in the family and in the community and that institutional care occurs when family or community integration is not possible. Thus, the policy encourages the implementation of community-based programs such as Community Based Rehabilitation, Information Services, Guidance and Social Assistance, which also have a community base.

85. There were distributed 27,626 mobility devices, mostly composed of definitive tibia prostheses, definitive femoral, walking aids, wheelchairs, orthopedic boots, splints for the lower and upper limb and orthopedic insoles.

Table 1  
**Allocation of Mobility Devices**

<i>Types of Mobility Devices</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Total</i>
Prostheses	665	772	709	510	510	3 166
Orthoses	1 101	1 118	1 224	1 401	1 041	5 885
Orthopedic Boots	763	1 015	1 061	820	562	4 221
Walking Aids	2 181	2 302	2 512	2 242	1 014	10 251
Wheelchairs	548	518	519	64	112	1 761
Tricycles	281		343	218	170	1 012
Others	456	297	234	194	149	1 330
<b>Total</b>	<b>5 995</b>	<b>6 022</b>	<b>6 602</b>	<b>5 449</b>	<b>3 558</b>	<b>27 626</b>

*Source:* MH, MICO, MGCSA and MLESS Balance Reports.

86. People with disability participate in community processes through civil society organizations, religious bodies and community consultation forum.

87. People with disability in Mozambique live independently, that is, they make their choices about where they want to live, what to do, without any interference from other people. However, some prevailing attitudes keep certain people with disability under excessive protectionism.

### **Article 21**

#### **Freedom of Speech and Opinion and Access to Information**

88. This article advocates that Member States take all appropriate measures to ensure that people with disability enjoy the right to freedom of speech and opinion, including freedom to seek, receive and share information and ideas on an equal basis with other people and through all forms of communication of their choice.

89. In order to respond to this Article of the Convention, the following actions have been taken:

(a) Approval of the Act on the Right to Information (Act no. 34/2014 of 31st December), which establishes in article 18 (a) that “The right to information may be made available by oral and written means or by sign language”;

(b) Sign language interpretation at public events and services and some television programs;

(c) Transcript of 2 Braille brochures being the first, 20 samples of guideline for collective listening groups, and the second, 80 copies of simplified information on sexual and reproductive health for people with visual impairment as a way of facilitating access to information on these matters;

(d) Reproduction and distribution of 11 pairs of audio material on Sexual and Reproductive Health;

(e) Reproduction and distribution of 454 samples of audio material: 227 from the National Plan for the Issue of Disability and 227 from the International Convention on the Rights of People with Disability;

(f) Reproduction and distribution of 30 samples of Youth Policy in Braille system to facilitate access to information on youth matters for the visually impaired.

90. Acknowledging the value and importance of the actions undertaken, access to information is still a challenge for the country.

#### **Article 22 and 23**

##### **Respect for Privacy, Home and Family**

91. Member States should protect the personal privacy, health, rehabilitation and information of people with disability on an equal basis with others. Member States should take appropriate measures to eliminate discrimination against people with disability in all matters relating to marriage, family, paternity and relationship with regards to equality with other people.

92. The Constitution of the Republic in its Article 41, on other personal rights, establishes: “Every citizen has the right to dignity, good name, reputation, as well as the right to defend their public image and to protect their privacy”.

93. The right to privacy is reserved for all citizens, including people with disability, which means that there should be no interference from others in individual and personal matters.

94. Article 119 of the Constitution of the Republic establishes the recognition and protection of the family. It also devotes the principle that marriage is based on free consent, except in cases of legal impediment.

95. In this context, there have been heterogeneous or homogeneous families constituted by people with disability and without disability or totally disabled, regardless of the typology. However, family and cultural factors have interfered in strengthening it or not.

#### **Article 24**

##### **Education**

96. This Article advocates that “Member States recognize the right to education for people with disability. In order to achieve this right without discrimination and based on equal opportunities, Member States shall ensure an inclusive educational system at all levels and lifelong learning”.

97. Under the Constitution of the Republic, Article 88, all citizens have right to education.

98. The National Education System Law (Law no. 6/92 of 6 May) also highlights the right to education for all children, regardless of their condition.

99. The 2012–2016 Strategic Plan for Education advocates inclusion and equity in access to education, especially for children with special educational needs.

100. Accordingly, the following actions were carried out:

(a) The Government has adopted as a strategy of inclusive education through which people with disability are integrated into regular schools. This strategy resulted in the integration of 87,820 students with special educational needs in all levels of education;

(b) Mozambique has 9 Special Schools, 5 in Maputo (2 public, 2 private and 1 community school), 2 public in the province of Sofala, 1 in the Tete province and 1 in the Zambézia province. There are 367 students with special educational needs attending special schools;

(c) It also has 3 Inclusive Education Resource Centers in Gaza, Tete and Nampula Provinces under Ministerial Diploma No. 191/2011 of 25th July. These multifunctional educational institutions with Diagnostic and Guidance Services, production of specific didactic material, research center for teacher training to be able to deal with children and youth with and without Special Needs Educational (SNE), teach from Pre-school to 12th grade. Annually, these Centers assist approximately 650 students with Special Needs Educational;

(d) 180 Kits of Inclusive Sport, 1000 Kits of Inclusive Education Books, 75 Braille Machines, 60 Braille Paper Boxes, 150 slates and stylus, 180 white canes, 130 Abacus, 30 Cuba rhythm, 20 Domino, 150 Manual Alphabet, 100 Books (children's and scientific), 130 Geometrical solids, 100 Collapsible dolls, 130 Puzzles, 30 toy construction sets, 30 Memory games, 30 Mathematical games, 30 Geometric solids, 30 Jump ropes, 15 Onion skin paper, 50 Wax Color Pencils, 50 Colored Pencils, 30 Scissors, 10 Boxes of Glue, 30 Plasticizers and 70 Dictionaries of Mozambican Sign Language. It should be noted that the Centers for Inclusive Education received a total of 30 Psychological Assessment Tests, 10 of which were for each of them;

(e) As part of the community intervention, 265 disabled adults were enrolled in inclusive literacy programs;

(f) The revision of the curriculum for Teacher Training Institutes to focus on Special Educational Needs is underway;

(g) Subjects on Special Needs Educational, Braille System and Mozambican Sign Language have been introduced for grade 12 +3 Teachers' Training curriculum to explore in greater detail the aspects inherent to People with Disability and those around them, and the difficulties surrounding their academic development;

(h) For the Continuous Teachers' Training, 2 Modules were elaborated, being 1 of Braille System and one of Sign Language. A Specific Methodology Handbook was elaborated to assist students with Special Needs Educational;

(i) 330 headmasters and teachers were trained in Sign Language, Braille and Diagnostic, and Teachers from Technical Schools in the areas of Civil, Electrical and Carpentry attended short courses to deal with People with Disability;

(j) Specific contents on Special Needs Educational (SNE) are integrated into new models of teacher training in the subject of psychology to ensure socio-educational integration and complementary supports for children and young people with Special Needs Educational.

101. The increasing number of people with disability in school resulted from social and community awareness actions which led to an increased demand for teacher training and curriculum revision for an inclusive education perspective. However, the country still needs to strengthen the appropriate technical conditions and raise society's awareness on the right to education for people with disability.

## Articles 25 and 26

### Health, Housing and Rehabilitation

102. “Article 25 provides that Member States acknowledge that people with disability have right to highest standard of health without discrimination based on disability. Member States shall take appropriate measures to ensure access of people with disability to health services regardless of sex, including health rehabilitation services”.

103. Article 26 provides that Member States shall take effective and appropriate measures, including those covering support to their peers, in order to enable people with disability to be attained and maintained with full physical, mental, social and vocational/professional independence, and total inclusion and participation in all forms of life. In this sense, member countries shall organize, strengthen, expand broad housing and rehabilitation programs and services, particularly in the areas of health, employment, education and social services.

104. Article 89 of the Constitution provides the right to health and sanitary care.

105. In order to respond to these articles of the Convention, Mozambique has undertaken the following actions:

- 107 Technicians were trained in matters related to physical medicine and rehabilitation.
- 10 healthcare providers and 10 collective listening groups on Sexual and Reproductive Health for People with Disability in Sofala, Nampula and Cabo Delgado provinces were trained.
- 153,735 patients assisted in external services of Physiotherapy and Orthopedics.

## Article 27

### Labour, Employment and Vocational Training

106. This article advocates that Member States should recognize the right to work for people with disability on an equal basis with others. In this context, they shall have the opportunity to earn a living through work that is freely chosen or accepted in the labour market and in an open, inclusive and accessible work environment. Member States shall safeguard and promote the exercise of the right to work, including disabilities caused by occupational accidents, through appropriate legislative action.

107. The Labour Law (Law No. 23/2007 of 1st August) shall be extensive to all individuals in accordance with Article 28.

108. The Strategy for People with Disability in the Public Sector (2009–2013) was implemented to ensure the employability of people with disability through the observance of the rights and duties related to access to and durability of employment in this sector.

109. 900 people with disability in the various vocational courses throughout the country in the areas of Dressmaking and Sewing, Informatics, hairdresser, Small Business Management, fish farming, Blacksmithing, Plumbing, Computer Science and Secretarial work were trained.

Table 2  
People with disability trained in various areas

2013			2014			2015			2016			2017			Total
M	W	M/W	M	W	M/W	M	M	M/W	M	M	M/W	M	W	M/W	M/W
63	101	164	54	222	276	38	80	118	92	86	178	111	53	164	900

Source: NIVTE, CINFORTECNICA, RAVIM and Handicap International.

110. Six young people with disability were also trained in voluntary service activities in Nampula, Gaza and Maputo provinces.

**Article 28****Level of Life Quality and Adequate Social Protection**

111. This article advocates that Member States should acknowledge the right to an adequate standard of living for the disabled and their families, including food, clothing, housing and a continuous improvement of living conditions, by taking the necessary steps to safeguard and promote the realization of this right without discrimination based on disability.

112. For the accomplishment of this right, the Mozambican State has carried out the following actions:

(a) Expansion, provision and improvement of basic services; promotion of a favorable business environment for domestic and foreign investment; promotion of the national entrepreneurship and reinforcement of the vocational technical training aiming for a sustained and inclusive economic growth; creation of more jobs and increasing in the productivity and income of rural and urban households. As a result of this commitment, the poverty in Mozambique decreased from 54.1 to 46.1% (2015/16 HBS);

(b) Social assistance programs were implemented under the National Basic Social Security Strategy for the benefit of people and groups living in situations of vulnerability including people with disability, namely:

(i) The Direct Social Support Program that provides social assistance in goods or payment of services to deal with emergencies that aggravate the vulnerability;

(ii) The Basic Social Subsidy Program providing social assistance through monthly cash transfers to households with members with limited working capacity including people with disability;

(iii) The Productive Social Action Program that promotes socio-economic inclusion activities for the most vulnerable populations with physical working capacity including people with disability who can work; The Social Service of Social Action Program, which consists of receiving helpless and disabled people in Social Units.

Table 6

**Assistance to People with Disability in Basic Social Security Programs from 2012 to 2017**

<i>Programs</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Total</i>
Basic Social Subsidy	13 890	15 927	18 520	18 121	18 785	19 682	-
Direct Social Support	2 616	3 184	5 625	2 435	824	1 889	16 573
Social Service of Social Action	482	954	285	134	118	356	-
Productive Social Action	-	-	-	-	10 000	10 000	-
<b>Total</b>	<b>16 988</b>	<b>20 065</b>	<b>24 430</b>	<b>20 690</b>	<b>20 727</b>	<b>46 611</b>	<b>-</b>

*Source:* Annual Reports for Economic and Social Plan Balance Reports 2012–2017, MGCAS.

113. In the same period, people with disability benefited from the compulsory social security system through National Institute of Social Security, as shown in the table below:

Table 7  
**Recipients with disabilities in the Compulsory Social Security System**

<i>Year</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Recipients	1 259	1 301	1 281	1 300	1 328	1 370

*Source:* National Institute for Social Safety (INSS).

114. In 2016, the National Basic Social Security Strategy 2016–2024 was approved, which introduces specific programs to prevent social risks and provide care for people with disability.

### **Articles 29 and 30**

#### **Participation in Public, Political, Cultural, Recreational, Sports and Leisure Life**

115. These articles advocate that member states should ensure that people with disability are able to participate in political and public life on equal terms with other people directly or through their freely chosen representatives, including the right to vote and be elected. They should also acknowledge the right for people with disability to have access to places for cultural activities such as theaters, museums, cinemas, bookstores, tourism services and, to the greatest extent possible, monuments and places of national and cultural importance.

116. The Constitution of the Republic, in its articles 52, 93, 94, advocates freedom of association, the right to physical culture and sport, and freedom of cultural creation.

117. Article 4 of the Electoral Law (Law 4/2013, of 22 February) states that suffrage constitutes a personal and inalienable right of citizens.

118. In order to ensure the full participation of people with disability, the following actions should be highlighted:

(a) 27 Associations of and for people with physical, auditory, visual, intellectual, multiple disability and albino people with interests in sport, children, women, military and paramilitary issues were created;

(b) 135 teachers were trained in inclusive sport;

(c) 29 technicians were trained in matters related to sport and acquisition of sports equipment for people with disability;

(d) Acquisition of 80 inclusive sports kits for students from Inclusive Educational Centers and regular schools;

(e) Involvement of 206 young people with disability in athletics, which 103 with hearing impaired (18 females and 85 males), 91 with visual disability (46 females and 45 males) and 11 with physical disability (4 females and 7 males) and 1 male athlete with mental impairment and in Boccia, 58 young people with disability (33 males and 25 females);

(f) 30 recreational and sports venues were adjusted for the practice of recreational and sports activity for people with disability;

(g) The Mozambican Sports Federation for People with Disability and the Paralympics Committee were technically and financially supported;

(h) Annual participation of people with disability in school sports and national cultural festivals;

(i) Participation of athletes with disability in the Paralympics in London 2012 and Brazil 2016;

(j) People with disability participate in the decision-making process as a result of their appointment to senior management positions and their representation in National and Local Assemblies;

(k) In order to ensure that no citizen loses the constitutional right to vote, an exercise was carried out to ensure accessibility to polling places, with the challenge of producing voting material for people with visual disabilities.

## **VII. Women and children with disability**

### **Article 6**

#### **Women with Disability**

119. This article advocates that “Member States shall take all appropriate measures to ensure the development, advancement and empowerment of women so that they may be guaranteed the exercise and enjoyment of the human rights and fundamental freedom advocated in this Convention.”

120. Article 36 of the Constitution of the Republic on the Principle of Gender Equality, which states that “Men and women are equal in accordance to law in all areas of political, economic, social and cultural life” highlights the implementation of the following instruments:

(a) The Gender Policy and the Strategy of its Implementation, (Resolution No. 19/2007 of 15th May) established equality between men and women without distinction;

(b) The National Plan for the Advancement of Women 2010–2014, (Resolution 63/2010 of 31st December), defines women’s empowerment actions;

(c) The pre-professional internships regulation (Decree 35/2013 of 2nd August) prioritizes the disabled woman and does not apply the age limit;

(d) The State ensures the inclusion of women and girls with disability in all programs for empowerment, social protection and sexual and reproductive health. However, some attitudes that inhibit the full participation of women with disability in all areas of life persist.

### **Article 7**

#### **Children with Disability**

121. In this article, the Convention advocates that “Member States shall take all necessary measures to ensure the full enjoyment by children with disability of all human rights and all fundamental freedom in terms of equality with other children”.

122. It was in this context that the following instruments were implemented:

(a) The Law on the Promotion and Protection of the Children’s Rights (Law 7/2008, of 9th July);

(b) The National Plan for Children 2013–2019 ensures the protection of the children with disability’s rights;

(c) Children with disability have the right to participate and express opinions on matters that affect their lives in different forums, including the district, provincial and national Children’s Parliaments. Their concerns have been accepted and accommodated in the Plans of the sectors that intervene in the materialization of their rights. However, the challenge of removing some negative attitudes that prevent capacity development and equal participation with other children still persists.

## **VIII. Other general articles**

### **Article 31**

#### **Statistics and data collection**

123. This article advocates that Member States shall collect appropriate information, including statistical and research data, in order to enable the formulation and implementation of policies that enable the establishment of this Convention.

124. In this context, the State conducts every 10 years General Population Census in which the last one was conducted in 2017, whose data is still being processed by National Institute of Statistics. However, the projections of this body, indicates the existence of about 85,000 people with disability in 2017.

125. In this context, the country's challenge in capturing and gender disaggregating data and disability typology is highlighted.

### **Article 32**

#### **International Cooperation**

126. The issue of disability in Mozambique has had little support for both Government and civil society. Likewise, the strengthening and development of technical capacities in this area is not observed.

127. The Sustainable Development Goals are aligned with the Country Development Plans and Strategies of the country in this area.

### **Article 33**

#### **Application and National Follow-up**

128. The implementation of the Convention has been observed through the actions of the Government's Five-Year Plan, the National Plan for the Disability Issue and the inclusion in the Sectoral Economic and Social Plans.

129. Through the Ministry of Gender, Child and Social Action as a body of the Government that manages the issues of disability, there has been closer links between the Governmental sectors, Civil Society and the private sector for the implementation of various legal provisions and Plans for the issue of disability.

130. In this context, there are focal points for articulation in the implementation of actions on the rights of people with disability, including the Convention. This articulation is ensured by the Committee on the Rights of People with Disability, which holds regular meetings under the National Council for Social Action (Decree 38/2015 of 31st December).

---