

## Statement

### UPR Pre-session of Mozambique

Geneva, 10.02.2026

Delivered by: Fórum das Associações Moçambicanas de Pessoas com Deficiência

#### 1 – Presentation of the Organization

This statement is presented by The Forum of Mozambican Organizations of Persons with Disabilities (FAMOD), the umbrella organization of persons with disabilities in Mozambique. FAMOD is recognized as the representative organization of the different voices of persons with disabilities in Mozambique, leading the key advocacy processes for the rights of persons with disabilities. FAMOD has been participating in the UPR mechanism since 2021.

#### 2 – National consultations for the drafting of the national report

FAMOD has been invited to attend the consultation for the national UPR report led by the Ministry of Justice, Constitutional and Religious Affairs. Unfortunately, the timing of the consultation did not allow for a wide participation in the movement of persons with disabilities. FAMOD has also conducted consultations in the drafting process of its UPR report, with different groups of persons with disabilities and in different regions (Maputo and Nampula provinces).

#### 3 – Plan of the Statement

The present statement focuses on the human rights of persons with disabilities in Mozambique. It covers two main issues, namely, the Constitutional and Legal Reform and Disability Inclusive Budgets and services. For each of these issues a brief description of the developments following previous recommendation is provided, followed by our suggested recommendation for the present cycle.

#### 4 – Statement

##### *Issue 1: Constitutional and Legal Reform*

-Follow up on previous reviews

During the 3<sup>rd</sup> Cycle review, many countries noted that Mozambique had serious gaps in the Constitution and wider legal and policy framework, compared to the standards adopted through the Convention on the Rights of Persons with Disabilities. Thus, countries such as Cameroon recommended specifically that Mozambique should **align the Constitution and the Civil Code with its obligations under the Convention on the Rights of Persons with Disabilities, especially**

**with regards to legal capacity**, while others pointed for the need to **finalize and pass the Disability Act** (South Sudan). The Disability Act is now in place, but a number of obstacles have been hindering its enforcement.

-New developments

After a contentious electoral process for the general elections in 2024, the Government launched a broad state reform initiative, coined as Diálogo Nacional Inclusivo (National Inclusive Dialogue). Widespread consultations have been going on to gather reform proposals from different layers of society. A Constitutional revision is expected at the end of this process. FAMOD, in representation of persons with disabilities has submitted a contribution underlining the discrepancies between the Constitution with the Convention on the Rights of Persons with Disabilities. FAMOD pointed out that article 37 of the Constitution allows disability-based restrictions of rights, thus influencing the whole legal system. Furthermore, the language used to designate persons with disabilities in the Constitution is outdated.

In 2024, the Parliament passed the first Disability Act in Mozambique, Act n. 10/2024, of June 7<sup>th</sup>. This was a landmark progress for the realization of the rights of persons with disabilities. However, the Disability Act is not fully aligned with the CRPD and left many issues to be solved. First, the Disability Act mandates the Government to pass a specific operational legal instrument (*Regulamento*) to guide the implementation of the Act, which is not yet in place. Second, Discriminatory Laws against persons with disability remain in force, despite the passing of this act.

Thus, in Mozambique, persons with disability do not enjoy the same right to decide about their lives as others, nor the same right to stand trial as other, nor the same right to vote as other, nor the same right to get a driving license as other not even the same right to get married and build a family as others because the legislation unfairly discriminates on the grounds of disability.

### *Recommendations*

Conform the Constitution to the CRPD, reviewing article 37, adopting an updated language to designate persons with disabilities and further updating and strengthening other provisions pertaining to the rights of persons with disabilities.

Adopt a specific operational legal instrument (*Regulamento*) to guide the implementation of the Act, as stated in the same Act.

Adopt and Action Plan to harmonize discriminatory legislation against persons with disability in Mozambique to the Disability Act and the CRPD, specially regarding the recognition of equal legal capacity and access to opportunities.

*Issue 2: Disability Inclusive Budgets and services*

- Follow up on previous reviews

In previous cycles, reviewing countries have insisted on the need to strengthen protection of vulnerable groups in Mozambique, with special attention for persons with disabilities, including persons with albinism. For instance, in the 3<sup>rd</sup> Cycle Somalia recommended to **Improve the conditions of life for vulnerable groups, in particular persons with albinism, by facilitating their access to education, professional training and employment.** Other countries have showed concern in relation to access to specific services such as health, education and social protection for persons with disabilities (Cuba, Uruguay and Norway). Mozambique has supported these recommendations, but limited progresses has been made in relation to persons with disabilities.

-New developments

According to the 2017 House and Population data, persons with disabilities and their households have been facing structural inequalities which are reflected in unequal access to education, health services, technology and employment opportunities.

*Persons with disabilities are less likely to have completed any level of education (52.0% versus 39.9%), less likely to have completed a primary level of education (33.3% vs 40.0%) and less likely to have completed a secondary level or more of education (11.0% vs 17.0%) than peers without disabilities.*

*In rural areas 61% of women with without disabilities are likely to be employed while only 53.7% with disabilities are.<sup>1</sup>*

Specific disability services such as orthopedy for persons with physical disabilities and dermatology for persons with albinism are scarce and disrupted. Essential surviving products such as skin protection cream for persons with albinism and assistive devices are rarely available and expensive.

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<sup>1</sup> National Institute of Statistics, 2017 House and Population Census.

In general, the adoption of new Laws and policies with relevance for persons with disabilities rarely have any meaningful impact. The lack of specific disability references and commitments in national and sectoral budgets and plans combined with limited institutional capacity have been key bottlenecks hindering any progress.

*Recommendations*

Adopt and fund specific social protection schemes for persons with disabilities that are sensitive to the costs of disability in the context of Mozambique

Waive tax fees on skin protection cream and assistive devices for persons with disabilities in close collaboration with organizations of persons with disabilities as mandated in the Disability Act

Include disability inclusion mandatory markers in national and sectoral planning and budgeting in Mozambique, in line with the implementation plans of disability policies.

Thank you for your attention!