



REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DA JUSTIÇA, ASSUNTOS CONSTITUCIONAIS E RELIGIOSOS
Direcção Nacional de Direitos Humanos e Cidadania

Sua Excelência
Amadeu Paulo Samuel da Conceição
Embaixador Extraordinário e Plenipotenciário da Missão Permanente
da República de Moçambique para o Escritório das Nações Unidas e
Outras Organizações Internacionais e Genebra

= ACNUDH – Genebra =

Externo

Nota N° ³⁰ /MJCR/ DNDHC/ ⁹⁰⁰ /2024

Assunto: Contribuições em torno do pedido de Informação no âmbito
Mandato do Relator Especial sobre o Direito ao Desenvolvimento

Em resposta à solicitação feita através da nota verbal, **Sem Referência**, datada de 21 de Dezembro de 2023, em anexo, enviamos à V.Excia a **informação sobre o direito ao desenvolvimento**, para o próximo Relatório Temático, a ser apresentado na Sessão do Conselho dos Direitos Humanos, em Junho de 2024.

Sem mais, de momento, queira aceitar os protestos da nossa elevada estima e consideração.

Maputo, aos 15 de Março de 2024

O Director Nacional

Angelo Paúnde
/Especialista/



GVPM

INFORMATION UNDER THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO DEVELOPMENT

A. Climate Justice: Loss and Damage

1. How is the scope of the right to development affected by economic and non-economic loss and damage resulting from climate change?

How is this impact felt differently and disproportionately by different individuals (e.g. children and women); groups (e.g. Indigenous Communities) and States (e.g. developing States located on small islands)?

Answer: In the case of forest resources, it should be borne in mind that a large part of the Mozambican population depends on them for their survival, both for obtaining food, energy sources, building materials and household utensils, among others. Considering the social structure of a large part of the Mozambican population, climate change contributes to forest degradation, which has the consequence of reducing the availability of resources, which has the consequence of reducing the means of survival and quality of life of the population, with a greater impact on women and children, increasing poverty and malnutrition, especially for children.

2. What are the obligations of States and other actors, such as development finance institutions and businesses, to prevent, mitigate and remedy impacts linked to loss and damage resulting from climate change on human rights, including the right to development?

Answer: Climate change is linked to global warming and the events that result from these changes. And what generates global warming are mainly the actions of states, especially the most industrialized, in the pursuit of development and economic growth, which lead to actions that are harmful to the environment and the ozone layer. However, the nations that contribute least to global warming are most affected and least able to respond to events such as cyclones, floods, droughts, etc. In a sense of justice for the impacts generated by countries, especially the more industrialized ones, financial mechanisms should be implemented to compensate for the damage caused by actions that generate global warming and, consequently, events linked to climate change.

3. What is the legal and/or moral basis for states and other actors, including the business sector, to contribute to the climate change damage fund?

Answer: The legal instruments for contributing to the climate change damage fund are based on the polluter pays principle, which has a framework more at the level of the internal policies of states than at national level, since the international system does not have a legal instrument that obliges states to certain behaviors, other than through adherence to international treaties, conventions and agreements. However, even at the international level, the Kyoto Protocol, the Paris Agreement and the decisions of the Conferences of the Parties on Climate Change are mechanisms for states to reach consensus on actions to mitigate the effects of climate change by establishing a fund to support these actions.

4. In addition to the financial contributions to the fund, what other non-financial components could be relevant from a climate justice perspective?

Answer: The non-financial components that could be relevant from a climate justice perspective would be:

- a) Definition of specific global actions and targets for the prevention and mitigation of climate change events.
- b) Mapping and measuring the evolution of climate change and disseminating reports at a global level, so that states know and are prepared to deal with these events in a resilient way.

5. How should a human rights-based approach to operationalizing and administering the fund be constructed?

Answer: by considering that losses and damages affect the most vulnerable and least causative states, as well as the most vulnerable people with the least capacity to respond, in order to engage, empower and train them in response and mitigation actions to climate change events, both in the short term, as well as in the medium and long term.

6. How can we ensure that the climate fund and operation do not result in a trap for developing countries?

Answer: As stated above, the states most affected and impacted by climate change are the least likely to cause the situations that generate the changes. For the sake of fairness, access to the funds should be guided by principles of compensation for the losses and damage caused by the actions of the most industrialized nations, without considering

the commercial issues of the fund, but rather the efforts made by the beneficiary states to contribute to reducing the impacts of climate change, whether through national reforestation programs, reducing deforestation and other actions that contribute positively to mitigating events at a global level.

B. The right to development for children and future generations

1. What does the right to development mean for children in line with the relevant policy frameworks and normative instruments?

Answer: The right to development for children means placing the interests of this social group as an important issue when it comes to the mechanism for boosting economic and social growth, which implies sustainability and the recognition that the world belongs not only to present generations, but also to future generations, all of whom must be aware of the necessary legacy of building an environmentally healthy world.

2. How are the human rights of children and future generations impacted by development-related decisions made by current adult generations?

Give examples from your country or area of work.

Answer: Focusing on the exploitation of natural resources in an unsustainable way, to the detriment of human development, is a factor that in the long term can have a negative impact on the children of today, as well as the men and women of tomorrow, considering that resources are exhaustible, and at the same time man without education and with exhausted resources will be plunged into misery.

3. How to ensure the active participation of children and future generations in development decisions at all levels. Are there any good practices or models?

Answer: The Republic of Mozambique has adopted the experience of the Youth Parliament as a forum for integrating children into the debate on the life of the nation. This is a practice that should be widely disseminated, not in order to give children responsibility in decision-making processes at the political level, but to serve as a mechanism for listening to decision-makers.

4. How can an intersectoral approach to children's participation be integrated to ensure that differentiated impacts due to different forms of discrimination, exclusion or vulnerability are considered?

Answer: The Government of the Republic of Mozambique established the Ministry of Gender, Children and Social Action as a mechanism to ensure the protection of this social group, so at an institutional level the country already has a mechanism to respond to issues related to children in terms of discrimination, exclusion or vulnerability.

5. What measures should be taken to protect and empower defenders of children's human rights?

Answer: Mozambique allows civil society or non-governmental organizations to operate under its internal legislation, so there are legal entities created to deal with children's human rights issues that have exercised their functions freely and independently.

6. How to create child-friendly judicial and non-judicial redress mechanisms to address violations of children's rights in the context of development policies, projects or programs?

Answer: In Mozambique, at the judicial level (Court), there are specialized chambers for dealing with children's issues - Juvenile Court, so a judicial mechanism has already been created to deal with violations of children's rights in the family forum.



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DATE: 21 December 2023

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OBJET/SUBJECT: **Letter from the Special Rapporteur on the right to development**

Please find attached a letter from the Special Rapporteur on the right to development, Mr. Surya Deva, concerning a call for information for two thematic reports of 2024.

6. How to ensure that the Fund and/or climate finance (including for mitigation and adaptation) does not result in a debt trap for developing countries?

B. The right to development of children and future generations

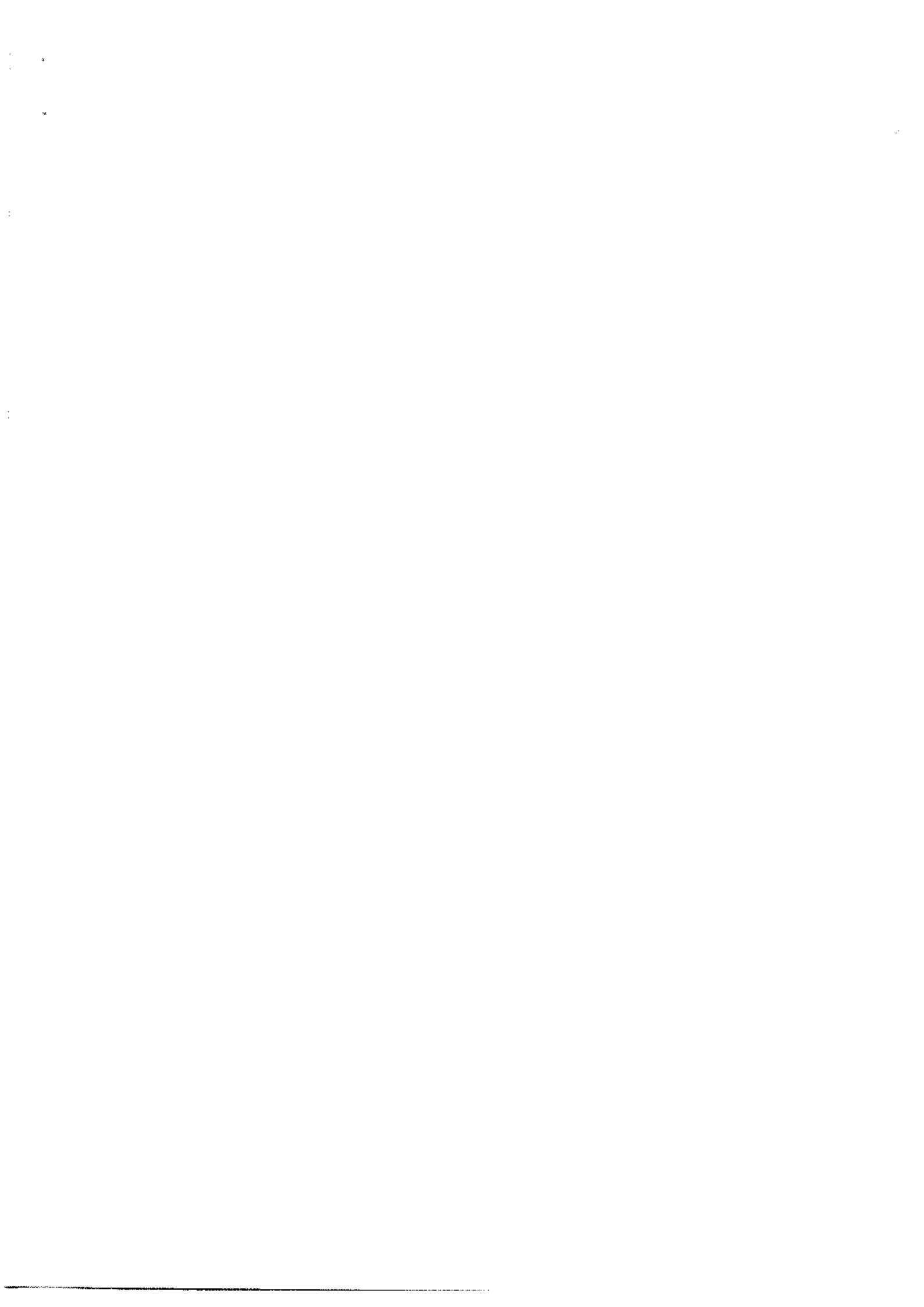
The Special Rapporteur in his vision report to the Human Rights Council ([A/HRC/54/27](#)) underlined his priority to focus on the development aspirations of certain marginalised or vulnerable beneficiaries, including children, youth and future generations. This report will focus on what the right to development (economic, social, political and cultural development) means for children and future generations, how their human rights are impacted by decisions taken by the present adult generation, and how to ensure a meaningful participation of children and future generations in decision-making processes at all levels. This report will draw, among others, on the principle of intergenerational equity, the General Comment No. 26 of the Committee on the Rights of the Child, and the Maastricht Principles on the Human Rights of Future Generations.

Specific questions / issues

1. What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?
2. How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work.
3. How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models?
4. How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered? Kindly share any good practices.
5. What measures should be taken to protect and empower child human rights defenders?
6. How to create child-friendly judicial and non-judicial remedial mechanisms to address violations of children's rights in the context of development policies, projects or programmes?

You are kindly requested to send your submission (maximum 6 pages or 3,000 words) to hrc-sr-development@un.org by 29 February 2024 in English, French, Spanish or Russian.

All submissions will be made publicly available and posted on the Special Rapporteur's homepage at the OHCHR website.



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