**Questionnaires to inform the thematic report of the Special Rapporteur on the rights of persons with disabilities on armed conflict, 76th General Assembly – 2021**

1. **Questionnaire for states**
2. **Please describe what obligation article 11 of CRPD establishes on a state in relation to the protection of with disabilities of armed conflict, conflict prevention, humanitarian peace building operations.**
3. **Have the above obligations officially recognized? If so, provide example such as legislation press releases, policy statements official Remarks, etc.**

Law No. 15/2014 of June 20th,which establishes the legal regime for the management of disasters, including prevention, mitigation and in its articles 21 and 37, states the following:

*"The media, public or private, must provide adequate information on the management of disasters and, when an alert is declared, the media broadcast, at national or local level, communications on the management of disasters."*

*“Especially vulnerable people, such as the elderly, women, children, the sick and people with disabilities are entitled to special protection, namely: Right to priority in the act of evacuation and resettlement, right to special protection against abuse during the emergency period, right the continuity of education; It also states that crimes committed against vulnerable people are aggravated under the terms of criminal law”.*

**How broadly is protection interpreted in regard to civilians with disabilities in the context of armed conflicts?**

The interpretation of protection in relation to civilians with disabilities in the context of armed conflict is based on the criteria of priority in care, through the identification, evacuation and mitigation of the effects of the conflict including the resettlement process in safe areas and, providing the appropriate support

1. **How have you made arrangements to give effect to UN Security Council Resolution 2475(2009)?**

There is no registered information.

1. **Please provide information on (1) the existence of any specific institution/governmententity, such as a national committee on international humanitarian law(IHL), tasked with the responsibility of the implementation of IHL; and (2) how that body addresses persons with disabilities in the contexto of IHL implementation.**

The National Commission for Human Rights (CNDH) operates in the country, created through Law No. 33/2009 of December 22, as an independent public law institution that enjoys administrative and functional autonomy in relation to other State bodies.

This commission has the mandate of the National Human Rights Commission, (CNDH) is to promote, protect and monitor human rights in the country, as well as consolidate the Culture of Peace. In 2013, through resolution 23/13 of 3 May, the Council of Ministers assigned the National Human Rights Commission (CNDH) the mandate of the National Mechanism for the Prevention of Torture and other Inhuman Treatments, in light of the Optional Protocol of the United Nations Convention.

It has a thematic area on the Rights of Women, Children and People with Disabilities and the elderly, which has a commissioner to respond to this area.

**Please identify and provide information on the institution/government entity(s) tasking of overseeing the implementation of the obligations under the CRPD (article 33 framework).**

To date, there is no specific institution designated only to answer questions about the implementation of the International Convection on the Rights of Persons with Disabilities. However, for coordination between the different actors, the Government established, through Decree 38/2015 of 31 December, the National Council for Social Action as an intersectoral coordination body for children's affairs, social action and basic social security, chaired by the Prime Minister. Minister composed of the Ministers who oversee the areas of Children and Social Action, Health, Education, Justice, Labour, Employment and Social Security, and Agriculture and Food Security; It also includes representatives of National Civil Society Organizations (Associations of people with disabilities), from the areas of children, the elderly, people with disabilities and representatives of religious institutions and the Private Sector in which a specific commission on the Rights of the Person operates. with Disability on the one hand. On the other hand, the National Human Rights Commission has taken care of the need to observe the human rights of people with disabilities, regardless of their specific attribution or not.

1. **Does that institution/government entity advise or interact with the military and security forces on how to complement article 11 of the CRPD in their operations?**

After the approval of Law 10/2020 of 24 August, which establishes the legal framework for Disaster Risk Management and Reduction, there was a need to define the competencies, organization and functioning of the coordinating entity for Disaster Risk Management and Reduction.

Through Presidential Decree No. 41/2020 of 28 December, the National Institute for Management and Reduction of Disaster Risk was created for short, designated by INGD as the Coordinating entity for Management and Reduction of Disaster Risk.

The National Institute for Disaster Risk Management and Reduction has representations in all provinces and in all districts that present a very high level of risk and vulnerability to disasters, where all actions are previously proven by a multi-sectorial entity called the Technical Council Management and Reduction of Disaster Risk, while matters of a political nature are the responsibility of the Coordinating Council for Disaster Risk Management.

1. **Please identify any domestic laws or statutes that seek to punish criminal acts that specifically target persons with disabilities.**

Constitution of the Republic of Mozambique, Decree 53/2008 of 31 December on accessibility, Civil Code, law 18/2018 of 30 December establishing the legal regime of the national education system’

1. **Do the laws or statutes apply to acts of violence against or abuse of persons with disabilities in the context of armed conflicts, conflict prevention, humanitarian actions and/or peace building operations?**

Not specifically, but in the general context of the specific rights of people with disabilities in each area of intervention or sector.

1. **Do the laws or statutes apply solely to government actors, individual actors or both?**The Laws are applicable to all actors operating in the country.
2. **Does the criminal code provide for the prosecution of crimes against humanity and if so, could disability-related crimes be prosecuted under such provision?**

Predict whether. Mainly those related to discrimination of any kind, in all aspects and in the case based on disability.

1. **Please provide information on any formal complaints, official investigations, and related jurisprudence arising from allegations of abuses and violence against persons with disabilities.**

There are no records of cases against people with disabilities, although it is assumed that they have occurred.

1. **Please identify and describe any efforts undertaken to build capacity across stakeholders-including military and civilian, peacekeeping personnel, and other field workers- who intervene in emergency situations, including armed conflict, regarding the rights of persons with disabilities.**

In areas where terrorist attacks occur (Cabo Delgado) there are actions aimed at empowering all actors on human rights, with a special focus on the most vulnerable population groups, namely children, elderly people, women and people with disabilities. These actions are carried out by various organizations including the United Nations (UNICEF, UNFPA, UNHCR, IOM, among others) in the context of promoting and protecting the human rights of these groups.

1. **How, if it all, are organizations of persons with disabilities (OPDs) involved in the process?**

Organizations of people with disabilities are involved through the Forum of Mozambican Associations of People with Disabilities.

1. **Please provide information on relevant legislation and policies related.**

There is no specific legislation for people with disabilities on this matter.

1. **Whether persons with disabilities excluded from serving in the armed forces on the basis of their disability.**

Not necessarily. But based on physical fitness for the purpose.

1. **Weather persons with disabilities are excluded from serving in the armed forces on the basis of their disability.**

Persons with disabilities are excluded from serving in the armed forces as entry criteria require medical examinations of physical fitness. It would not necessarily be based on disability, but rather on required criteria that often exclude many "non-disabled" people

**b) The existence of policies or programs that allows persons serving in the armed forces to continue serving in cases where they are acquire a disability.**

People with disabilities are treated on an equal footing, the person can be included in different sectors, recognizing that the policies adopted in the country are inclusive, with the need to create adequate conditions of accessibility so that in the various spheres of life they can compete in equal footing with other people and without any type of discrimination, although challenges still persist.

1. **What supports are available to assist persons with experiencing psycho-social trauma as a consequence of armed conflict (civilian, current military or former military)**

In the country, groups that suffer psychosocial trauma benefit from programs of psychosocial support programs provided by the Government and non-governmental organizations operating in the country. People with disabilities in the community are locally covered by these programs from the hospital to their family and community reintegration. These programs cover children, the elderly and people with disabilities.

1. **The existence of differential obligations or services granted to veterans with disabilities on the one hand and civilians with disabilities on the other.**

There is a peace fund and a fund for the social reinsertion of ex-combatants in the case of war veterans, and basic social security programs stop civilians. In Basic Social Security programs, users can be beneficiaries of the basic social subsidy and/or with direct social support.

# C: Civil Society

The purpose of this set of questions is to ascertain whether and to what extent civil society has engaged with their respective governments and militaries on the implications of the CRPD and UN Security Council Resolution 2475 (2019) in relevant military operations (including peace keeping and peacebuilding operations) and what impact they can report from such engagement.

These are engagement-oriented questions and will be supplemented by more detailed policy questions directed at States (A: above) and operational questions directed at military authorities (B: above).

Please attach links to any relevant reports, trainings, press statements, or other documents.

## QUESTIONS

1. Please provide information on whether and how your organization engages on the protection of persons with disabilities under international humanitarian law.

FAMOD is an umbrella organization of persons with disabilities with a national remit. FAMOD participates in humanitarian missions on the field promoting inclusion of persons with disabilities in different programs. In addition, FAMOD is also part of the United Nations clusters in Mozambique coordination the humanitarian response.

1. Please provide information on the engagement of your organization with thegovernment and/or military authorities relating to the protection of persons with disabilities in armed conflict.
	1. Who initiated the engagement?

We have been engaging with Government authorities. We have initiated the engagement with the intermediation of Un agencies.

* 1. What was the motivation, purpose, and outcome of these engagements?

We were concerned with the lack on involvement of persons with disabilities in the development and revision of humanitarian policies, laws and guidelines.

* 1. Was Article 11 of the CRPD and/or UN Security Council Resolution 2475 (2019) discussed in these engagements?

Yes, but our concerns have not been addressed.

1. Please provide information on whether your organization engages with the government on laws or statutes that punish criminal acts that specifically target persons with disabilities.

No.

1. Please provide information on relevant legislation and policies related to the following:
	1. Are persons with disabilities excluded from serving in the armed forces on the basis of their disability? Do you engage with thegovernment on this issue?

Yes. We have not engaged with the Government on this issue.

* 1. Do policies or programs exist that allow persons serving in the armed forces to continue serving in cases where they acquire a disability? Do you engage with the government on this issue?

No. We have not engaged with the Government on this issue.

* 1. What supports are available to assist persons experiencing psychosocial trauma as a consequenceof armed conflict (civilian, current military, or former military)? Do you engage with the government on this issue?

We are not aware of available supports. We have not engaged with the Government on this issue.

* 1. Are there differential services granted to veterans with disabilities on the one hand and civilians with disabilities on the other? Do you engage with thegovernment on this issue?

Yes there are differential services. Veterans with disabilities benefit from specific supports from the Government.

* 1. Are there veterans groups with disabilities and do they interact with organizations of persons with disabilities (OPDs) on protection or general disability rights issues?

Yes there are. They to interact with DPO as they are also part of the network of DPOs.

1. Please provide information on how civil society, specifically OPDs, are involved in the process to identify and address discrimination and marginalization of persons with disabilities in situations of armed conflict, conflict prevention, humanitarian action, and peacebuilding operations.

There has not been much engagement of DPOs.

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