

Oral Statement UPR Pre-session on Mozambique (4th Cycle)

Delivered by LAMBDA-Association for the Defense of Sexual Minorities

Distinguished delegates,

Ladies and Gentlemen,

This statement is delivered on behalf of LAMBDA, the Mozambican Association for the Defense of Sexual Minorities, a national civil society organization working to promote and protect the human rights of lesbian, gay, bisexual, transgender, intersex and queer persons in Mozambique.

LAMBDA submitted a stakeholder report to the 4th cycle of the Universal Periodic Review and works in collaboration with national and international partners.

Regarding national consultations, civil society organizations were invited to participate in consultations related to the preparation of Mozambique's national report. However, participation of LGBTI organizations remains limited due to the lack of legal registration and structural barriers affecting our work.

- In this statement, we will address three interrelated human rights issues:
- The right to equality and non-discrimination and legal recognition;
- The right to freedom of association and civil society space;
- The right to education, with focus on LGBTI children and youth.

Issue 1: Right to Equality and Non-Discrimination

During the 3rd UPR cycle, Mozambique received several recommendations from Mexico, Sweden, Denmark and Iceland calling for the adoption of legislation prohibiting discrimination based on sexual orientation and gender identity and for guaranteeing the equal enjoyment of rights by LGBTI persons.

All these recommendations were noted, but none have been implemented, largely due to the absence of political will to introduce explicit legal protections for sexual orientation and gender identity.

Since the last review, the legal framework has shown both stagnation and regression. Article 35 of the Constitution guarantees equality before the law, but it does not explicitly include sexual orientation or gender identity. The Penal Code prohibits discrimination based on gender identity, but excludes sexual orientation, resulting in partial and unequal protection.

In addition, Mozambique lacks a clear legal and administrative procedure for transgender and intersex persons to change their name and gender marker on official documents. It is a recognized fact that biological sex does not determine an individual's gender. According to a study by the Southern Africa Litigation Centre¹, the lack of legal gender recognition exposes transgender persons to humiliation, violence and exclusion, effectively denying them full citizenship and access to employment, banking and basic services, while violating their dignity and privacy.

Furthermore, the 2023 Labour Law removed anti-discrimination protections that were guaranteed under the 2007 Labour Law, representing a clear legal regression in employment-related protections. A study² conducted by LAMBDA found that discriminatory organizational cultures restrict equal access to employment and career progression for homosexual persons, forcing many to conceal their sexual orientation in order to secure and retain employment.

Despite these challenges, we acknowledge the adoption of the National Youth Policy and its Implementation Strategy in 2024, which affirms non-discrimination as a guiding principle, including for sexual orientation. However, this commitment has not yet been translated into enforceable legal protections.

In light of this situation, we recommend that Mozambique:

1. Amend the Constitution and relevant legislation to explicitly prohibit discrimination based on sexual orientation and gender identity;
2. Amend the Penal Code to include sexual orientation as a protected ground against discrimination;
3. Adopt clear legal and administrative procedures for legal gender and name recognition based on self-determination;
4. Reinstate and strengthen anti-discrimination protections in the Labour Law, ensuring effective remedies for victims.

Issue 2: Freedom of Association and Civil Society Space

During the 3rd UPR cycle, Czechia, the Netherlands and Uruguay recommended that Mozambique simplify the registration of civil society organizations and remove restrictions affecting organizations working on sexual orientation and gender identity.

These recommendations were also noted and not implemented.

¹ Southern Africa Litigation Centre. (2016). *Laws and policies affecting transgender persons in Southern Africa*.

² LAMBDA (2014) discrimination based on sexual orientation in labor relations in the city of Maputo.

Since the last review the situation has not improved. Since 2017, LAMBDA has been awaiting a response to its application for legal registration, despite a Constitutional Council decision affirming the legality of its objectives. The prolonged failure to register LGBTI organizations restricts freedom of association, limits access to funding, and undermines meaningful participation in public policy processes.

We therefore recommend that Mozambique:

1. Immediately grant legal registration to LAMBDA and other LGBTI organizations;
2. Simplify and depoliticize the registration process for civil society organizations;
3. Ensure full respect for freedom of association in line with international human rights standards.

Issue 3: Right to Education

During the 3rd UPR cycle, several States called on Mozambique to combat discrimination and ensure equal access to rights, including education, for all persons. These recommendations were not implemented with regard to LGBTI learners.

Since the last review, the situation has deteriorated. In 2022, the Ministry of Education removed content related to sexual orientation from school textbooks. As a result, LGBTQIA+ students continue to face bullying, stigma and exclusion in educational settings, undermining their right to education and contributing to school dropout.

A qualitative study conducted in 2021 documented widespread homophobic and transphobic violence against secondary school students in Maputo, Beira and Nampula, highlighting the urgent need for protective measures. According to the study, over 60% of young gay persons in Maputo, Beira and Nampula reported discrimination in school environments, with some of perpetrators being teachers.

We recommend that Mozambique:

1. Reintroduce content on sexual orientation and gender identity into comprehensive sexuality education;
2. Adopt and implement anti-bullying policies that explicitly protect LGBTQIA+ students;

3. Train teachers and school staff on inclusive and non-discriminatory education.

In conclusion, we encourage States to make strong and specific recommendations to Mozambique to ensure that the rights of LGBTI persons are fully respected, protected and fulfilled.

Thank you for your attention.