

**Universal Periodic Review of the UN Human Rights Council**  
**Submission by LAMBDA (Mozambican Association for the Defence of Sexual**  
**Minorities) to the Universal Periodic Review of Mozambique**

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**A. Legal and Statutory framework**

1. According to its Constitution, the Mozambican State aims *“to build a society of social justice and of material and spiritual well-being and quality of life for all citizens”* (Art. 11, c), *“to defend and promote the human rights and equality of all citizens before the law”* (Art. 11, e), and *“to strengthen democracy, liberty, social stability and social and individual harmony”* (Art. 11, f).
2. The Mozambican Constitution also establishes the principle of Mozambique as a democratic Rule of Law and Social Justice State (Art. 62 and 63).
3. The Constitution also establishes the separation between State and Church (Art.12).
4. The Mozambican Penal Code (Art. 70 and 71) refers to acts against nature, but does not refer to homosexuality explicitly.
5. The Mozambican Labour Law, in its Article 4, implicitly recognises the existence of different sexual orientations and prohibits discrimination in the workplace and for hiring and firing based on sexual orientation. Further, it protects the right to privacy of all workers.
6. Mozambique is a signatory of the Universal Declaration of Human Rights, of the African Charter on Human and Peoples' Rights, and of the International Covenant on Civil and Political Rights.

**B. Facts**

7. On 30 January 2008, ten Mozambican citizens submitted all required documentation to the Registrar of Companies to incorporate (register) LAMBDA as an NGO for the protection of sexual minorities' rights.
8. LAMBDA aims to *defend and promote the rights and interests of its members, as well as to promote and ensure the human and sexual rights of all citizens, particularly concerning those related to sexual orientation and gender identity.*
9. On August 1, 2008, the founding members of LAMBDA wrote to the Minister of Justice (who has the authority to authorise the incorporation of NGOs) requesting a decision on the incorporation request, given the lack of any action by government on the matter.

10. Two years later, there is still no decision by the Mozambican government regarding the incorporation of LAMBDA, or regarding the request for action or decision. During this period, several meetings have taken place between LAMBDA representatives and senior officials in the Ministry of Justice to find a solution to the impasse, to no avail.

**C. Violation**

11. The lack of response by the government violates the right of association established in the Mozambican Constitution, and by basing this tacit rejection on the issue of sexual orientation, violates article 20 of the Universal Declaration of Human Rights and article 20 of the Yogyakarta Principles.

12. It is also tantamount to tacit, unjustified rejection of the request for incorporation and constitutes a violation of the law that requires government to justify all its administrative decisions (such as rejecting the incorporation of an NGO), and to act with swiftness and without delay.

**D. Recommendations**

13. We recommend that the Mozambican Government make a positive decision regarding the incorporation of LAMBDA.