



ADF INTERNATIONAL

ECOSOC Special Consultative Status (2010)

UNIVERSAL PERIODIC REVIEW – THIRD CYCLE

**Joint Submission to the 38th Session of the Human Rights
Council's Universal Periodic Review Working Group**

October 2020, Geneva, Switzerland

MOZAMBIQUE

Submission by:

ADF International
Rue du Pré-de-la-Bichette 1
1202 Geneva, Switzerland

Web: www.ADFinternational.org

Endorsed by:

ADF International (registered name 'Alliance Defending Freedom')
Ethics & Religious Liberty Commission of the Southern Baptist Convention
Jubilee Campaign

Introduction

1. The following report is submitted on behalf of a coalition of international non-governmental organizations focused on freedom of religion or belief. Each of these organizations maintains ECOSOC consultative status with the United Nations. The information contained in this report was obtained through research and first-hand accounts from these organizations.
2. This report focuses primarily on events that have affected freedom of religion or belief in Mozambique, including COVID-19, the insurgency in Cabo Delgado, and the proposed draft law on "religious freedom," which contains a number of highly problematic provisions.

(a) COVID-19

3. In response to COVID-19, Mozambique enforced strict social distancing measures that made it difficult for houses of worship to hold services. However, in July 2020, Mozambique provided guidelines, including social distancing, mask requirements, and other health and safety requirements, that allowed for houses of worship to reopen for services. Mozambique is to be commended for the awareness that it showed of the importance of worship in maintaining freedom of religion or belief and for the objective guidelines that it set forth that allowed for houses of worship to reopen.

(b) Insurgency in Cabo Delgado

4. In October 2017 an insurgency broke out in the Northern Province of Cabo Delgado. Although some of the attacks have been instigated by IS-CAP (Islamic State Central Africa Province) it has been suggested that a local group known as Ahlu Sunnah Wa-Jamma or Swahili Sunna could also be one of the groups that are launching attacks in the Province.
5. Current estimates place the number of fatalities around 1,000 since the beginning of the insurgency, which has forced over 300,000 people to flee their homes. Some of those fleeing violence have fled into neighboring Tanzania. In March 2020, 50 people were arrested after an attack on Mocimboa da Praia. Previously in March 2018, 470 suspected militants were arrested, with 370 being prosecuted.¹

Attacks on Clergy and Houses of Worship

6. During the history of the insurgency, several reports of incidents involving documented attacks against clergy and houses of worship have occurred. The Roman Catholic Diocese of Pemba has been targeted by the insurgents. Some of the events that have been documented include:

¹ Gregory Pirio, Robert Pittelli, & Yussuf Adam, *The Emergence of Violent Extremism in Northern Mozambique*, AFRICA CENTER FOR STRATEGIC STUDIES, 25 March 2018, <https://africacenter.org/spotlight/the-emergence-of-violent-extremism-in-northern-mozambique/>.

7. The Bishop of Pemba Don Fernando Lisboa has been targeted by President Nyusi and other Government Officials specifically as part of their crackdown against Dissidents.² The Bishop has been critical over the Government response to the insurgency and has spoken out to the international media regarding the insurgency. The Bishop has been able to document some of the abuses that have been taking place as well.
8. An attack by insurgents on the Village of Xitaxi in the Muidumbe District that was reported in late April 2020 resulted in the Deaths of 52 people.³
9. An attack on Muambala Village in the Muidumbe District resulted in the deaths of five persons, damage to the local church and the destruction of the homes of Christian missionaries.⁴
10. On 11 August 2020, insurgents took two nuns Inez Leite Ramos and Eliane Costa Santana hostage⁵ when they captured the Port of Mocímboa da Praia. They were released unharmed after a period of 24 days.⁶
11. Shortly after the insurgency began in 2017, the Government of Mozambique ordered the closing of three Mosques in the Pemba area.⁷ It was not part of a general program to close all mosques but targeted only the mosques “that had some contact with the group of people involved with the events of Mocímboa de Praia.”
12. The Government of Mozambique should take all the necessary steps to counter this insurgency and to protect the citizens of Cabo Delgado. As a party to the African Charter on Human and Peoples’ Rights, ICCPR, and the UN Convention against Torture, the Government of Mozambique has clear obligations to abide by to ensure the safety of the citizens.

(c) Proposed Religious Restriction Law

Background and Current Status

13. Since 1989, Mozambique has not penalized religious groups or organizations that did not register with the government. Neither registration nor failure to register

² Eduardo Campos Lima, *Bishop in Mozambique is Target of Campaign for Criticizing Government*, CATHOLIC NEWS SERVICE, 25 Aug. 2020, <https://www.americamagazine.org/politics-society/2020/08/25/bishop-mozambique-target-campaign-criticizing-government>.

³ Wilder Alejandro Sanchez & Scott Morgan, *An Overlooked Conflict: Insurgency in Mozambique*, INTERNATIONAL POLICY DIGEST, 14 May 2020, <https://intpolicydigest.org/2020/05/14/an-overlooked-conflict-insurgency-in-mozambique/>.

⁴ Barnabas Fund, *Islamist Militants Murder at Least 57 People and Damage Church in Spate of Attacks in Mozambique*, <https://news.barnabasfund.org/islamist-militants-murder-at-least-57-people-and-damage-church-in-spate-of-attacks-in-Mozambique>.

⁵ Paulo Aido- ACN, *Still No News of Nuns Disappeared Since Mozambique Jihadist Attack*, ALETEIA, 2 Sep. 2020, <https://aleteia.org/2020/09/02/still-no-news-of-nuns-disappeared-since-mozambique-jihadist-attack/>.

⁶ Club of Mozambique, *Mozambique: Kidnapped Nuns Freed, the Bishop: “We Ask For Peace” – Fides*, 8 Sep. 2020, <https://clubofmozambique.com/news/mozambique-kidnapped-nuns-freed-the-bishop-we-ask-for-peace-fides-170875/>.

⁷ *Mozambique Closes Three Mosques After Deadly Attacks*, 28 Nov. 2017, BUSINESS DAY, <https://www.businesslive.co.za/bd/world/africa/2017-11-28-mozambique-closes-three-mosques-after-deadly-attacks/>.

procured benefits or penalties.⁸ However, religious groups and organizations were required to show evidence of registration in order to open bank accounts, file for exemption of custom duties for imported goods, or submit visa applications for visiting foreign members. Although there have not been any complaints regarding the Government's administration of visas for missionaries, they have endured a somewhat burdensome process in obtaining legal residency.⁹

14. Over the past few years, there has been an increase in religious groups seeking to register in Mozambique. From 2014 to 2018, 93 religious groups and 39 religious organizations joined the registry. The rate of additions has also steadily increased—16 religious institutions joined in 2014, whereas 38 religious institutions joined in 2018.¹⁰
15. In response to the surge of new religious groups and organizations, the Minister of Justice, Constitutional, and Religious Affairs Joaquim Veríssimo raised concerns in June 2019, especially over unregistered groups and those the government said it believed to be promoting harmful practices.¹¹
16. Subsequently, National Director of Religious Affairs in the Ministry of Justice, Constitutional and Religious Affairs, Reverend Arão Litsure introduced a new draft law on religious freedom—a proposal that, if passed, would obligate religious leaders to conform to the state's code of conduct, compel church leaders to present a certificate of formation in their originating area, and require religious groups to possess a minimum of 500 followers in order to register with the Ministry of Justice.¹² In July 2020, the Mozambican government announced the beginning of public consultations for the drafting of the bill.¹³ Soon thereafter, Litsure stated in an interview with the public broadcaster Radio Mozambique that the proposal will no longer impose a 500 people minimum, but a new minimum has yet to be defined.¹⁴

Problems with the Proposed Religious Registration Law

17. Although the bill is inspired by concerns regarding the increase of religious groups, the new law would only aggravate Mozambique's existing problems and create new complications in contravention of international law.
18. The new bill would particularly affect Protestant Christian churches. For example, the most prominent Pentecostal church, Brazil's Igreja Universal do Reino de Deus,

⁸ U.S. Dep't of State, *Bureau of Democracy, H.R. and Lab., International Religious Freedom Mozambique Report (2013)*.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Club of Mozambique, *Mozambican Government to Introduce Law on Religious Freedom*, 28 Jun. 2019, <https://clubofmozambique.com/news/mozambican-government-to-introduce-law-on-religious-freedom-135317/>.

¹² Club of Mozambique, *Mozambique: Government Seeking to Put Religious World in Order*, 30 May 2019, <https://clubofmozambique.com/news/mozambique-government-seeking-to-put-religious-world-in-order/>.

¹³ Club of Mozambique, *Mozambique: Government begins consultations on new religion, worship law*, 3 July 2020, <https://clubofmozambique.com/news/mozambique-government-begins-consultations-on-new-religion-worship-law-164745/>.

¹⁴ *Id.*

has a number of congregations throughout Mozambique, with each congregation attracting between 100 and 2,000 people per service, depending on their size.¹⁵ The proposed draft law would unduly burden religious groups and contains broad provisions that threatened the separation between the State and religious denominations, as enshrined in the Mozambique Constitution.¹⁶ The proposed bill has drawn both domestic and international outcry.

19. The draft bill would also stifle the practice of minority religions, in some cases preventing registration altogether. Requiring religious groups to possess a set number of members—initially a minimum of 500—would inhibit smaller religious groups from forming. The Jewish community has already requested an exemption due to the small number of adherents in the country, which is estimated to be less than a few hundred.¹⁷ The suffocating impact against small faith communities would impair the rich benefits that accrue from Mozambique’s religious diversity.
20. Setting a bar of entry would also create complications for already registered groups who do not satisfy the minimum number requirement. The State would need to exercise either the unreasonable option of providing special exemptions for pre-existing groups or disqualifying pre-existing groups for not having the requisite number of members. Such policies are arbitrary and not necessary for establishing the existence of an organized religious community.
21. Requiring signatures to be notarized for registration would also place an undue burden on the Mozambican people, half of whom live under the poverty line.
22. The proposed law also allows for the government to ban religious organizations on doctrinal grounds where doctrines are contrary to the Constitution and “good morals.” Such vague terminology along with government intrusion into doctrinal affairs would violate religious organizational autonomy and contravene the freedom of religion or belief, freedom of expression, and freedom of association.

(d) Recommendations

23. In light of the foregoing concerns, we suggest the following recommendations be made to Mozambique:
 - (a) Withdraw the proposed religious registration bill and provide assurances to minority faith communities that their rights will be respected.
 - (b) Undertake efforts to develop and promulgate a simple religious registration system that does not burden freedom of religion or belief, freedom of expression, or freedom of association.
 - (c) Undertake efforts to develop targeted proposals to address fraud and violent extremism while respecting freedom of religion or belief, freedom of expression, and freedom of association.

¹⁵ LINDA VAN DE KAMP, *VIOLENT CONVERSION: BRAZILIAN PENTECOSTALISM AND URBAN WOMEN IN MOZAMBIQUE* (2016).

¹⁶ Constitute Project, *Mozambique’s Constitution of 2004 with Amendments Through 2007*, 4 Feb. 2020, https://www.constituteproject.org/constitution/Mozambique_2007.pdf?lang=en.

¹⁷ U.S. Dep’t of State, *surpa* note 11.

- (d) In view of the rise of terrorism and violent extremism, protect members of all religious groups and organizations from targeting and monitor developments to ensure that resources are well utilized.
- (e) Take steps to partner with the international community to develop a counterterrorism plan that respects international law and the freedom of religion or belief, freedom expression, and freedom of association, among others.