



## **Joint Communiqué by the African Commission on Human and People’s Rights (ACHPR), the Special Rapporteur on refugees, asylum-seekers, migrants in Africa, Ms. Maya Sahli Fadel, and the United Nations High Commissioner for Refugees (UNHCR) on Mozambique's displacement crisis and forced returns from Tanzania**

### **(1) Situation of IDPs in Mozambique**

- The total number of internally displaced persons (IDPs) in Cabo Delgado Province has reached more than 732,000 according to humanitarian estimates. Approximately 46% are children. The conflict in northern Mozambique has left tens of thousands of people dead or injured. Civilians have been exposed to a variety of protection concerns, including physical assault, kidnappings, murder of family members, and gender-based violence (GBV). Moreover, the conflict has resulted in families being separated, and in many cases being displaced multiple times as they seek safety.
- The situation, which has become a protection crisis, substantially worsened after attacks by non-state armed groups in the city of Palma on 24 March this year. Humanitarian actors are seeing an escalating rate of displacement, along with an increase in the proportion of displaced people having directly experienced human rights violations. There is also a growing number of particularly vulnerable persons among the IDPs, such as elderly, unaccompanied and separated children, pregnant women as well as those with urgent need for shelter, food and access to health structures.
- Ongoing insecurity has forced thousands of families to seek refuge mostly in the south of Cabo Delgado and Nampula Provinces, as well as in Niassa and Zambezia provinces. Cabo Delgado’s districts of Ancuabe, Balama, Chiure, Ibo, Mecufi, Metuge, Montepuez, Mueda, Namuno, Nangade and Pemba continue to register new arrivals every day.
- Despite the efforts of the authorities and the humanitarian community, the needs of IDPs far outweigh the available assistance capacity of the government and aid agencies. This is due to the rapid increase in IDP numbers combined with low funding levels for the humanitarian response (15.2% of assessed requirements according to [fts.unocha.org](https://fts.unocha.org)). UNHCR funding for the response in northern Mozambique currently stands at 28% (as of 22 June 2021).
- Humanitarian access challenges also greatly impact the response. At the moment, seven out of the 16 districts in Cabo Delgado Province are inaccessible to humanitarian actors either due to security concerns or logistical challenges. According to the Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), States have a duty to allow those providing humanitarian assistance to reach IDPs, and to facilitate their role.
- In a recent protection assessment done by the protection cluster in northern Mozambique across five districts, 45% of IDPs reported not having access to legal documentation. This is mostly for reasons related to the conflict and their sudden flight, leaving everything behind them. Lack of legal documentation impacts not only IDPs’ access to services but also impairs their freedom of movement. To ensure access to urgently needed services, including health and education, as well as to ensure

IDPs' freedom of movement, authorities should continue exploring ways to issue civil documentation to all IDPs in line with (Article XIII (2) and (3) of) the Kampala Convention.

## **(2) Right to seek asylum in Tanzania and forced returns**

- Many people already experiencing internal displacement in Mozambique have attempted to cross the river that marks the border with Tanzania, to seek international protection but the Tanzanian authorities are continuing to conduct pushbacks and systematic forced returns to Mozambique. Between January and June 2021, over 9,700 Mozambicans fleeing conflict in the Cabo Delgado province and who had sought asylum in Tanzania were forcibly returned to Mozambique without an assessment of their international protection needs. This forced return is said to be as a result of coordination between both governments.
- Despite several requests made to the Government of Tanzania, UNHCR has been unable to access Tanzania's southern border region with Mozambique to assess the situation or offer assistance in line with its mandate. The very few Mozambican asylum-seekers who are able to cross the international border have not received any humanitarian assistance in Tanzania such as food, medicine or shelter.
- The Special Rapporteur and UNHCR are deeply concerned by the pushbacks and forced returns which raise serious concerns as to compliance with international and regional law - notably non-refoulement obligations- including under the 1951 Convention relating to the Status of Refugees, the OAU Convention governing specific aspects of refugee problems in Africa and the African Charter on the Human and People's Rights (the African Charter). Notably, Article 2 (3) of the OAU Convention prohibits rejection at the frontier, return or expulsion to a territory where a person's life, physical integrity or liberty would be threatened.
- Furthermore, Article 12(3) of the African Charter recognizes the right to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions. Returning people to situations of danger, as well as the treatment reportedly undergone by some individuals prior to or in the course of forced returns, may also be at variance with Article 5 of the African Charter, which prohibits inhuman or degrading treatment for every individual.

## **(3) Dramatic situation of forcibly returned asylum-seekers and refugees at Negomano**

- Those pushed back from Tanzania end up in a dire situation at the border and are exposed to GBV and health risks, as many are sleeping in the open at night in extreme cold without blankets or a roof over their heads. UNHCR teams have been supporting people arriving in desperate condition. Many are in need of medical attention. Others have been separated from their family members, in many instances due to the way in which forced returns were conducted by Tanzanian authorities, and this situation may be at variance with Article 18 of the African Charter.
- There is an urgent need for emergency relief items including food. UNHCR's protection response in the border area has included protection monitoring, referring protection cases to available and relevant services, training women and men to prevent and mitigate GBV, and raising awareness to prevent sexual exploitation and abuse (SEA). UNHCR has also been providing lifesaving core relief items, such as blankets, solar lamps, mattresses, kitchen sets, and jerrycans, among others. There are serious concerns about the lack of medical support to pregnant and breastfeeding mothers, and the absence of a maternity ward and antenatal care in Negomano.
- The Special Rapporteur on refugees, asylum-seekers, and migrants in Africa and UNHCR reiterate their call for those fleeing the conflict in northern Mozambique to have access to territory and asylum, and, in particular, for Tanzania to uphold the principle of non-refoulement (no forced return) under international and regional refugee and human rights law. Refugees must not be forced back into danger. They also call for the Government of Tanzania to ensure humanitarian access in Tanzania's southern border region.