

## Mozambique

**Country:**

Mozambique

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

4

**Civil Liberties:**

4

**Aggregate Score:**

56

**Freedom Rating:**

4.0

**Overview:**

Filipe Nyusi of the ruling Front for the Liberation of Mozambique (FRELIMO) took office as president in January 2015 after winning the October 2014 election. FRELIMO had signed a cease-fire accord with the Mozambique National Resistance (RENAMO)—the country’s former rebel movement and main opposition party—ahead of the elections, ensuring a peaceful environment for the balloting. However, tensions rose again during 2015, both between the two parties and within FRELIMO itself.

Violent skirmishes between FRELIMO and RENAMO forces erupted over the course of the year. After RENAMO’s efforts to secure regional autonomy through a constitutional amendment failed in November, party leader Afonso Dhlakama promised to take control of six northern and central provinces by force if necessary.

**Political Rights and Civil Liberties:**

**Political Rights: 22 / 40 (-1) [Key]**

**A. Electoral Process: 6 / 12**

The president, who appoints the prime minister, is elected by popular vote for up to two five-year terms. Members of the 250-seat, unicameral Assembly of the Republic are also elected for five-year terms. The national government appoints the governors of the 10 provinces and Maputo City. Despite the existence of municipal governments and, since 2009, elected provincial assemblies, power remains highly centralized, particularly in the hands of the president.

Acceding to RENAMO demands, the Assembly of the Republic passed several amendments to electoral legislation in February 2014, enabling greater participation by opposition parties and civil

society representatives on national, provincial, and district-level election commissions. Nevertheless, during the October 2014 general elections, in which 29 parties participated, members of several small parties accused the national election commission of favoring candidates from the three largest parties: FRELIMO, RENAMO, and the Democratic Movement of Mozambique (MDM). Despite these complaints, and incidents of reported ballot stuffing and other irregularities in some precincts, international observers agreed that the elections were credible. RENAMO denounced the results as fraudulent and called for new elections. After conducting an investigation, the national election commission concluded that the elections were valid, and that annulling the results would violate the law.

According to the official results, Nyusi won the presidential contest with 57 percent of the vote. FRELIMO candidates won 144 parliamentary seats, while RENAMO took 89, and MDM won 17. Despite winning the majority of races, FRELIMO lost 47 seats and its previous two-thirds majority in the assembly. At the provincial level, FRELIMO suffered a net loss of 219 seats, and RENAMO won some provinces decisively.

## **B. Political Pluralism and Participation: 10 / 16**

A 1992 peace agreement ended the 16-year civil war between FRELIMO, the former guerrilla group that had fought to win Mozambique's independence from Portugal, and RENAMO, a rebel group that was supported first by Rhodesia, then by apartheid-era South Africa. Multiparty elections followed the peace accord, with FRELIMO emerging as the winner. The party has won every election since, and RENAMO has always placed second. In 2009, several RENAMO politicians broke with the party to establish MDM, which has rapidly established itself as a viable political force. Political parties are expressly prohibited from identifying exclusively with any religious or ethnic group.

The first months of 2015 were marred by a power struggle between outgoing president Armando Guebuza, who remained FRELIMO's party leader after completing his term as head of state, and Nyusi, who took office as president in January. However, in April Guebuza was forced to resign as party leader, clearing the way for Nyusi to take the helm of both the state and the party, like all previous presidents.

RENAMO boycotted the first sessions of the newly elected assembly, demanding power over the provinces where it had won majorities in the 2014 elections. The party's 89 elected representatives only took their seats in February, after Nyusi met with Dhlakama and promised that the FRELIMO-dominated legislature would give serious consideration to the opposition leader's proposal for provincial autonomy. In the months that followed, however, RENAMO and MDM jointly submitted several motions for votes of no-confidence against the FRELIMO government and its officials, while FRELIMO consistently challenged legislation proposed by the opposition parties. FRELIMO blocked a bill on provincial autonomy as unconstitutional, then defeated a measure in which RENAMO sought to achieve the same goal by amending the constitution in November.

Given FRELIMO's refusal to allow provincial autonomy, Dhlakama accused Nyusi of reneging on their February agreement. In September, he went into hiding after his motorcade was attacked by police in Manica Province, leaving 25 of his supporters dead. Police claimed that Dhlakama and his convoy were accidentally caught in the crossfire of an unrelated operation. However, when the RENAMO leader emerged from hiding in early October, he was briefly placed under house arrest. Clashes between government forces and RENAMO fighters followed, and Dhlakama returned to hiding.

On November 30, Dhlakama made a speech in which he declared that his party would take control, "without bloodshed," of the six northern and central provinces where RENAMO had won the

majority of votes in the 2014 presidential election. Insisting that he did not want to go back to war, Dhlakama nevertheless declared that he was ready to “destroy everything” if government forces attempted to interfere with the plan. Recordings of the speech began circulating in December, leading to increased conflict between government forces and RENAMO supporters.

### **C. Functioning of Government: 6 / 12 (-1)**

FRELIMO's unbroken incumbency has allowed the party to acquire significant control over state institutions, and the failure of the main parties to work out their differences through normal democratic procedures continued to erode the country's political system in 2015.

Corruption has been subject to increased public censure following the 2012 enactment of an anticorruption law and the delegation of new powers to the Central Office for Combating Corruption (GCCC). Nevertheless, corruption in government and business remains pervasive. Police officers and judicial authorities frequently fail to follow up on some of the most glaring instances of corruption. For example, in 2015 the Attorney General's Office did not investigate allegations of corruption and influence peddling involving former president Guebuza and the Italian oil and gas company ENI, despite well-reported evidence gathered by Italian prosecutors in a related investigation in Milan.

Mozambique was ranked 112 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

### **Civil Liberties: 34 / 60 (-1)**

#### **D. Freedom of Expression and Belief: 11 / 16 (-1)**

Press freedom is legally protected, but reporters are often censored in practice, or self-censor in response to threats and other pressure. The government controls the daily *Notícias* and its own news agency, radio stations, and television broadcaster. Independent media include the privately owned papers *O País* and *Diário de Moçambique*, several weeklies, a number of private radio stations, and multiple news websites. In 2015, the limits to freedom of expression were reinforced by the violent murders of two well-known figures: journalist Paulo Machava, founder of the daily news website *Diário de Notícias*, and the renowned constitutional lawyer Gilles Cistac. Although the assailants in both cases were unidentified and the motives unclear, Machava had reported on crime, and Cistac had endorsed the constitutionality of provincial autonomy.

There are no official government restrictions on internet use, but opposition leaders have claimed that government intelligence services monitor online communications. In 2015, the cost of internet access rose significantly following the government's decision to cut telecommunications subsidies by 75 percent. Critics argued that the government was attempting to limit access to information.

Religious freedom is well respected, and hundreds of religious groups are registered with the Ministry of Justice. Academic freedom is sometimes restricted. While private discussion is generally open and free, online surveillance and the threat of violence may inhibit expression on sensitive topics.

#### **E. Associational and Organizational Rights: 7 / 12**

Freedoms of assembly and association are broadly guaranteed, but with substantial regulations. By law, the right to assemble is subject to notification and timing restrictions, and in practice it is a matter of governmental discretion. Nongovernmental organizations (NGOs) operate openly but face bureaucratic hurdles in registering with the government, as required by law.

Workers have the right to form and join unions and to strike, but there are a number of procedural barriers to legal strikes. In April 2015, 50 workers at the Pepsi-Cola factory in Matola went on strike to demand a wage increase; while the Ministry of Labor declared the action illegal, it continued to mediate negotiations. Workers of the Municipal Public Transportation Company in Maputo went on strike in June and again in September over back wages, delays in approved pay increases, and a lack of promotions in the past five years.

## **F. Rule of Law: 7 / 16**

The Assembly of the Republic passed a new penal code in July 2014, despite criticism from the minister of justice, the attorney general, local civil society, and Amnesty International based on a number of shortcomings. President Guebuza vetoed the measure, but the assembly overrode the veto, and Guebuza signed the code into law in December 2014. The new penal code became effective in July 2015. Implementation will require an overhaul of the criminal procedure code; in October, the assembly directed the relevant parliamentary committee to revise that code by December 2016.

Judicial independence remains limited due to scarce resources, poor training, a large backlog of cases, and fear of violent retaliation. Corruption also negatively affects the performance of the judicial system.

Prison overcrowding is a chronic problem, with many inmates held in pretrial detention for longer than authorized by law. In December 2015, President Nyusi announced that he would pardon 1,000 prisoners on compassionate grounds, which would help ease overcrowding.

The crime rate continued to increase in 2015, with 1,754 murders and a total of 46,530 crimes reported, up from 1,223 and 42,622 in 2014, respectively. In May 2015, Nyusi denounced police involvement in criminal activity, including murders, drug trafficking, and poaching. He called for improvements in the hiring, selection, and training of police officers, and solicited cooperation from the Southern Africa Development Community in combating transnational crimes. Poaching has become a very serious issue, leading to a significant decline in the elephant population. In 2014–15, at least 434 people were arrested in Mozambique for poaching, and dozens of Mozambicans are reportedly killed each year while poaching across the border in South Africa's Kruger National Park.

Armed clashes involving FRELIMO-backed security forces and RENAMO fighters continued to occur in 2015. In June, RENAMO was reported to have conducted three attacks in Tete Province. The government accused RENAMO of attacking five police and civilian targets in Tete over a two-week period in August. In September the violence shifted to Manica Province, where the attacks on Dhlakama's convoy led him to go into hiding. Even after he returned to hiding following his de facto house arrest in October, the unrest continued to rise, with several confirmed skirmishes in Morrumbala and Sofala as government forces tried to dismantle RENAMO bases and force the disarmament of RENAMO supporters. The demilitarization and reintegration of RENAMO fighters had been a key element of the September 2014 peace accord, but what was supposed to be a voluntary process remained stalled for months, leading government forces to pursue compulsory disarmament.

Mozambican police reportedly discriminate against minorities in the country, including Zimbabwean, Somali, and Chinese immigrants. For years, albinos in Mozambique have been kidnapped and

killed due to superstitions about the magical properties of their body parts, but recently the situation has deteriorated: at least 15 albinos were kidnapped and killed in 2015 alone.

The 2014 penal code decriminalized same-sex sexual activity, and antidiscrimination laws bar employment discrimination based on sexual orientation or gender identity. However, the LGBT (lesbian, gay, bisexual, and transgender) advocacy group Lambda has yet to secure legal registration as an NGO after more than seven years of attempts. Lambda reports that LGBT people are not targeted with violent acts as in some other African countries, but that they still face discrimination.

## **G. Personal Autonomy and Individual Rights: 9 / 16**

Movement within Mozambique is hampered by the presence of checkpoints manned by corrupt police officials, who often harass and demand bribes from travelers.

The law does not recognize private property; citizens obtain land-use rights from the government. Most citizens are uninformed about the land law and fail to properly register their traditional holdings. The government must approve all formal transfers of use rights, an often opaque and protracted process. For these reasons, most land transactions occur on an extralegal market.

Mozambique has laws and national plans of action to reduce gender-based discrimination and violence against women, and the country benefits from UN assistance on the issue, but offenses still occur. The International Center for Research on Women reports that 56 percent of girls marry before reaching 18. According to the Ministry of Women and Social Action, at least 54 percent of women will endure some form of physical or sexual violence at some point in their lives.

Women's participation in politics is rising. In 2015, 39 percent of the parliament's 250 members were women, including the body's president. In addition, 28 percent of ministers, 20 percent of vice ministers, 54 percent of permanent secretaries, and 41 percent of provincial governors were women in 2015. Women also play a significant role in the justice system, accounting for 30.5 percent of judges and 44 percent of assistant prosecutors. Attorney General Beatriz Buchili is the first woman to occupy her position.

Since 2012, human trafficking has been on the rise. Children are exploited for labor in agriculture, mining, and other sectors, while women and girls from rural areas are drawn into sex trafficking and domestic servitude. In November 2015, government institutions and civil society came together to establish a working group to actively fight against human trafficking, though the number of prosecutions and convictions reportedly fell compared with 2014.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

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