

Mozambique - Human Rights

Scorecard ¹

Mozambique, officially known as the Republic of Mozambique, is a country of Southeast Africa sharing a long coastline with the Indian Ocean to the east. The capital and largest city is Maputo. The majority of its population belongs to a variety of indigenous tribal groups, the largest minority being people of “mixed race,” accompanied by a smaller portion of Portuguese Mozambicans and people of Indian descent. After over four centuries of Portuguese sovereignty, it gained its independence in 1975 as the People’s Republic of Mozambique. After two short years of independence, it collapsed into a protracted civil war which lasted around 15 years. 1994 marked Mozambique’s first multiparty election, and it has remained a relatively stable presidential republic. Nonetheless, since 2013 there has been a renewed insurgency instigated by RENAMO. Mozambique remains one of the poorest and most underdeveloped countries in the world.

Official language: Portuguese

Ethnic groups: 99.6% African; 2.5% Indian, small European minority

Government: Unitary semi-presidential republic

- President: Filipe Nyusi

- Prime Minister: Carlos Agostinho do Rosario

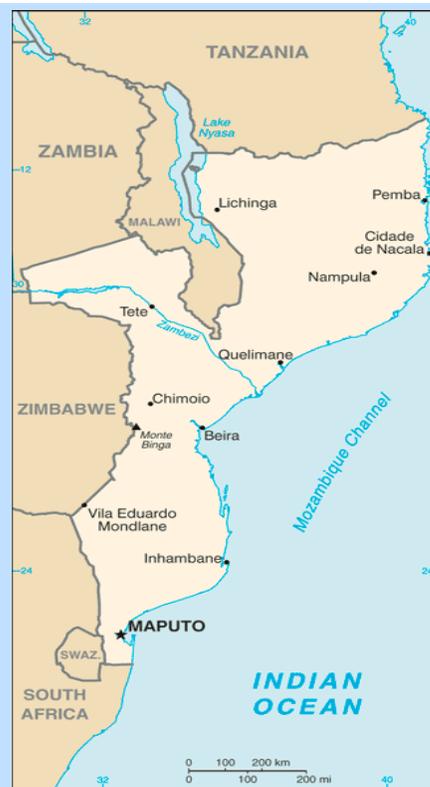
Death penalty: abolished

Population: 25.83 million

Life expectancy: 55.1 years

Under-5 mortality: 79 per 1000

Adult literacy: 56.1 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.416 –Low Human Development³

According to the UNDP, Mozambicans enjoyed a gross national income per capita of \$1,123 and could expect to have on average 9.3 years of schooling. This is among the lowest in the world, but is similar to other countries with a comparable gross national income per capita.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected⁴

There have been several reports that the government or its security agents commit arbitrary or unlawful killings. Most reports concerned police officers shooting unarmed civilians due to their political agendas.

Freedom from disappearance



Respected⁵

There are no reports of politically motivated disappearances in Mozambique.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁶

Although the law and constitution condemn such practices, local human rights organizations and the media have reported the use of torture and other forms of cruel or degrading physical abuse in police stations as well as unsanitary and potentially life-threatening conditions in prisons.

Freedom from arbitrary arrest or detention



Respected⁷

The constitution and the law prohibit arbitrary arrest and detention, and the government has overall respected these prohibitions.

Freedom from denial of fair public trial



Partially respected⁸

The law and constitution officially provide for an independent judiciary. Nonetheless, some civil society groups believe that the executive branch and the ruling FRELIMO coalition directly influence the agenda of the judiciary.

Freedom from arbitrary interference with privacy, family, home or correspondence



Disrespected⁹

Mozambican law and constitution proscribe such measures. However, there are reports concerning the failure of the government to observe the privacy of personal communications, and the use of warrants is not always respected, particularly in regards to political activity.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 30.25, Rank: 87 / 180 – Highly controlled, limited or intimidated¹¹

The media is impaired by a lack of resources and training, as well as extensive self-censorship. Journalists are often the subjects of intimidation campaigns & lawsuits led by government officials. A notable editor and law professor were both murdered for expressing their views in the media.

Freedom from academic censorship



Partially respected¹²

There are no official government restrictions on academic or cultural events. Nevertheless, certain academics have admitted to self-censorship, particularly after the murder of the law professor Gilles Cistac and editor Nuno Castel-Branco.

Freedom of peaceful assembly and association



Partially respected¹³

The law and the constitution stipulate freedom of assembly and respect the freedom of association. However, the peaceful protest in response to the assassination of Gilles Cistac was blocked by riot police; while the sole LGBTI association still waits for registration approval since 2008.

Freedom of religion



Respected¹⁴

The constitution guarantees the right to practice or not to practice religion freely, and forbids discrimination based on religion. Faith-based political parties are proscribed, as it is a secular state.

Freedom of movement



Respected¹⁵

Freedom of internal movement, foreign travel, emigration and repatriation are generally respected.

Protection of refugees and stateless persons



Partially respected¹⁶

The Mozambican government cooperates generally with UNHCR and other humanitarian organizations in ensuring protection and assistance to refugees, asylum seekers, etc. However, there have been reports of officers harassing refugees as they were travelling outside of their camp.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



4 / 7 –Partly free¹⁹

Mozambique seems to be on track for a downward trend in civil liberties due to an escalation of political tensions and violence, including the abuse of civilian populations by security forces, resulting in the fleeing of thousands to Malawi.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



4 / 7 – Partly free²¹

In Mozambique, citizens are able to choose their government in free and fair elections based on universal and equal suffrage. However, recent elections were tainted by open disputes between the RENAMO and FRELIMO parties, the latter having initially rejected the election turnout.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 27%, Rank: 142 / 175 –Highly corrupt²³

The government has generally struggled to apply the law which bestows criminal penalties for corruption in officials, leading to widespread corruption and police extortion. Crime victims often decline to seek police assistance due to mistrust.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

Domestic and international human rights groups have largely operated without government restriction and have been allowed to investigate and publish their conclusions. Mozambique has a national Commission on Human Rights which works through referral to the judiciary.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



Listed- Arbitrary civilians at risk²⁶

According to Minorities Rights Group International, the outcomes of the 2014 elections led to social violence which escalated to an armed conflict in 2016. As a result, certain minorities in Mozambique risk being targets of sectarian violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 73%, Rank: 26 / 142 – Somewhat unequal rights²⁸

The law criminalizes rape, although spousal rape and domestic violence are still rife due to ineffective enforcement. Rape is often unreported or settled informally. Although men and women are officially equal before the law, women are not guaranteed equal pay for equal work.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 53%, Rank: 139/ 165 –Highly vulnerable³⁰

Many families cannot afford the completion of primary school education. Sexual abuse in schools and at home, exploitation and child prostitution remain a problem. Nearly 50% of women aged 20-24 reported being married before the legal age of 18.

Rights of persons with disabilities



Largely disrespected³¹

Discrimination against persons with disabilities is prohibited by the law, although it fails to differentiate between physical and cognitive disabilities. There is also a lack of accommodation and several reports of discrimination in employment, education and access to health care.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected³²

There are no current reports of governmental, societal violence or discrimination against members of national, racial or ethnic minorities.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{33 34}

Labour laws protect LGBT rights, and prohibit discrimination based on sexual orientation or gender identity, but broader protections are lacking. The government has stalled in approving LGBT associations' requests to register legally and be recognized.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Largely disrespected³⁵

The law sets forth the required approval of the government to establish a union. Strikes are mostly prohibited, and several public service jobs may not unionize. Union activities in workplaces is also limited.

Freedom from forced or compulsory labour



Largely disrespected³⁶

Mozambican law forbids any form of forced or compulsory labour. The government still struggles to enforce these laws effectively. Women also continue to be lured to the cities and induced into domestic labour and sex trafficking.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³⁷

The minimum working age without restriction is 18, while children between 12 and 14 can work under special conditions. Although the Ministry of Labour manages the implementation of child labour laws in the public sector, the agency lacks the mean to properly enforce the law.

Right to acceptable conditions of work



Respected³⁸

Mozambique has a minimum wage and regulations governing overtime work. Foreign workers are protected under the law. Health and safety laws are set up to protect employees in the formal sector.

Right to employment



8.4% - High unemployment³⁹

The unemployment rate in Mozambique is set at just above the threshold for "reasonable unemployment", and promises to stay at a constant level.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Feb. 20, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Mozambique" UNDP, based on 2014 or the most recent year available. Accessed Feb. 20, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2015 Mozambique" U.S Department of State. January 1, 2013. Accessed February 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed February 20, 2017. <http://rsf.org/index2014/en-index2014.php>.

¹² "Country Reports on Human Rights Practices for 2015 Mozambique." U.S Department of State. January 1, 2013. February 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Mozambique." World Report 2014: Mozambique. January 1, 2014. Accessed February 20, 2017. <https://www.hrw.org/world-report/2017/country-chapters/mozambique>

¹⁴ "Mozambique." International Religious Freedom Report for 2013. January 1, 2013. Accessed February 20, 2017 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Mozambique." World Report 2016: Mozambique. February 20, 2017. Accessed February 20, 2017. <https://www.hrw.org/world-report/2017/country-chapters/mozambique>

¹⁶ "Mozambique." World Report 2016: Mozambique. February 20, 2017. Accessed February 20, 2017. <https://www.hrw.org/world-report/2017/country-chapters/mozambique>

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Mozambique." Freedom in the World 2017: Mozambique. Accessed February 20, 2017. <https://freedomhouse.org/report/freedom-world/2017/mozambique>

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. February 20, 2017. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ "Mozambique." Freedom in the World 2017: Mozambique. February 20, 2017. <https://freedomhouse.org/report/freedom-world/2017/mozambique>

²² Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Mozambique." Corruption by Country 2016. Accessed February 20, 2017. <http://www.transparency.org/country/MOZ>

²⁴ "Country Reports on Human Rights Practices for Mozambique 2015." U.S Department of State. Accessed February 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. February 20, 2017. <http://peoplesunderthreat.org/>.

²⁶ "Mozambique." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed February 20, 2017. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Mozambique." World Economic Forum. January 1, 2014. Accessed February 20, 2017 <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries

according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed February 20, 2017. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2015 Mozambique" U.S Department of State. January 1, 2013. Accessed February 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed February 20, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2015 Mozambique." U.S Department of State. Accessed February 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed December 7, 2014. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.