



REDE MOCAMBICANA DOS  
DEFENSORES DE DIREITOS HUMANOS

**RMDDH**

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# Report on the Situation of Human Rights Defenders in Mozambique-July 2021

## 1. Introduction

This report addresses the situation of Human Rights Defenders in Mozambique for the month of July 2021.

In essence, the report provides an x-ray of the situation of human rights defenders in Mozambique and the behavior of state and non-state actors vis-à-vis these defenders. There is a need to define the concept of human rights defenders. For the purpose of this report, the concept of human rights defenders is limited to the United Nations concept. Thus, human rights defenders are understood as all individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. This group includes institutions and individuals who promote, protect, and defend human rights.<sup>1</sup>

In methodological terms, the report was based on cross-referencing existing bibliographic data, in this case the relevant legislation as well as the existing national

and international news archive, and results from monitoring activities by defenders spread throughout the country. This report has encountered limitations of an informational nature since there is no database of either the government or other legal entities that aggregate information related to human rights violations in Mozambique, especially human rights defenders.

All things considered, in July, the situation of human rights defenders in Mozambique was characterized by deliberate attacks, with greater emphasis, on civil rights in relation to journalists.

With the COVID-19 pandemic, the work of human rights defenders was made much more difficult, both because of the brutal violence of the Defense and Security Forces against citizens, and because of the limitations that the pandemic itself imposed on defenders (social distancing and the fast spread of the disease).

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<sup>2</sup> Articles 1, 5, and 6 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Human Rights Defenders), adopted by United Nations General Assembly resolution 53/144 of December 9, 1998, available at <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declarationPortuguese.pdf> accessed August 1, 2021

## 2. Violations of the Rights of Human Rights Defenders

In this section we present the outstanding cases of attacks against human rights defenders.

### **a) *a) Peaceful demonstration against the violation of inmates at the Special Female Correctional Facility of Ndlavela (Maputo Province)***

On July 15, 2021, civil society activists marched against the sexual exploitation that occurred in the Female Special Prison of Ndlavela. The case was reported in mid-June 2021, stating that prison guards forced female inmates of the Ndlavela prison, in Maputo province, to prostitute themselves. The inmates were taken from their cells at night and delivered to their clients who exploited them sexually in exchange for money, much of which went into the pockets of the promoters of such practices.

This demonstration led by civil society activists is a fulfilment of a human right, which is the freedom of demonstration and assembly, provided in Article 51 of the Constitution of the Republic of Mozambique (CRM) and Article 20/1 of the Universal Declaration of Human Rights (UDHR).

This is what Article 78.2 of the CRM states, when it provides that civil society organizations contribute to the realization of the rights and freedoms of citizens, as well as to raise individual and collective awareness in the fulfillment of civic duties.

### **b) *Assault of journalists in Nampula and obstruction of journalistic activities in Pemba by SISE and SERNIC***

On July 27, 2021, the Mozambican Network of Human Rights Defenders (RMD-DH) became aware, through a statement issued by the National Forum of Community Radios (FORCOM), of physical and verbal attacks committed by three agents of the Municipal Police against two journa-

lists of the Community Radio of Catandica, District of Báruè, Manica Province, on July 23, 2021, in the full exercise of their constitutionally guaranteed activities.

According to the statement, the act occurred when the journalists were reporting on the complaint of vendors regarding an alleged mixed operation involving the Municipal Police of Catandica Village and some vendors for the payment of new municipal taxes. In this context, it is reported that those police officers seized the work material of these journalists, namely a tape recorder and a cell phone.

This was not the first time that Municipal Police officers were involved in acts of aggression against the democratic rule of law, especially by depriving the press of their work. For example, in June of this year, the Municipal Police in Nampula was also involved in the arrest and mistreatment of local journalists.

In late July 2021, the State Information and Security Services (SISE) and the National Criminal Investigation Service (SERNIC) prevented journalists from conducting interviews with newly arrived IDPs at Paquitequete beach in Pemba City, Cabo Delgado Province. Police officers also seized the working material of journalists in Cabo Delgado.

This action of the police is a serious violation of the freedom of press of journalists, guaranteed and protected by the CRM, in its article 48, and by the UDHR, in article 19.

Freedom of the press presupposes that journalists must act freely to gather information and disseminate it within the legally permitted and not prohibited mechanisms for public consumption, and thus raise the civic awareness of citizens.

Now, when there are situations of constant and repeated attacks on journalists, who are the channel and source of information, this fundamental guarantee of informing the Mozambican people is muzzled, and,

consequently, the quality of democracy that we want to build is undermined. The police, as the guardian of legality and of the fundamental rights and freedoms of

citizens (Article 248/CRM), should not violate their essential duties and to act in such a way as to set back the state's efforts to consolidate democracy.

## Conclusion

This report has addressed the situation of human rights defenders in Mozambique in the month of July 2021.

We have mapped the legal situation of human rights defenders in relation to the actions of the State, which has the constitutional mission to promote, protect and defend human rights in relation to these rights, and thus made a brief description of such relevant facts that were also included in the current legislation.

It becomes crucial to delimit the concept of human rights defender from the perspective of International Law, especially derived from the international instrument of the United Nations.

Thus, in accordance with the provisions of articles 1 and following of the International Statute of Human Rights Defenders, approved by Resolution 53/144 of the General Assembly of the United Nations, of December 9, 1998, a Human Rights Defender is defined as natural and legal persons, who aim to make known, seek, obtain, receive and hold information on all human rights and

fundamental freedoms, in particular through access to information on how the internal legislative, judicial or administrative systems make these rights and freedoms effective; to publish, communicate or freely disseminate to third parties opinions, information and knowledge on all human rights and fundamental freedoms; to study and debate the question whether or not all human rights and fundamental freedoms are respected, both in law and in practice, to form and defend opinions in this respect, and, through these and other appropriate means, to bring these matters to public attention.

With all things considered, in July, the situation of human rights defenders in Mozambique was characterized by deliberate attacks, with a greater emphasis on civil rights in relation to journalists.

In this sense, the RMDDH will continue to monitor the situation of human rights defenders in Mozambique and will initiate actions in order to defend the defenders and to hold the State and all violators of human rights accountable.



Rua de Dar-Es-Salaam N° 279, Bairro da Sommerschild, Maputo - Moçambique

+258 21 418 336

[www.cddmoz.org](http://www.cddmoz.org)

[info@redemoz-defensoresdireitoshumanos.org](mailto:info@redemoz-defensoresdireitoshumanos.org)

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