

IPI MISSION REPORT



PRESS FREEDOM IN
MOZAMBIQUE

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ABOUT THIS REPORT

This report reflects findings from a press freedom mission to Mozambique conducted by the International Press Institute (IPI) in August 2022. During this mission, a high-level IPI delegation led by IPI Executive Board Chair Khadija Patel met with a range of stakeholders, including government, media, journalists, diplomats, and civil society, to assess the challenges faced by the media and to support independent journalism in the country. This report contains the key findings, main issues, and recommendations for improving media freedom and pluralism in Mozambique.

The mission was carried out as part of IPI's Africa programme, which aims to defend press freedom and the safety of journalists in Africa. IPI's Africa programme is supported by the Government of Canada's Office of Human Rights, Freedoms and Inclusion (OHRFI).

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ABOUT IPI

Founded in 1950, the International Press Institute (IPI) is a global network of editors, media executives and leading journalists who share a common dedication to quality, independent journalism. Together, IPI promotes the conditions that allow journalism to fulfill its public function, the most important of which is the media's ability to operate free from interference and without fear of retaliation. IPI's mission is to defend media freedom and the free flow of news wherever they are threatened.



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INDEPENDENT MEDIA, DEMOCRACY UNDER PRESSURE IN MOZAMBIQUE

Swift action is needed to safeguard press freedom and expand the space for independent journalism as crucial pillars of the country's young democracy

Independent journalism in Mozambique is facing considerable legal, political, and economic pressures as the country's hard-fought democratic gains of the past three decades come under increasing strain.

This pressure on journalism was among the top-line findings of IPI's four-day mission to Mozambique in August 2022. The purpose of this mission was to learn more about the country's media environment and the challenges that journalists in Mozambique face in being able to do their work freely, independently, and safely. During our visit, the IPI delegation engaged in a substantive dialogue with a range of stakeholders that included journalists, civil society, government, political parties, and members of the diplomatic community.

At the conclusion of our mission, IPI remains concerned about the steady erosion of the already fragile environment for press freedom and the shrinking space for independent journalism in the country. We echo concerns voiced by numerous civil society groups and journalists over the decline in press freedom and the worsening climate for independent journalism since President Nyusi took office in 2015.¹ In our assessment, swift action is needed in order to bolster protections for press freedom and to reinforce support for key democratic institutions in Mozambique.

A key concern is the uncertain and unclear legal and regulatory environment under which the country's media operate. Despite legal guarantees for press freedom, implementation of these guarantees is weak and the press in Mozambique is instead subject to strong informal government controls and political interference. Access to information is limited and independent reporting on a range of important issues of public interest, including on topics related to corruption and the conflict in Cabo Delgado in the northern part of the country, is restricted.

Mozambique is currently considering two draft media laws that are intended to update the 1991 Press Law - a goal that is broadly shared in principle by numerous stakeholders. However, the draft media laws in their current form would be a major setback for press freedom and require significant revision in a number of areas in order to bring these proposals into alignment with democratic standards and obligations.

As this report goes to publication, the draft media laws are currently on the agenda for consideration by lawmakers in this parliamentary session. We reiterate our call on the government to fully address feedback from domestic and international stakeholders - including the recommendations contained in this report - in order to ensure the legislation aligns with domestic and international press freedom commitments and principles.² Of paramount importance is the need to ensure there are strong legal safeguards for ensuring the independence of media regulation in Mozambique.

¹ 2021: a bad year for freedom of expression in Mozambique amid human rights crisis in Cabo Delgado - CIVICUS

² Mozambique: Urgent action needed to safeguard press freedom and democracy, International Press Institute, August 2022.

We are also deeply concerned by escalating physical attacks and verbal harassment and threats against journalists, together with a pattern of impunity for these crimes. This includes the disappearance of journalist Ibrahim Mbaruco in Cabo Delgado in April 2020, as well as recent attacks on journalists and media outlets in other parts of the country, including in Maputo. These concerns are especially salient as Mozambique heads into a general election in October 2023, which journalists must be free to cover without fear of threats, retaliation, or physical harm.

IPI raised key cases of attacks against journalists and the issue of impunity with government stakeholders during the visit, including the country's deputy attorney general, urging swift action. We renew our call on the country's authorities to expedite investigations into attacks on journalists and media outlets in all parts of the country to prevent impunity and comply with international norms on the safety of journalists. This includes taking concrete steps to improve accountability for all reported cases of violence and intimidation of journalists and civil society.

We note the wider political context in which there is concern over an increasing concentration and centralization of power on the part of the Nyusi government, which observers and critics say has steadily expanded control over key state institutions and security agencies as well as the media. Media and civil society representatives described an environment of increasing government control of key public bodies and an overall weakening of critical democratic institutions, which has contributed to an erosion of protections for journalists and remedies for attacks on press freedom.

This comes as Mozambique wrestles with a number of complex challenges, including managing the ongoing conflict in Cabo Delgado and the recovery from recent cyclones in 2019. While we fully recognize the complexity of these challenges, including national security concerns, meeting them requires a robust, pluralistic, and free media.

We welcome commitments made by some government officials with whom we spoke to receive input from our delegation on ways to strengthen press freedom and the safety of journalists in Mozambique. Establishing and maintaining environments that enable a free and independent media to flourish is a challenge many countries around the world today face. We therefore urge the government to work in close consultation with domestic and international stakeholders to strengthen the legal and operational environment for press freedom and independent journalism in Mozambique. The IPI global network stands ready to participate in this process.

KEY BACKGROUND: WAR, CRISES, AND GOVERNMENT CAPTURE OVER DEMOCRATIC INSTITUTIONS

Mozambique has a long history of colonial rule under the Portuguese, followed by decades of war and conflict in its post-independence era. The country became independent in 1975 after a 10-year guerilla war led by the Marxist group Frelimo (Front for the Liberation of Mozambique). After coming into power, Frelimo pursued a strict Marxist program of nationalization and agricultural collectivization.³

Just two years after gaining independence, a civil war broke out between Frelimo and anti-communist insurgent forces of Renamo (Mozambican National Resistance). The civil war lasted from 1977 to 1992, ending with the Rome General Peace Accords, which introduced a multiparty political system and market liberalization.

After winning a majority of seats in the first democratic election in 1994, Frelimo has maintained a parliamentary majority in every election since. The country's political landscape since the early 1990s has been characterized by a struggle between Frelimo and Renamo.⁴ In 2009, a new party, the Democratic Movement of Mozambique (MDM) was founded after breaking with Renamo. MDM positions itself as an alternative to the main opposition parties but has struggled to gain widespread electoral support.

Hence, while formally a multiparty democracy, Mozambique is a *de facto* one-party state, with Frelimo controlling parliament and key democratic institutions. The party also exerts a strong influence over the media landscape.

RESOURCE CURSE AND ARMED CONFLICT IN CABO DELGADO

Mozambique faces significant economic challenges. Catastrophic floods in 2000 and two cyclones in 2019 have further undermined economic growth and development.⁵

The discovery of some of the world's largest deposits of natural gas off the coast of Cabo Delgado in the northern part of the country in 2010 brought hopes of transforming the country's economic future. While initially drawing a massive influx of foreign investment, this investment has since declined due to political instability and conflict. Many in the region blame poor governance over the allocation of these natural gas resources for helping fuel the growth of an insurgency among Islamist groups in the region, which led to an outbreak of armed conflict in Cabo Delgado in 2017.⁶

³ For a more comprehensive summary of the political history of Mozambique see: *Media Law Handbook for Southern Africa*, Volume 2, Konrad-Adenauer-Stiftung (KAS), 2022, p. 69.

⁴ <https://www.cfr.org/blog/disputed-elections-reignite-old-problems-mozambique>

⁵ *Media Law Handbook for Southern Africa*, Volume 2, Konrad-Adenauer-Stiftung (KAS), 2022, p. 69

⁶ Violent extremism in Mozambique: drivers and links to transnational organised crime - ISS Africa

The conflict in Cabo Delgado has been extremely violent, displacing an estimated 1 million people from their homes over the past five years and plunging the region into a humanitarian crisis.⁷ There have been widespread reports of human rights abuses and atrocities perpetrated by both government and insurgent forces, although information about this conflict is limited due to the government's strict control over access to the region by journalists and international observers.

Read more in **Section 3** Restrictions on reporting on Cabo Delgado.

⁷ "What I saw is death": War crimes in Mozambique's forgotten cape - Amnesty International; <https://www.unhcr.org/news/briefing/2022/10/633be4474/nearly-1-million-people-fled-five-years-northern-mozambique-violence.html>;

KEY FINDINGS

The following are the main findings from IPI's discussions with a range of stakeholders, including government, media, journalists, diplomats, and civil society to assess the challenges faced by the media and to support independent journalism in the country.

1. UNCERTAIN LEGAL AND REGULATORY ENVIRONMENT

Journalists in Mozambique operate in an environment of legal and regulatory uncertainty, with strong government influence and control over the media landscape and the work of the press. While the country's constitution,⁸ 1991 Press Law,⁹ and 2014 freedom of information law¹⁰ establish formal press freedom and access to information guarantees, the implementation of these laws is weak or non-existent. For instance, the passage of the freedom of information act in 2014 has not ensured greater access to public information: Public officials do not observe this law and there are no sanctions or repercussions for refusing to provide information that they are legally required to disclose by law.¹¹

In practice the country's media are subject to strong informal controls by the country's ruling party, Frelimo, which exerts power over the media through different bodies and mechanisms and in a number of areas not clearly established in law. Therefore, despite formal legal press freedom guarantees, journalists are in practice not free to cover certain topics without risk of retaliation, particularly related to reporting on the conflict in the Cabo Delgado province in the north. Other "red-line" topics include corruption, organized crime, security issues, and poaching in certain areas in Mozambique. There was also a clampdown on journalists leading up to the presidential and provincial elections in October 2019.

Media laws and regulatory reform

In addition to weak implementation of existing laws protecting press freedom, the media are further constrained by an uncertain and unclear legal and regulatory framework. Recent draft media legislation threatens to further cement government control over the media rather than promote media freedom and independence.

Multiple stakeholders raised serious concerns over ongoing efforts by the government to overhaul the country's media laws, even amid broad consensus by many in the media community about the need to modernize the 1991 Press Law. The government in 2020 put forward two draft laws that propose sweeping changes to the country's media regulation system. Advocates and experts warn these draft laws could formally entrench the government's control over the media and further erode press freedom.

⁸ https://cdn.accf-francophonie.org/2019/03/mozambique_const-en.pdf

⁹ Lei n° 18/91 de 10 de Agosto, available in Portuguese at: <https://www.cmaputo.gov.mz/por/Legislacao/Lei-delmprensa>

¹⁰ https://www.rti-rating.org/wp-content/uploads/2018/09/Mozambique.RTI_.Dec2014.English.pdf

¹¹ <https://cipmoz.org/wp-content/uploads/2020/11/Governance.pdf>

The draft Media Law (*Lei da Comunicação Social*) would replace the 1991 Press Law, with new rules to regulate print media.¹² The Law on Broadcasting (*Lei da Radiodifusão*) would set out new rules for radio and television.¹³ Initial drafts were developed in the absence of meaningful consultation with domestic and international experts, and were widely rejected by these stakeholders due to numerous provisions that attempt to codify into law some of the most problematic informal government controls over the media.

Among the most notable concerns are the proposal to establish a new media regulator with weak or unclear safeguards for its independence; the introduction of a restrictive registration regime for journalists; and new restrictions on the operations of foreign media in Mozambique. These points are elaborated in more detail below.

Independence of media regulatory body

Any public authority that regulates the media must have robust protections for its independence, including the processes and procedures for nominating the body's members. The necessity for media regulatory bodies to be fully independent of political and commercial interference is anchored in numerous international and regional human rights instruments and standards.

For instance, the Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission in 2002, states:

“Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.”¹⁴

In our assessment, the proposed measures in the draft Media Law calling for the establishment of a new media regulator lack sufficient guarantees of its independence, which would leave this body at risk of government capture. This contravenes international human rights principles and key provisions in the Mozambican constitution establishing an independent body in the area of media regulation.

At present, there is a lack of legal clarity about what body in Mozambique formally regulates the media. The Superior Council of Social Communication (CSCS), which is established by Article 50 of the Constitution, performs a more advisory role. In practice, much of the media regulatory functions are handled by the government's information office, known as GABINFO, which is an arm of the executive branch operating under the office of the prime minister.¹⁵

¹² *Social Communication Law (Lei da Comunicação Social)*, draft is available in Portuguese at: https://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Proposta_de_Lei_da_Comunicac%CC%A7ao_Social.pdf

¹³ *Law on Broadcasting (Lei da Radiodifusão)*, draft is available in Portuguese at: <https://www.misa.org.mz/index.php/publicacoes/proposta-de-lei-deradiodifusao>.

¹⁴ *Declaration of Principles on Freedom of Expression in Africa*, Adopted by the African Commission at its 32nd Session, 17-23 October 2002, Principle VII(1).

¹⁵ See GABINFO: https://www.gabinfo.gov.mz/?page_id=691; see more about GABINFO, Limpitlaw, Justine. *Media Law Handbook for Southern Africa*, Volume 2, Konrad-Adenauer-Stiftung (KAS), 2022, p. 124, <https://www.kas.de/documents/285576/285625/MLHSA+2021+Volume+2+-+EBOOK.pdf>.

Newspapers and other publications are required to register with this office before they can publish. Broadcasters are also required to register with GABINFO before they can start broadcasting. This office also handles the accreditation of both domestic and foreign journalists, which is required in order to practice journalism in Mozambique.

Our delegation heard from numerous stakeholders who expressed concerns over the ill-defined and yet expansive powers that GABINFO exercises over the media, particularly through this office's handling of accreditation of journalists (see more on this under Section 1.2 Licensing and registration below).

We raised these concerns, as well as concerns about the draft media law, with representatives of GABINFO, including with GABINFO director Emília Moiane. That office downplayed their role in regulation of media and said they operate fully independent of the ruling party. With regard to the draft media law, GABINFO said that it did not believe that there were provisions in the new law that would limit journalists and suggested that criticisms of the draft law were based on "misperceptions".

The IPI delegation also raised its concerns about the draft media law and the current regulatory environment with Justice Minister Helena Mateus Kida. The justice minister said the government was committed to passing a law that was compatible with the constitution and that respected press freedom. She emphasized a willingness to consider improvements to the law and to receive proposals and recommendations from various stakeholders.

Analyses by domestic and international experts have clearly shown that the draft media legislation is in need of revision to meet press freedom standards. Therefore, IPI welcomes the government's stated willingness to introduce changes. In our assessment, provisions of the draft legislation calling for the creation of a new regulatory body require significant revision in order to establish necessary safeguards against political inference and to avoid conflicts with existing domestic and international human rights law and standards. At the same time, we also remain concerned by the overlapping and unclear regulatory bodies and mandates, including by GABINFO's strong informal control over the media.

The draft media legislation should be revised in line with international standards on freedom of expression and in full consultation with domestic and international stakeholders. Informal regulatory controls on the media that are not provided in law should be removed. Priority should be given to a self-regulatory system based on codes of conduct developed in consultation with stakeholders.

Licensing and registration

The draft legislation also calls for the establishment of a formal licensing regime for journalists, including for online media, as well as mandatory registration requirements for all media. Article 18 of the draft Media Law requires anyone practicing journalism in Mozambique to obtain a professional license - a certification that would ultimately be approved by the government.¹⁶

¹⁶ *Social Communication Law (Lei da Comunicação Social)*, draft is available in Portuguese at: https://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Proposta_de_Lei_da_Comunicac%CC%A7ao_Social.pdf

The licensing of journalists is a disproportionate interference of freedom of expression and freedom of the press.¹⁷ Under international standards states do not have the right to define who is a journalist and who may practice journalism.

In the case of Mozambique, the introduction of new licensing requirements for journalists would codify into law an already onerous system of press accreditation - currently handled by GABINFO - that many journalists and civil society stakeholders say is a powerful tool to censor and control the press.

In 2018, the government attempted to implement a similarly restrictive system of licensing of local and foreign journalists, which included very high accreditation fees for the media.¹⁸ The Constitutional Court declared this decree unconstitutional in May 2020 following petitions by multiple press freedom and legal organizations.¹⁹

However, through the accreditation system, GABINFO has continued to exercise significant power over the media, and for punishing, rewarding, or otherwise controlling the work of the press. For example, in 2021 GABINFO revoked the accreditation of British journalist Tom Bowker, editor of Zitamar news, a newsletter that covers politics, economics, and the extractives industry in Mozambique.²⁰ Bowker had been covering the extractive industry in Cabo Delgado, where some of the world's largest reserves of natural gas were discovered in 2010.

After GABINFO revoked Bowker's accreditation - which served as the basis for his visa - he was expelled from Mozambique by immigration authorities, who then also banned him from the country for 10 years.²¹ Bowker strongly believes that his reporting on Cabo Delgado was a major factor in the decision to revoke his accreditation and expel him from the country. IPI raised Bowker's case with GABINFO, which said the case was "in the past" and declined to comment further.

In our assessment, proposed measures in the draft media laws calling for a more formal licensing regime would give the government even greater control over the media, with powers to determine who can practice journalism in the country.

Licensing and registration requirements for journalists should be immediately dropped from the draft Media Law. Journalists must be able to work freely and independently without requiring permission or approval from the government, in accordance with international freedom of expression principles and norms.

¹⁷ International standards: Regulation of media workers - ARTICLE 19

¹⁸ In Mozambique, new licensing fees have raised the cost of doing journalism — and may threaten media freedom · Global Voices

¹⁹ Mozambique revokes decree that imposed exorbitant fees on journalist accreditation · Global Voices; Moçambique: Jornalistas "condicionados" pelo executivo de Filipe Nyusi na cobertura das eleições autárquicas de outubro | e-Global

²⁰ British journalist Tom Bowker was expelled from Mozambique today

²¹ <https://twitter.com/TomBowk/status/1361665990317256704>.

Restrictions on foreign media

The draft Media Law also puts undue restrictions on the operations of foreign media in Mozambique, with measures that limit foreign media ownership and that cap the number of correspondents permitted in the country to two for each foreign outlet.²²

It stipulates that only Mozambican institutions and resident citizens are permitted to own media outlets and limits the amount of foreign capital in any Mozambican media outlets to 20 percent.²³ While certain limits on foreign capital are not uncommon in the broadcasting sector, the restrictions foreseen in Mozambique's draft law are unnecessary and disproportionate particularly with regard to print and online media.

If passed, these provisions would have a significant impact on foreign media companies with a stronger presence in Mozambique - Deutsche Welle, for example, has up to 15 correspondents covering the country.

Speaking to IPI during the mission, GABINFO defended the draft provisions on foreign journalists and said that news organizations that wanted to have more than two correspondents should set up a media outlet in Mozambique instead. In IPI's assessment, these measures would severely restrict foreign reporting particularly in areas outside the capital of Maputo and would deprive both domestic and foreign audiences of critical, independent news and information.

In addition to posing an unacceptable and disproportionate restriction on media freedom and pluralism, limiting the number of foreign correspondents is indicative of the government's ongoing effort to assert control over the entire media landscape (including over foreign news outlets, by either limiting their ability to operate or subjecting them more closely to the country's onerous regulation — and in particular with regard to coverage of the conflict in the north.

Restrictions on foreign ownership and on the number of foreign correspondents per media outlet should be immediately dropped from the draft legislation in order to ensure these laws do not pose a disproportionate interference of the press and threaten media pluralism and diversity.

²² Article 23(1) provides that foreign media correspondents must register with the media regulator before they start work, in accordance with regulations adopted by the regulator. Article 23(2) goes on to indicate that only two professionals may be registered by a foreign media outlet.

²³ Article 24(4) allows only Mozambican institutions and resident citizens to own media outlets; Article 24(5) sets limits on the amount of foreign capital in media outlets to 20 percent.

2. ADDITIONAL LAWS RESTRICTING FREEDOM OF THE PRESS AND ACCESS TO INFORMATION

Despite the existence of laws guaranteeing freedom of the press and access to information, a number of additional laws or legal provisions limit or undermine the exercise of these rights in practice.

Criminal defamation: Mozambique's Criminal Code includes provisions prohibiting defamation, slander, and libel of heads of state, members of the government, judges on the Supreme Court, and members of the Constitutional Council, as well as against deputies, magistrates, presidents, and secretary-generals of political parties.²⁴ These crimes can carry a penalty of one to two years in prison.

Criminal defamation laws have a disproportionate chilling effect on freedom of expression, especially with punishments that include imprisonment. African courts on multiple occasions have ruled that criminal penalties for defamation violate freedom of expression guarantees in international human rights law and in the African Charter on Human and Peoples' Rights.²⁵

Anti-terrorism measures: In addition, lawmakers in May 2022 passed controversial anti-terrorism measures that can be used to restrict critical journalism and significantly limits reporting on the conflict in the north.²⁶ The measures amended Mozambique's 2018 anti-terror law to include overly broad clauses that punishes with prison terms anyone who publicly reproduces false statements relating to terrorist acts. It specifies prison terms of between 12 and 16 years for anyone who publishes "classified information" about terrorism.²⁷

After pushback by civil society, lawmakers later revised some of the more problematic proposed measures.²⁸ But according to domestic groups, the law still contains overly broad and unclear provisions that can have a chilling effect on reporting about national security topics, including the conflict in Cabo Delgado.

In democracies, journalists must be free to report and investigate stories of public interest without fear of criminal punishment. Any limits to these rights must be narrowly defined, clearly prescribed by law, and be necessary and proportionate.

IPI strongly recommends repealing criminal defamation provisions and leaving defamation as a civil matter, in accordance with international standards. Mozambique should also repeal criminal provisions prohibiting the publication of false statements relating to terrorism due to the risk that these provisions can create a chilling effect and may be abused to restrict public-interest media reporting.

²⁴ Law 19/91 of 18 August 1991, *The Law on Crimes against the Security of the State*

²⁵ Lohé Issa Konaté v. Burkina Faso (2014); Agnes Uwimana-Nkusi and Saiditi Mukakibibi v. Rwanda (2019); National Media Ltd v Bogoshi; Joint Law Report 2020 - African Court on Human and Peoples' Rights

²⁶ Mozambique Approves Tough Anti-terror Bill

²⁷ Proposta de Lei "Anti-Terrorismo" restringe Liberdades de Expressão e de Imprensa em Moçambique

²⁸ Comunicado: Assembléia Da República reformula artigos problemáticos da Lei "Anti-Terrorismo" em Moçambique

3. RESTRICTIONS ON REPORTING ON CABO DELGADO

Since the outbreak of the war in Cabo Delgado in 2017, the government in Mozambique has tightly controlled access to the region, amid escalating violence and instability. This has sparked widespread concerns by international experts who say these restrictions are impeding the public's ability to understand events on the ground as well as the delivery of critical aid and other assistance to the nearly 1 million people who have been displaced by the violence.²⁹

Our delegation heard from journalists and editors who said that reporting from the region is extremely challenging, often impossible. Reporters must obtain permission from multiple authorities, including the region's governor and the local police, who tend to grant permission to journalists working for state media. Travel within the region is extremely difficult and dangerous, and journalists are afforded no additional protections or support. In addition, local authorities are known to prohibit coverage of certain stories, and those journalists who do cover that topic risk retaliation and harassment by local police or having their permission to report in the region revoked.

There have been numerous reports of the persecution of journalists and civil society activists who share information about Cabo Delgado, including cases of arbitrary detention and arrest, threats and intimidation, enforced disappearances, kidnap, and rape.³⁰ The case of Ibraimo Mbaruco, a local radio journalist who disappeared in April 2020 while reporting in Cabo Delgado, was seen by many journalists and civil society activists as a warning of the extreme dangers of covering the conflict.

Even journalists with permission to report from the region are routinely detained by local police. Journalist Hizidine Acha was arrested in Pemba, the capital of Cabo Delgado, for filming police attacking civilians and was detained for several hours in 2020.³¹ Journalist Amade Abubacar was detained in January 2019 while he was interviewing people fleeing their homes because of the armed attacks in the province.³² Three months later, in April 2019, he was charged with "spreading messages damaging to the Mozambican Armed Forces".³³

Other cases include Estácios Valoi, an investigative journalist, and David Matsinhe, a researcher at Amnesty International, who were arrested in Cabo Delgado in December 2018. They were held for two days and charged with aiding and abetting extremist groups, inciting the public using electronic media, and violating state secrets.³⁴

President Nyusi has made speeches accusing journalists and civil society organizations of spreading false information about Cabo Delgado.³⁵ This type of incendiary rhetoric has helped fuel a climate of intimidation and fear within the media community about any reporting on Cabo Delgado that does not align with government positions.

²⁹ "What I saw is death": War crimes in Mozambique's forgotten cape - Amnesty International; <https://www.unhcr.org/news/briefing/2022/10/633be4474/nearly-1-million-people-fled-five-years-northern-mozambique-violence.html>;

³⁰ Mozambique Universal Periodic Review, Third Cycle: Inputs from the coalition of civil society organizations (2021), https://www.upr-info.org/sites/default/files/documents/2021-07/js15_upr38_moz_e_main.pdf

³¹ Journalists in the crossfire in Mozambique insurgency – CAJ News Africa

³² Mozambique: UN experts concerned about detention of journalist Amade Abubacar | OHCHR

³³ Jailed Mozambican Journalists Get Bail after 3 Months | Human Rights Watch

³⁴ Open letter: Pope Francis' visit to Mozambique presents an opportunity to address human rights violations

³⁵ Mozambique: Nyusi Attacks Independent Press and Social Media - allAfrica.com

Journalists play a critical role in gathering and relaying independent information about armed conflicts, including exposing human rights violations, war crimes, and other atrocities. They often do so at great risk. For this reason, journalists covering armed conflict are afforded the same protections as civilians under international humanitarian law.

According to the Geneva Conventions, all parties to a conflict must protect journalists and avoid deliberate attacks against them. In addition, the Rome Statute of the International Criminal Court - of which Mozambique is a signatory - establishes that intentionally targeting journalists who are not engaged in the hostilities constitutes a war crime and must be investigated as such.³⁶

The government officials with whom we spoke said that the restrictions on reporting from the region are necessary in order to ensure journalists' safety. While the safety of journalists in conflict areas is clearly important, and is a key priority for IPI, this should not be used as a pretext for limiting journalists' access to the region.

Moreover, the numerous incidents in which journalists reporting in Cabo Delgado have faced harassment from the authorities suggest a widespread effort to limit independent coverage of events there. While we recognize the security challenges that the Mozambican government faces in Cabo Delgado, preventing independent reporting is counterproductive and interferes with the public's right to information on a matter of major public interest.

Mozambican authorities must ensure that domestic and international journalists and civil society are able to exercise their rights to access and report information about the conflict in Cabo Delgado. The government must also take clear measures to protect their safety in line with international human rights and international humanitarian law.

³⁶ See in particular [Article 8](#) of the Rome Statute of the International Criminal Court

4. ATTACKS AGAINST JOURNALISTS AND CULTURE OF IMPUNITY

Journalists and civil society groups with whom we met raised serious concerns over the increasing number of attacks against the media, combined with a culture of impunity for these crimes. The past several years have seen an worrisome increase in the number of physical and verbal attacks and threats against independent journalists and media outlets, as well as cases of arbitrary arrests and detentions, and the frequent seizure of journalists' equipment, including laptops, mobile phones, and cameras.³⁷

These attacks have come amid a climate of increasing hostility toward the press under the Nyusi government. Officials or figures associated with the government have openly vilified journalists as well as human rights defenders, civil society, and academics. In February 2021, a human rights group issued an open letter to President Nyusi condemning these attacks as an abuse of power and calling for an end to impunity.³⁸

The most notable case of an attack on the press is that of journalist Ibraimo Mbaruco, a reporter for Rádio Comunitária de Palma, a community radio station in northern Mozambique. Mbaruco disappeared while reporting on the conflict in Cabo Delgado in April 2020. His last communication was a text message sent to a colleague saying he was “surrounded by soldiers”. Mozambican authorities have produced **no findings on Mbaruco's fate**.

In addition to attacks on journalists covering Cabo Delgado, there have been widespread reports of attacks, harassment, and intimidation of reporters in other parts of the country, including in the capital of Maputo. Examples include journalist Ericino de Salema, who was abducted in March 2018 outside the headquarters of the National Union of Journalists in Maputo and later found severely beaten and unconscious at a ring road in the Mutanhane area of the Maputo province. The 2015 killing in Maputo of Paulo Machava, editor-in-chief and senior investigative reporter for the *Diário de Notícias* news website, has also never been fully investigated.

In August 2020, an unidentified group attacked Canal de Moçambique, an independent weekly. Assailants broke into the newspaper's office, poured gasoline on the furniture and equipment, and set it ablaze. The fire destroyed the newsroom, the outlet's archives, and all equipment. Authorities have closed the investigation into this attack and a 2019 attack against the newspaper's executive editor, Matias Cuente, citing a lack of evidence. No arrests have been made in connection with either incident.

States have a duty to investigate attacks on journalists promptly, thoroughly, and independently, and to prosecute those responsible. This obligation is well established in international and regional human rights instruments, as well as in numerous U.N. protocols³⁹ and resolutions⁴⁰ requiring states to provide effective remedy for human rights abuses and to ensure that all those responsible for these violations are brought to justice in fair trials.⁴¹

37 Nampula: Jornalistas vítimas de violência policial durante manifestação | Moçambique | DW | 09.09.2021; <https://data.misa.org/api/files/165893598911dh0z17uf64t.pdf>

38 “Excelentíssimo Senhor Presidente da República de Moçambique Digníssima Procuradora-geral da República de Moçambique,” <https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2021/02/Excelentissimo-Senhor-Presidente-da-Republica-de-MocambiquecDignissima-Procuradora-geral-da-Republica-de-Mocambique.pdf>

39 The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)

40 S/RES/2222(2015)

41 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law | OHCHR

We raised numerous cases of attacks against journalists and the issue of impunity with government officials, including with the deputy attorney general, Taibo Mucobora. According to stakeholders, the attorney general's office has often failed to pursue investigations or dropped cases, citing lack of evidence.

The deputy attorney general said he understood IPI's concerns about a lack of justice for attacks on journalists and expressed a willingness to open a dialogue with IPI on certain cases. He also stated that the attorney general's office investigates all concrete cases and holds accountable those responsible regardless of whether the actors are police, military, or civilian.

IPI specifically raised the disappearance of Ibrahim Mbaruco and the arson attack on Canal de Moçambique with the deputy attorney general. He said that an investigation had been opened in Mbaruco's case but that there were difficulties accessing the location where the disappearance took place. With regard to Canal de Moçambique, the deputy attorney general repeated what has been the authorities' public line, which is that it has been closed due to a lack of evidence.

We welcome the deputy attorney general's stated willingness to engage with IPI. However, there is a clear gap between the government's verbal commitments to upholding the rule of law and the obvious lack of progress in investigating attacks on journalists. It is deeply disturbing that authorities have been unable to provide answers as to what happened to Ibrahim Mbaruco or who is responsible for the arson attack on Canal de Moçambique, among other incidents. Even accounting for the need for technical support in some cases, it is difficult to avoid the conclusion that a lack of political will across the government is at least partly responsible for the failure to secure justice in so many cases.

The government of Mozambique must commit to protecting journalists' safety and ensure all crimes against journalists and media workers are investigated transparently and independently, in line with international obligations and standards. The failure to do so undermines the rule of law and further endangers the media community in Mozambique.

This starts with launching an investigation into the disappearance of Ibrahim Mbaruco, in coordination with domestic and international observers and experts. The government should also take concrete steps to improve accountability for all reported cases of violence or intimidation of the press and human rights defenders, including by establishing clear and transparent procedures and mechanisms for investigating all reported attacks.

5. MEDIA CAPTURE AND SHRINKING SPACE FOR INDEPENDENT MEDIA

Many in the media community with whom we spoke reported concerns about the shrinking space for independent media and the growing dominance of government-influenced private and state media.

The media landscape in Mozambique is heavily dominated by the government-controlled state broadcast media: Rádio Moçambique (RM) and Televisão de Moçambique (TVM). There is also a government-controlled newspaper, Notícias, and a national news agency. Commercial radios and television broadcasters exist but according to stakeholders facing an increasing risk of government influence, either through ownership links or through the selective allocation of much-needed public ad revenue.

The independent media sector in Mozambique consists primarily of a network of community radios and of several print/online outlets, including Carta de Moçambique, Savanna, and Canal de Moçambique. There are also some investigative reporting nonprofits, such as the Centro de Integridade Pública (Centre for Public Integrity, CIP) and the Centro de Jornalismo Investigativo (Centre for Investigative Journalism, CJI), which work on stories related to corruption and transparency. While under considerable pressure, the independent media sector in Mozambique manages to carry out important public-interest reporting.

Overall, however, the public in Mozambique lack access to pluralistic and diverse sources of news and information, especially outside Maputo where internet penetration and access to online news is low.⁴² In 2022, roughly 23 percent of the population nationwide was online, a vast majority of whom were in the capital. Newspapers are primarily distributed in Maputo, and even within the capital circulation numbers are extremely low. According to some reports, the circulation of the state newspaper Notícias is less than 20,000 daily readers.⁴³

A majority of the population outside Maputo receives news by radio, which consists of the state's Radio Mozambique and community radio stations. The community radio sector has developed with the strong support of foreign donors and the international development community, especially UNESCO, and consists of roughly 140 stations across the country. This includes the Forum Nacional de Radio Comunitarias, a network of organization of 45 community stations, and Farm Radio, which is supported through USAID.⁴⁴ Deutsche Welle provides news content to some of these stations.

Over the past several years in particular, the government has used the distribution of advertising revenue and other tools to exert control over private and independent media, and to punish critical media for unfavorable reporting and to reward those outlets for pro-government coverage. According to a 2020 report by the Center for Public Integrity, "In Mozambique, the tools for media control include commercial agreements, injection of advertising, and purchase of space for governance activities and acquisition of shares in some media outlets".⁴⁵ Smaller independent media outlets are especially vulnerable to government capture, as these outlets rely so heavily on advertising for survival and lack sustainable revenue models.

⁴² Internet penetration statistics, 2022: <https://datareportal.com/reports/digital-2022-mozambique>

⁴³ 'Notícias' making a profit, despite falling circulation | Club of Mozambique

⁴⁴ <https://www.facebook.com/forcommz/>; <https://farmradio.org/mozambique/>

⁴⁵ <https://cipmoz.org/wp-content/uploads/2020/11/Governance.pdf>

There are currently no rules in Mozambique governing the allocation of state advertising or requiring the state to disclose the amount of advertising spent on different media outlets. This situation enables the government to misuse public resources to influence or control private media without oversight, which creates unfair market conditions and undermines media pluralism, independence, and sustainability. It is essential to ensure the fair distribution of advertising from public institutions to both public and private media outlets, in order to ensure their sustainability and independence.

Mozambique should enact legislation protecting and promoting media market pluralism and independence, including clear rules to prevent ownership concentration, ensure fair and transparent allocation of state advertising, prohibit state distortion of the media market, and safeguard the editorial independence of state media.

6. INSUFFICIENT INSTITUTIONAL PROTECTIONS FOR THE MEDIA

According to stakeholders, while the judiciary operates with relative independence, other key bodies with the mandate to monitor and protect human rights and press freedom in Mozambique lack necessary independence, enforcement mechanisms, and financial resources to be fully effective in the promotion and protection of these rights. The National Human Rights Commission, which has a mandate to promote and defend the human rights provisions of the constitution, lacks authority to prosecute abuses and must refer cases to the judicial institutions.⁴⁶

Likewise, the office of the Ombudsman, which is responsible for guaranteeing citizens' legal rights, suffers from a lack of internal resources and capacities along with weak enforcement powers. In principle, this office could play a strong role in holding other state institutions and agencies accountable for upholding press freedom.⁴⁷ This office can respond to issues based on complaints brought by citizens and can also independently initiate investigations, but can only make non-binding recommendations. Both the National Human Rights Commission and the Office of the Ombudsman receive only minimal financial support from the state.⁴⁸

Representatives of the Office of the Ombudsman told IPI that they rarely receive complaints related to press freedom issues. They reported having intervened in just one case related to press freedom over the years, after civil society organizations in 2018 petitioned the office over the constitutionality of the government's restrictive licensing system for journalists.⁴⁹ In that case, the Ombudsman's office issued a recommendation to the Constitutional Court to revoke the decree as unlawful. The Constitutional Court agreed, ruling the decree unconstitutional. This is an example of how the Ombudsman's office can successfully intervene in cases in support of press freedom.

Lawmakers in Mozambique should strengthen the independence and functions of the various offices with mandates to oversee the implementation of human rights and press freedom commitments and obligations. This includes by ensuring these bodies have adequate financial resources and clear competencies to support and promote human rights and press freedom.

⁴⁶ Compilation on Mozambique Report of the Office of the United Nations High Commissioner for Human Rights, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/032/23/pdf/G2103223.pdf>

⁴⁷ See more about the Ombudsman's mandate in *Media Law Handbook for Southern Africa*, Volume 2, Konrad-Adenauer-Stiftung (KAS) 2022, p. 82, <https://www.kas.de/documents/285576/285625/MLH-SA+2021+Volume+2+-+EBOOK.pdf>

⁴⁸ Compilation on Mozambique Report of the Office of the United Nations High Commissioner for Human Rights, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/032/23/pdf/G2103223.pdf>

⁴⁹ Mozambique: New media fees come into effect but not really – regulation is on its way

RECOMMENDATIONS

The government of Mozambique should protect and respect press freedom in law and in practice. The government must ensure that all legislation and regulations affecting the media align with international human rights and freedom of expression standards, and do not violate or restrict the right of the press to report on and disseminate news and information. Journalists must be able to work freely and independently without permission, approval, or retaliation from the government in accordance with freedom of expression principles and norms. Authorities must end all government and administrative practices – including informal ones – that unduly interfere with the work of the press. This includes ending arbitrary and informal regulatory practices that are neither proportionate nor foreseen by law.

Specifically, the government of Mozambique should:

1. Improve and strengthen the implementation of existing protections for press freedom by:

- **Implementing existing domestic legislation protecting press freedom and access to information.** This must include respecting the constitutional safeguards on the right to information and ensuring proper implementation of the law on access to information.
- **Implementing ratified international human rights commitments.** Mozambique should implement existing ratified commitments to freedom of expression and press freedom outlined in the African Charter on Human and Peoples' Rights.
- **Repealing domestic legislation that contravenes domestic and international laws protecting freedom of expression and the right to information.** This should include repealing criminal defamation provisions from the criminal code, and criminal provisions prohibiting the publication of false statements relating to terrorism.
- **Conducting human rights risk assessments on any new and existing legislation that may affect press freedom,** in consultation with domestic and international stakeholders.

2. Initiate a multistakeholder and participatory process of revising the draft media laws.

The draft legislation under consideration should be revised in full consultation with these stakeholders in key areas to ensure compliance with domestic and international freedom of expression commitments and principles. Key revisions include:

- **Ensuring robust protections for the independence of any media regulatory body.** IPI strongly recommends prioritizing the adoption of a self-regulatory system based on codes of conduct developed in consultation with stakeholders.
- **Removing professional licensing requirements for journalists.**
- **Removing undue restrictions on the presence of foreign media in Mozambique.**

3. Take concrete steps to improve journalists' safety and end impunity for attacks on the press by:

- **Strengthening accountability mechanisms and processes for reported cases of violence or intimidation.** This must include opening investigations into all reported attacks on journalists and media workers, and holding all those responsible to account, including those who order such attacks.

- **Immediately launching a transparent and independent investigation into the disappearance of Ibraimo Mbaruco**, in coordination with domestic and international observers and experts.
- **Reopening past investigations** that have been shelved and that failed to secure justice, such as the 2020 arson attack on Canal de Moçambique,
- **Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance**, which is an essential step in strengthening national level commitments regarding the safety of journalists.

4. Ensure journalists can report freely and independently on matters of public interest by:

- **Improving and enabling access to Cabo Delgado by domestic and international journalists as well as civil society and human rights observers.** The government should instruct local security forces and police to refrain from arresting and detaining journalists reporting about the conflict.
- **Ensuring that journalists can report on topics related to corruption and the allocation of public resources without arrest, harassment, or intimidation.**
- **Strengthening trust in the media and the essential role watchdog journalism plays in holding the powerful to account and making democracy stronger.** Political elites and elected officials should refrain from verbal attacks on the press, as such rhetoric sows distrust in the media, and puts journalists at risk of harassment and physical harm.

5. Support media pluralism and diversity by ensuring market conditions that enable the development of diverse and pluralistic media markets and protect independent media from political influence. This includes:

- **Enacting strong ownership and competition rules** to prevent market monopolies and government interference in the media market.
- **Stopping any abuse of state-funded advertising** to favour pro-government media and punish critical media.
- **Reforming state media to transform them into true public-service media** that operate based on values of independence, transparency, and impartiality.

6. Strengthen the independence of democratic institutions which play a vital role in ensuring the protection and promotion of press freedom and other human rights.

This includes ensuring alignment with the Paris Principles, which sets out guidelines for guaranteeing the independence and sustainability of national human rights institutions.⁵¹

⁵¹ Principles relating to the Status of National Institutions (The Paris Principles) | OHCHR

