


AFRICAN UNION		UNION AFRICAINE
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## Human Rights Situation in the Republic of Mozambique

1. Resolution on the human rights impacts of extreme weather in Eastern and Southern Africa due to climate change - ACHPR/ Res. 417 (LXIV) 2019  
[https://www.achpr.org/sessions\(resolutions?id=441](https://www.achpr.org/sessions(resolutions?id=441)

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 64th Ordinary Session, held in Sharm el Sheikh, Arab Republic of Egypt, from 24 April to 14 May 2019:

Considering the provisions of Articles 22 and 24 of the African Charter on Human and Peoples' Rights (the African Charter) relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Considering also the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) which requires of State Parties to take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change;

Recalling its Resolution 153 on Climate Change and Human Rights and the Need to Study its Impact in Africa adopted at its 46th Ordinary Session in November 2009; Resolution 271 on Climate Change in Africa, adopted at its 55th Ordinary Session in May 2014; and Resolution 342 on Climate Change and Human Rights in Africa adopted at its 58th Ordinary Session in April 2016;

Mindful of the findings of the 5th Report of the Intergovernmental Panel on Climate Change of 2014, which found that human activities cause global warming; and that impacts from recent climate-related extremes, such as heat waves, droughts, floods, cyclones, and wildfires reveal significant human and ecosystem vulnerability to climate variability;

Further recalling its Press Release of 08 April 2019 on Cyclone Idai and the subsequent flooding in Mozambique, Malawi and Zimbabwe in which it expressed its solidarity with the government and people affected by the thousands of deaths and hundreds of thousands of displacements;

Concerned by the consequences of cyclone Kenneth which ravaged the east coast of Africa within just more than a month after cyclone Idai, resulting in dozens of further deaths and displacements in Mozambique, Tanzania, Comoros, Madagascar, Seychelles, Malawi and Mayotte Island;

Deeply Concerned by the human rights implications of the two cyclones, including destruction of homes and other property, closure of schools and offices, the heightened risk of large-scale cholera outbreaks and the specific vulnerability of displaced women and girls to gender based violence and exploitation;

Further Concerned by the lack of preparedness by State Parties to the increased risks of extreme weather events as a result of climate change and lack of coordinated adaptive strategies to increase the resilience of their people to climate change;

Appreciating the commitment of the African Union (AU) to address the humanitarian crisis through support of USD 350 000 to the three countries affected by cyclone Idai and "immediate dispatch of a high level assessment mission to be led by the Permanent Representative Committee's (PRC) Sub-Committee on Refugees, Returnees and IDPs to assess the situation firsthand" ,

The Commission:

1. Commends the efforts of affected countries to provide urgent humanitarian relief and undertake the process of recovery and reconstruction and urges them to facilitate the provision by humanitarian actors of the urgent relief that affected communities require;
2. Commends the mobilization of additional support from the AU and the international community for recovery and reconstruction efforts;
3. Supports the efforts of the ALT, in particular the decision to task the PRC SubCommittee on Refugees, Returnees and IDPs to undertake a mission to the affected areas;
4. Strongly urges the affected State Parties to ensure that the human and peoples' rights of affected persons and communities, including vulnerable groups, are protected, and that they are not subjected to further violations resulting from lack of security institutions and health services as a result of the cyclones,
5. Urges that women and girls in particular are protected from exposure to sexual abuse and manipulation in relation to accessing humanitarian assistance and other basic necessities such as shelter and food;
6. Reiterates its call to all African States and the international community to support the ongoing efforts and provide immediate emergency relief to the affected areas and to mobilize resources for the reconstruction of the infrastructure and rehabilitation of the livelihoods of people in the affected areas;

7. Calls on African countries to reaffirm the African Union common position on humanitarian effectiveness adopted by the African Union in January 2015 and accelerate the process of creation and operationalization of the African Humanitarian Agency;
8. Urges State Parties to the African Charter to ensure that contingency plans and emergency measures are put in place to increase the level of preparedness for an increase in extreme weather events and unstable weather patterns as the consequences of climate change intensify;
9. Encourages State Parties to fully integrate climate change considerations and the human and peoples' rights consequences into their broader development plans;
10. Encourages State Parties, the AU and Regional Economic Communities to strengthen regional and continental cooperation in relation to climate change adaptation and mitigation and response to climate change induced humanitarian crisis taking full account of the human and peoples' rights considerations of present and future generations;
11. Calls on the AU to declare 2021 the African Union Year on Climate Change, for the mobilization of awareness of Member States and Regional Communities of the challenges of climate change, in particular for vulnerable communities, and preparedness through putting in place structures for adaptation, mitigation, humanitarian relief and reconstruction; and
12. Remains seized of this matter through its commitment to prepare a Study on Climate Change and Human Rights in Africa.

Done in Sharm el Sheikh, 14 May 2019

2. Press Release on Cyclone Idai and the subsequent flooding in Mozambique, Malawi and Zimbabwe: <https://www.achpr.org/pressrelease/detail?id=399>

The African Commission on Human and Peoples' Rights country Rapporteurs for the Republics of Mozambique, Malawi and Zimbabwe, Honourable Commissioner Maria Teresa Manuela, Honourable Commissioner Lucy Asuagbor and Honourable Commissioner Jamesina L King, together with the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, Honourable Commissioner Maya Sahli Fadel are deeply saddened over the disastrous flooding caused by Cyclone Idai, leaving thousands of people dead and hundreds of thousands displaced throughout the three countries.

The Commission expresses its heartfelt condolences to the families of those who have lost their lives and the missing. Our thoughts are also with the hundreds of thousands

of people who have lost their homes and livelihood.

The Commission stands in solidarity with the government and people of Mozambique, Malawi and Zimbabwe in these difficult and trying times.

The Commission is particularly concerned about the impact of the flood to women and girls who usually bear the brunt of such disasters, to the extent that access to resources, including shelter, food and other opportunities is systematically disadvantaged to this group of people, rendering them more vulnerable to the impact of the disaster. This is also compounded by the specific vulnerability of women and girls with respect to mortality from such floods and their aftermath. In light of this, the Commission calls on the Governments of the concerned States, to attend to the special needs of women and girls during these difficult times and ensure that they have access to all relief opportunities and strategies. While internally displaced persons issues are primary State responsibilities, in cases of national disasters, the support of all stakeholders are crucial.

The Commission expresses its gratitude to the many countries, agencies, institutions and individuals, who have provided humanitarian aid to the affected countries since the natural disaster struck.

We commend all the national and international rescue teams who have been working tirelessly to rescue thousands of people, as well as, to those who have provided shelter, food, water, sanitation and basic commodities to the affected people.

The Commission therefore calls on all African and international communities who have not yet done so to support the ongoing efforts and provide additional support mechanisms to the people affected by the cyclone, in order to mitigate the impact of the natural disaster.

Banjul, The Gambia 8 April 2019

3. Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the high fees imposed by a decree on journalists and media outlets in Mozambique :  
<https://www.achpr.org/pressrelease/detail?id=28>

The African Commission on Human and Peoples' Rights (the Commission), acting through the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur), Commissioner Lawrence Mute, expresses concern about the decree published by the Government of Mozambique in its Gazette Number

143, in Series 1 on 23 July 2018, which introduced high taxes and licensing fees for journalists and correspondents of foreign media houses, as well as television and radio stations.

Under the decree, foreign correspondents resident in Mozambique will pay an accreditation fee of 500 000 Mozambican metical (approximately US\$ 8,630) per year to report on stories in the country, while nationals who are correspondents for foreign media outlets will pay 200 000 Mozambican meticais (approximately US\$ 3,400). Foreign freelance journalists will pay an accreditation fee of 150,000 Mozambican meticais (approximately US\$2600) while nationals will pay accreditation fees of 30,000 Mozambican meticais (approximately US\$ 508). The decree also raises broadcasting license fees for radio stations to as much as US\$ 34,000, and additional fees for renewing licences.

The Special Rapporteur is concerned that the decree imposes prohibitively high fees for journalists and media which will undermine the expression and dissemination of information.

Article 9 of the African Charter on Human and Peoples' Rights (the African Charter) guarantees the right to receive information, as well as the right of every person to express and disseminate their opinions within the law.

Prohibitively high fees may have the effect of closing media space, thereby undermining Mozambique's obligation to implement Article 9 of the African Charter.

The Special Rapporteur notes that the media acts as a critical avenue for supporting transparency and accountability in democratic society, and Mozambique should not employ extreme licensing and accreditation restrictions.

The Special Rapporteur urges the Government of Mozambique to reconsider the fees stipulated in the decree to ensure they do not bar the full exercise of Article 9 rights by the people of Mozambique.

Banjul, 24 August 2018

4. Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the abduction and assault of Mr. Ericino de Salema in the Republic of Mozambique: <https://www.achpr.org/pressrelease/detail?id=52>

The African Commission on Human and Peoples' Rights (the Commission), acting through its Special Rapporteur on Freedom of Expression and Access to Information in

Africa, Commissioner Lawrence Mute, wishes to express its concern regarding the abduction and assault of Mr. Ericino de Salema, a journalist and political commentator in the Republic of Mozambique.

According to information reaching the Commission, on 27 March 2018, three unidentified gunmen abducted Mr. Salema, outside the headquarters of the National Union of Journalists in Maputo, beat him with AK-47 assault rifles, and left him unconscious along the Maputo Ring Road. It is reported that Mr. Salema sustained fractures to his arm and legs.

The Commission is deeply concerned about this reported assault on Mr. Salema and condemns it.

The Commission calls on the Government of the Republic of Mozambique, as the primary guarantor of human rights within its national borders, to investigate the attack, in order to bring those responsible to justice, in terms of its obligations under the African Charter on Human and Peoples' Rights to ensure the right to freedom of expression including the protection of journalists.

The Commission will remain actively seized of this matter.

Banjul, 06 April 2018

## 5. Letter of Commendation

By letter dated 7 January 2019, the Commissioner Rapporteur on the Human Rights Situation in the Republic of Mozambique and also Special Rapporteur on Prisons, Condition of Detention and Policing in Africa, sent a Letter of Appreciation to the President of the Republic of Mozambique on the granting of amnesty to one thousand Nine Hundred and Forty Eight (1,948) prisoners deemed to have been rehabilitated before the end of their sentences, and to prisoners who need medical treatment that the prison service couldn't offer.

## 6. Letters of Urgent Appeal

On 19 June 2019, the Commissioner Rapporteur on the Human Rights Situation in the Republic of Mozambique with the Special Rapporteur on Refugees, Migrants and Internally Displaced Persons in Africa, sent a Joint Letter of Appeal to the President of

the Republic of Mozambique, regarding allegations of Arbitrary Detention of 16 Refugees and Migrants in the Republic of Mozambique.

On 24 April 2020, the Commissioner Rapporteur on the Human Rights Situation in the Republic of Mozambique and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, the Special Rapporteur on Freedom of Expression and Access to Information in Africa, the Chairperson of the Working Group on Death Penalty, ExtraJudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, sent a Joint Letter of Appeal to the President of the Republic of Mozambique, regarding the allegations of the enforced disappearance of Journalist Ibraimo Abu Mbaruco, a community radio journalist in Mozambique.