



# MOZAMBIQUE

## English Summary

### THE STATE OF ACCESS TO INFORMATION IN MOZAMBIQUE

Mozambique approved a new Constitution in 2004, which in its Article 48 provides for the right to information. Though such a right was already provided for in the 1990 Constitution, the promulgation of the new Constitution inspired MISA Mozambique to submit a draft proposing a law on the right to information to Parliament.

After laying dormant for nine years, intense lobbying by civil society finally drove the proposal to the National Assembly, which set in motion a process of public hearings on the matter. Under pressure from civil society, a bill was eventually tabled and the law was finally promulgated on 31 December 2014. However, it remained unimplemented for a year until the regulations were approved on 31 December 2015.

This study was conducted 20 months into the implementation process of legislation aimed at facilitating public access to information held by public institutions. The introduction of the law does not yet seem to have changed the access to information environment in Mozambique. The perception among civil society organisations, journalists and research institutions is that the law is not yet fully implemented, which makes it difficult to exercise the right of access to information.

### OBJECTIVE

The objective of this study was to determine the level of openness of institutions in terms of making information publicly available.

#### Specific objectives:

1. Identify the nature of institutional difficulty faced by institutions in making information available;
2. Assess the degree of compliance with the time provided by law for the handling and response to requests for information of public interest;
3. Monitor websites, the information they provide and the frequency with which they are updated.

The institutions assessed were a mix of: one (1) institution of the Central State Administration under the supervision of the Ministry of the Interior; three (3) local authorities; four (4) public enterprises; and one (1) private company. These were evaluated in terms of two main categories of criteria, namely an analysis of their use of online platforms and the response to requests for information.

### FINDINGS

The 2017 study paints a critical picture of the institutions that hold information of public interest. In general, they demonstrate an awareness of the importance of making information available to the public, as a tool for transparency, accountability, credibility and legitimacy of their actions. However, they are mired in technical and institutional difficulties, many still do not have the appropriate structures to enable a more flexible and simplified exchange of information with citizens. As a case in point, many of the institutions have websites, these do not provide relevant information and few are routinely updated, diminishing their relevance in the flow and access to information.

The learning process is unfolding at a slow pace, which means that the creation of a culture of openness with respect to the provision of information to the public will require proactive monitoring actions to arrive at a point where making information available becomes second nature. It is within this framework that MISA-Mozambique, together with several partners, is working to strengthen the institutional capacities of public bodies to equip them for the task of making information available.

The results show that there has been little improvement compared to last year, in both categories. However, there has been a slight improvement in the institutions' responses to requests for information, although responses are not always satisfactory.

A new phenomenon was the denial of access to information on the grounds that the requested documents are protected by confidentiality clauses. This argument was used specifically in connection with contracts between public and state institutions and between public and private institutions; as well as the reports and accounts of public companies.

Some institutions revealed great difficulties in receiving the MISA Team, as was the case with the Ministry of the Interior and the Municipality of Beira. This experience served as a reminder that the process to secure interviews should also be taken into account as essential for assessing the level of accessibility of institutions in making information available to the public.

There are a number of obstacles to the full implementation of the Right to Information Law, including the State's inability to rapidly provide human and financial resources. These include information officers to deal with requests for information in each institution holding public information. Other factors are the poor state of archives at these institutions as well as the lack of political will to fully implement the law.

Although institutions do not yet have a dedicated space and personnel to receive and handle requests, a marked improvement was noted at some institutions, such as the Maputo City Council, which assigned the Communications Office the task of dealing with requests for information.

In conclusion, it would appear that Mozambique still has a long way to go. This is in part seen as a legacy of the 24 years of one-party rule, which has left a deeply entrenched culture of secrecy and controlling.

### Category 1: Online Presence

- With the exception of Empresa de Transporte, Multiplexação e Transmissão (TMT), all institutions have an online presence, in the form of either a website, social media or both.
- Websites have little information, in some cases nothing on the activities and financials of the entities can be found, with only information of a general nature.
- It is near impossible to use the websites to monitor the activities of the institutions or obtain relevant information about them.
- Updating of information is inadequate, which can further discourage people from consulting the websites.
- Certain types of documents, such as reports and public interest studies, are generally old and incomplete in terms of making available relevant information held by the institutions.

### Category 2: Requests for information

- Most institutions did not acknowledge receipt of requests for information or provide responses to questions posed.
- Only three institutions responded to the request for information within the period established by law (21 working days).
- Most institutions do not have the information or dedicated staff to respond to requests for information.
- Institutions have difficulty sharing information without asking for justification for the requests.

- The pretext of information being classified as 'secret' is a ready tool to refuse the provision of information.
- Almost all institutions have difficulty in cataloguing information and organising archives accessible to the public (with the exception of the Maputo City Council).

## THE MOST OPEN PUBLIC INSTITUTIONS

Unlike last year, when no institution met the requirements to be awarded the Golden Key Award, this year, it was noted that a number of institutions presented minimally encouraging results; specifically the Maputo City Council and the Railways of Mozambique.

Although both responded to requests outside the period established by the law (21 days), and did not provide the requested information, on the grounds that they are not required to do so, both institutions have functioning websites with relevant information. Both scored more than 20 points on the 40-point scale.

The **Maputo City Council** is the recipient of the 2017 Golden Key Award.

## THE MOST SECRETIVE PUBLIC INSTITUTIONS

One institution in Mozambique, namely the Empresa de Transporte, Multiplexação e Transmissão (TMT) (Transport, Multiplex and Transmission Enterprise) had a zero score. TMT is a public digital television network operator responsible for encoding, multiplexing, transporting and broadcasting the digital terrestrial television signal countrywide. Created in 2015 in a joint effort by the public broadcasting and telecommunications corporations, TMT is still in the project phase. It does not have a website, nor a mechanism for receiving and processing information of public interest. TMT failed to respond to the request for information.

All considered, the recipient of the Golden Padlock Award for 2017 is the **Empresa de Transporte, Multiplexação e Transmissão (TMT)**.