

WIDER Working Paper 2025/1

## **Rule of law in Mozambique**

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February 2025

**Abstract:** This paper examines the state and evolution of the rule of law in Mozambique, focusing on key dimensions such as voice and political participation, judicial independence and accessibility, corruption, access to basic services, personal security, and property rights. Drawing on Afrobarometer surveys, voting data, and conflict records, the paper offers insights into the perceptions and experiences of Mozambican citizens. The findings indicate a deterioration in institutional trust over the past two decades, alongside declining voter turnout in general elections and increasing election-related and political violence. Despite reforms aimed at improving judicial autonomy and accessibility, the legal system remains affected by inefficiencies and regional disparities. Citizens are often subject to bribery when accessing essential public services, and perception of corruption in key institutions remains high. Concerns about fairness and integrity in the land registration process can also weaken confidence in land security and property rights protection. The paper highlights the continued challenges Mozambique faces in consolidating the rule of law, exacerbated by legacies of conflict, political instability, and uneven socioeconomic development.

**Key words:** Mozambique, rule of law, trust, institutions

**JEL classification:** O55, P00, D02, D70

**Acknowledgements:** This study was made possible through the financial support of the Rule of Law Centre.



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This study has been prepared within the UNU-WIDER project [Building trust and institutions for peace](#), which is part of the research area [From conflict to cohesion – pathways for peace and inclusive statebuilding](#).

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ISSN 1798-7237 ISBN 978-92-9267-558-5

<https://doi.org/10.35188/UNU-WIDER/2025/558-5>

Typescript prepared by Gary Smith.

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## 1 Introduction

In policy and academic circles, there is widespread and growing consensus on the importance of the rule of law, in itself and as a fundamental determinant of shared prosperity, stability, and peace. Extensive theoretical and empirical academic literature in economics, political sciences, and law has examined the role of the rule of law and of neighbouring concepts, such as institutional quality, as key determinants of a country's economic performance and level of development (North 1990). Researchers have considered the role of secure property rights and contract enforcement (Acemoglu and Johnson 2005; Acemoglu et al. 2001, 2005; Easterly and Levine 2003; Rodrik et al. 2004), constraints to the exercise of power and judicial independence (La Porta et al. 2004), and control of corruption (Ades and Di Tella 1997; Mauro 1995). More generally, and given the inherent empirical difficulty in identifying specific institutional features, these studies suggest that the rule of law and institutional quality matter for long-term countries' performance. On this matter, Acemoglu et al. (2001) argue that a 'cluster of institutions', which also includes institutions providing equal access to education and civil liberties, is important to encourage growth. Crucially, the rule of law also includes effective personal security, which entails civil and political freedoms, and the control of crime and violence (Haggard and Tiede 2011, 2014; North et al. 2009).

In this paper, we explore the current state and the evolution of the rule of law in Mozambique. Mozambique is an interesting case study. The country's complex history, marked by prolonged periods of violence and political instability, has arguably shaped its legal framework and institutional capacity. Adopting a broad definition of the rule of law, which also includes neighbouring and closely related concepts, this paper separately delves into key thematic areas: voice and political participation; judicial independence, autonomy, and accessibility; corruption; institutional trust; access to public services; personal security and absence of violence; and property rights. We rely primarily on micro-level survey data to capture the evolution in perceptions, views, and experiences of Mozambicans.

Our strategy is motivated by both theoretical and empirical considerations. Despite the wide consensus on its centrality, the rule of law lacks a single, unified definition due to the multifaceted and elusive nature of the theoretical concept. This is reflected, from an empirical standpoint, in the development of an array of indicators that attempt to give a comprehensive and synthetic measure of the concept, relying on various conceptualizations and measurement strategies (Versteeg and Ginsburg 2017). While some indicators rely on subjective measures based on experts evaluations, others try to provide more objective measures based on characteristics of political and legal institutions. Moreover, aggregate indicators often focus on different dimensions of the rule of law or institutional quality, based on implicit considerations on which dimensions are most critical for a country's development (Haggard and Tiede 2011).

By relying on survey data, we aim to move beyond composite indicators and provide insights into subjective perceptions and experiences, and into individual trust in the institutions. This focus is particularly relevant in the context of Mozambique. In fact, the country's turbulent history left a legacy of mistrust that continues to affect the political landscape. Moreover, despite some efforts in formally establishing a clear division of powers and defending fundamental rights and freedoms, the country still deals with widespread corruption and elite capture, which compromise citizens' exercise of their rights and access to basic services. Relying on micro-level survey data also allows us to look at key variations at the sub-national level, between regions and between urban and rural areas.

Overall, we find a deterioration in the country's performance across various dimensions over the past 20 years. Since the early 2000s, the percentage of Mozambicans that feel safe, trust the institutions, and are satisfied with their freedom of speech and participation in the electoral process has declined. At the same time, voter turnout has dramatically decreased, while elections are increasingly marked by accusations of irregularities and fraud, and accompanied by a rise in protests and violence. Moreover, despite being

generally supportive of the legitimacy of the judicial system, Mozambicans still face substantial barriers in receiving courts assistance. Citizens perceive an increase in corruption and they often have to pay bribes to access essential public services. Corruption also plays a significant role in undermining the protection of property rights, with nearly one in two citizens perceiving it as likely that someone can pay bribes to register land that does not belong to them—a figure that rises when involving the rich and powerful, particularly in the northern regions.

We find that the deterioration in many of the indicators was particularly pronounced during the mid-2010s, with the north and centre regions being most affected, reflecting events unfolding in the country. Although there has been partial recovery in some indicators in more recent years, it is important to note that data from the Afrobarometer survey is only available until 2021 and does not capture more recent trends and current events. In particular, recent election cycles have proven increasingly contentious, with the most recent general elections triggering widespread protests across the country. These protests have been linked not only to dissatisfaction with the election results, but also to more general grievances concerning the socioeconomic conditions in Mozambique. While the analysis presented here does not cover these most recent events, it provides valuable insights into the underlying dynamics and factors that may have contributed to the current turmoil, offering a foundation for understanding the evolving challenges to the rule of law and governance in the country.

The remainder of the paper is organized as follows. Section 2 provides an overview of Mozambique's history and current socioeconomic and political characteristics. Section 3 describes the different data sources employed in the analysis. Section 4 describes Mozambique's performance in key dimensions of the rule of law, focusing on the evolution in perceptions and attitudes of Mozambican citizens. Section 5 concludes.

## 2 Context

Mozambique's complex history, marked with prolonged periods of violence, limited state presence and capacity, and external dependency, arguably still produces significant challenges in establishing and maintaining the rule of law. This section provides an essential overview of Mozambique's history and current socioeconomic and political characteristics, focusing on the elements that can aid the understanding of its institutional and rule of law development.

Mozambique is a vast country, with a population of around 30 million, located along the coastline of south-east Africa. Its modern borders were defined in the late nineteenth century, following the Berlin Conference, which mandated effective colonial occupation, and bilateral treaties, notably the Anglo-Portuguese treaty (Newitt 2017). Prior to that, Bantu-speaking tribes had resided in the territory of modern Mozambique since the first centuries CE, while the arrival of Arab traders dates back to the eleventh century. Portuguese influence began in the fifteenth century and was primarily concentrated in the centre of the country, along the Zambezi river and key coastal outposts, serving as a base for maritime trade. From the eighteenth century onwards, the slave trade dominated the region with devastating consequences, destroying existing village structures and creating cleavages between tribes (Abrahamsson and Nilsson 1995).

Portugal had limited resources to establish an effective presence over Mozambique. As a matter of fact, during the nineteenth century the Gaza empire dominated the south of the country, until its eventual military defeat. The colonial state initially delegated its control over most of the territory to concession companies. Even after the military coup in Portugal and the constitution of the Estado Novo in 1933, which led to the imposition of a single administrative system in Mozambique, the state's presence and authority remained limited. This was reflected in a lack of investment in large-scale internal development

and in the reliance on private and foreign capital. The only existing infrastructures connected the eastern and western parts of the country, maintaining a clear division between the north and south. Systematic extraction and exploitation took the form of forced labour, which only formally ended in 1961 (Newitt and Tornimbeni 2008).

Following independence in 1975, Mozambique experienced the mass exodus of colonial settlers, who had occupied nearly all administrative and managerial positions. FRELIMO, the Mozambican Liberation Front, founded as a rebel force against the colonial state, established a one-party state and formally adopted a Marxist–Leninist ideology. The government faced the immense task of national reconstruction and development, which it sought to address with a ten-year plan (1981–90) focused on import substitution, the mechanization of agriculture, and the resettlement of large numbers of people into villages. These policies were often met with resistance by the rural population and failed to address local contexts (Cruz et al. 2023). Moreover, the country quickly descended into a prolonged and brutal civil war between the government and RENAMO (Resistência Nacional Moçambicana), an externally funded armed group, backed by white-minority ruled South Africa and Rhodesia (current-day Zimbabwe). The 16-year war caused over one million deaths (about 10 per cent of the population), impoverished the country, and had devastating effects on Mozambique’s social and economic fabric. Violence against civilians and widespread human rights abuses committed during the war created a legacy of mistrust that continues to affect the country’s political landscape.

In the mid-1980s, deteriorating local conditions pushed the Mozambican government to rely on external finance from Western donors. This entailed a complete change in the economic strategy, with funds being conditional on the implementation of the standard set of orthodox economic reforms in the structural adjustment programme. Liberalization and privatization of state-owned enterprises amid the civil conflict, in a context devoid of a private sector and entrepreneurial class, fostered rent-seeking and elite capture, disproportionately benefiting FRELIMO and its associates (Cruz et al. 2023). After the 1992 Peace Accords, Mozambique transitioned to a multiparty democracy, and RENAMO was transformed into a political party. The country experienced a period of sustained economic growth and moderate poverty reduction, supported by substantial aid flows. However, growth in Mozambique has been unbalanced, unsustainable, and coupled with rising inequality, especially between regions and within urban areas. FRELIMO has maintained political power over the country, while polarization between the two main parties continued and culminated in violent conflict in 2013, with RENAMO demanding, among other things, more decentralization.

The Mozambique Peace Process, which began in late 2016 after several failed attempts to reach a peace deal, led to the end of hostilities and the signing of the Maputo Accord for Peace and National Reconciliation in 2019. Other key events have marked the country in recent years. First, a ‘hidden debt’ scandal emerged in 2016 and was received as a clear indication of the increase in corruption over the previous decades. The loan crisis led to a significant reduction in foreign aid and plunged Mozambique into a protracted economic downturn, which research estimated resulted in substantial increases in poverty across the country (Mambo et al. 2018). Additionally, Mozambique faced the destructive impact of extreme weather events, notably cyclones Idai and Kenneth, that hit the centre and north of the country in 2019. Finally, the discovery of vast natural gas reserves in the northernmost province of Cabo Delgado in the early 2010s has been overshadowed by the outbreak of conflict in the region just a few years later, in 2017. Some scholars argue that this conflict, which emerged as an Islamist insurgency, is linked to growing regional inequalities fuelled by unmet expectations regarding the benefits of resource extraction (Ewi et al. 2022).

Today, Mozambique remains one of the poorest countries in the world, ranking 183 out of 193 countries in the 2022 Human Development Index (UNDP 2024). Important regional differences persist, as a legacy of the country’s history. Economic and political power has long been concentrated in the more stable and developed south, benefiting from its proximity to the South African economy (Cruz et al.

2023). These regional divides are also reflected in political affiliations. The south has always been the stronghold of the ruling party, while, especially in the decades after the end of the civil war, RENAMO was particularly powerful in the central regions. The opposition has actively leveraged these regional grievances, depicting Mozambique as divided into distinct northern and southern communities (Bove et al. 2024). Significant disparities also exist between urban and rural areas. Rural areas remain disproportionately disadvantaged due to weak state presence, which leaves many communities excluded from essential public services. Mozambique’s deeply entrenched centralization, coupled with scarce financial and human resources, contributed to making the state disconnected and distant from its citizens (Forquilha 2023).

In this context, the provisions of the Maputo Peace Accord have given new momentum to the decentralization process, which had initially begun with the economic and political reforms of the late 1980s and 1990s, but had yielded modest results. The ongoing peace and decentralization processes hold the potential to strengthen the rule of law through reconciliation efforts and power-sharing arrangements. However, the country is currently undergoing a period of heightened political tension. Recent election cycles have raised doubts about the ability of government institutions to uphold the rule of law. Widespread and unprecedented protests erupted following the last general elections and have been interpreted not only as a response to the contested election results, but also as a reflection of growing discontent with the country socioeconomic conditions.

### 3 Data

An important source of data to look at Mozambicans’ perceptions of the rule of law and institutional quality in the country is provided by the Afrobarometer surveys. Importantly, the Afrobarometer also allow us to examine key differences at the sub-national level, mainly between regions of the country, and between urban and rural areas. The Afrobarometer consists of nationally representative surveys conducted in more than 30 countries in Africa to measure attitudes, perceptions, and values on social, political, and economic matters. To this day, the Afrobarometer has conducted eight rounds of surveys in Mozambique, spanning a 20-year period, from 2002 to 2022. Each round is based on a random sample of 1,200–2,400 individuals. In this paper, we use all the available data for Mozambique: seven out of eight rounds, beginning from round 2 and covering the period between 2002 and 2021. In most cases, we identified questions which are common to all rounds. However, questions in the Afrobarometer are not always harmonized or present in all of the rounds. In such cases, we restrict the analysis to rounds that present comparable questions, or discuss caveats in interpreting trends over time in the analysis.

We complement survey data from the Afrobarometer with official voting data, and data on electoral violence. Legislative and presidential elections outcomes data are provided by the Institute of Economic and Social Studies (*Instituto de Estudos Sociais e Económicos*, IESE). The data correspond to the official results and provide information on registered voters, votes for each candidate, blank ballots, and null votes per polling station. Data on voter turnout is also provided by the International Institute for Democracy and Electoral Assistance (IDEA). The analysis of protests and riots surrounding elections, and of political violence in the country, relies on data from the Armed Conflict Location & Event Data Project (ACLED) (Raleigh et al. 2023). The ACLED dataset is an event-based dataset widely used in conflict analysis and research, which provides granular information about political violence and demonstration events in all countries and territories around the world.

## 4 State and evolution of key dimension of the rule of law

We now delve into key components of the rule of law. In Section 4.1 we examine voice, political participation, and electoral freedom by looking at subjective perceptions and voter turnout in general elections. We complement the discussion on the freedom and fairness of the electoral process with information on election-related violence and unrest surrounding elections. We then move, in Section 4.2, to examine the judicial system: its organization, evolution, and current challenges; and the legitimacy and accessibility of the courts of law, as perceived by Mozambican citizens. Section 4.3 focuses on the presence and evolution of corruption in the public sector by looking at perceptions and at the prevalence of bribery victimization in accessing public services. Section 4.4 provides a discussion of the evolution of trust in the institutions. Section 4.5 considers the degree of access to essential public services, which offers an objective indicator of the quality of governance. Section 4.6 considers the state's capacity to provide effective personal security, considering the extent to which Mozambicans are exposed to political violence and feel threatened by crime. Finally, Section 4.7 delves into the protection of property and land use rights.

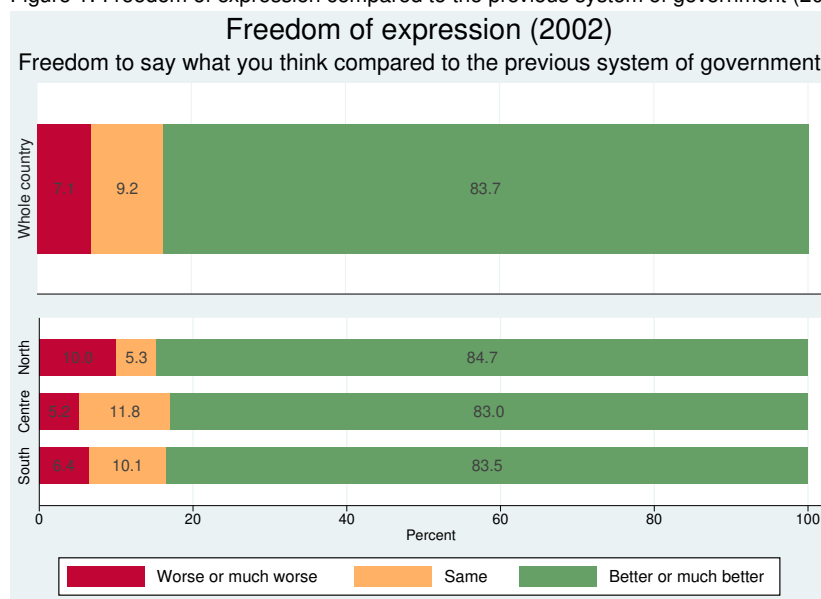
### 4.1 Voice and political participation

In this subsection, we examine freedom of expression and political participation. We begin by analysing the evolution over time of citizens' perceptions of their freedom of expression and of the freedom of fairness of election. We then consider political participation in terms of trends in voter turnout. Finally, relying on ACLED data, we look at the presence of election-related violence and unrest in the months before and after general elections, from 1999 onwards.

#### *Freedom of expression*

In 2002, a decade after the country's transition to a multiparty democracy, the majority of Mozambicans (83.7 per cent) believed that their freedom of expression improved compared to the previous system of government, while 7.1 per cent of the population perceived that things got worse. The percentage of people dissatisfied with the freedom of expression under the new political system was lower than the national average in the centre of the country, the stronghold of the opposition party, while it reached 10 per cent of the population living in the northern provinces (Figure 1).

Figure 1: Freedom of expression compared to the previous system of government (2002)



Source: authors' construction based on Afrobarometer data, round 2.

When asked a few years later, in 2008, around half of the people (51.7 per cent) had the perception of being completely free to say what they thought (Table 1). However, over time this percentage decreased dramatically, and reached 22.4 per cent in 2021. Accordingly, the percentage of people who perceive they are not at all free increased from 8.9 per cent in 2008 to 21.3 per cent in 2021.

Table 1: Freedom of expression

|                 | 2008       | 2012       | 2015       | 2018       | 2021       | <b>Total</b> |
|-----------------|------------|------------|------------|------------|------------|--------------|
|                 | %          | %          | %          | %          | %          | %            |
| Not at all free | 8.9        | 10.8       | 17.7       | 16.1       | 21.3       | <b>14.9</b>  |
| Not very free   | 22.4       | 25.7       | 32.0       | 27.3       | 20.1       | <b>26.6</b>  |
| Somewhat free   | 17.1       | 18.5       | 17.2       | 34.6       | 36.2       | <b>24.3</b>  |
| Completely free | 51.7       | 45.0       | 33.1       | 22.0       | 22.4       | <b>34.2</b>  |
| <b>Total</b>    | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>   |

Source: authors' construction based on Afrobarometer data, rounds 4–8.

The observed overall decrease in the perception of having freedom of speech seems to be driven by the northern provinces of the country, where the percentage of people who think they are somewhat or completely free to say what they think decreased from 65.6 per cent in 2008 to 51 per cent in 2021 (Table 2). In comparison, this figure stayed overall quite stable in the centre and south of the country (from 62.7 to 60.7 per cent, and from 57.8 to 58.9 per cent, respectively). However, in 2015, only 32.3 per cent of the population in the centre region perceived themselves to have at least some freedom of expression. This might be related to the fact that, at the time, the country was witnessing renewed tensions between RENAMO and the government, which particularly affected the centre of the country.

Table 2: Freedom of expression: somewhat or completely free

|        | 2008 | 2012 | 2015 | 2018 | 2021 | <b>Total</b> |
|--------|------|------|------|------|------|--------------|
|        | %    | %    | %    | %    | %    | %            |
| North  | 65.6 | 63.5 | 59.4 | 38.1 | 51.0 | <b>55.5</b>  |
| Centre | 62.7 | 54.5 | 32.3 | 67.4 | 60.7 | <b>55.5</b>  |
| South  | 57.8 | 56.1 | 54.2 | 51.6 | 58.9 | <b>55.7</b>  |

Source: authors' construction based on Afrobarometer data, rounds 4–8.

This is also reflected in the views expressed by key informants interviewed by Cruz et al. (2023), who report that in the last decade the government gradually weakened civil society, while members of opposition parties and people advocating for legal reforms were intimidated or persecuted.

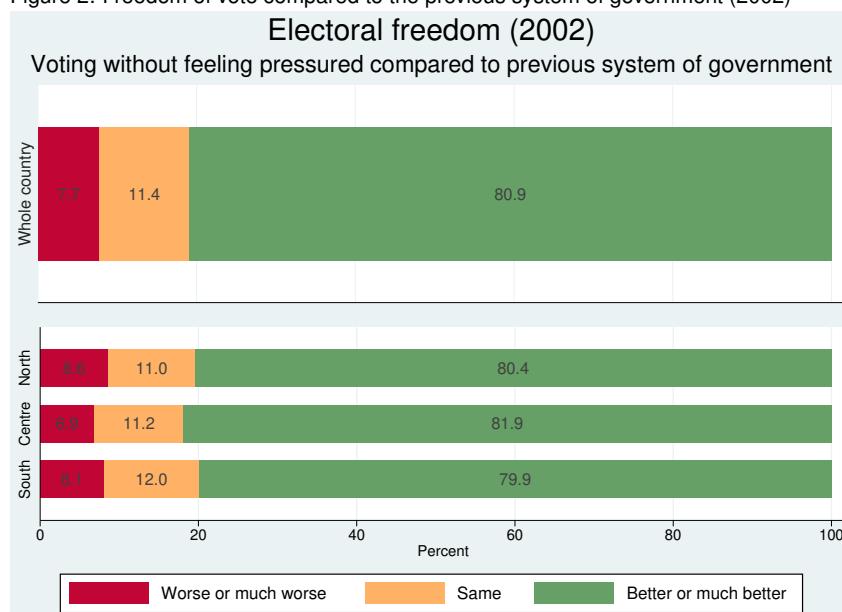
### *Perceptions of freedom and fairness of elections*

Perhaps not surprisingly, in 2002 the vast majority of Mozambicans believed that they had better or much better freedom of vote compared to the previous system of government (Figure 3). However, more than 10 per cent of the population considered that freedom to choose their representatives did not improve after the establishment of multiparty elections, and around 8 per cent believed that things got worse. Similar patterns are observed across all regions of the country.

Over time, the percentage of people who think that they are not at all free to vote without feeling pressured increased (from 5.6 per cent in 2008 to 8.6 per cent in 2021). This corresponds to a decrease in the number of people who feel completely free to vote, although the number of people that think they have some electoral freedom increased (Table 3).



Figure 2: Freedom of vote compared to the previous system of government (2002)



Source: authors' construction based on Afrobarometer data, round 2.

Table 3: Freedom to vote without feeling pressured

|                 | 2008       | 2012       | 2015       | 2021       | Total       |
|-----------------|------------|------------|------------|------------|-------------|
|                 | %          | %          | %          | %          | %           |
| Not free at all | 5.6        | 6.2        | 8.4        | 8.6        | <b>7.2</b>  |
| Not very free   | 10.2       | 9.6        | 17.0       | 7.1        | <b>11.8</b> |
| Somewhat free   | 13.2       | 13.0       | 13.0       | 17.0       | <b>13.7</b> |
| Completely free | 71.0       | 71.1       | 61.7       | 67.4       | <b>67.3</b> |
| <b>Total</b>    | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>  |

Source: authors' construction based on Afrobarometer data, rounds 4, 5, 6, and 8.

The perception of electoral freedom was particularly low in 2015, especially in the centre region, where only one in two people felt somewhat or completely free (Table 4).

Table 4: Freedom to vote without feeling pressured: somewhat or completely free

|        | 2008 | 2012 | 2015 | 2021 | Total       |
|--------|------|------|------|------|-------------|
|        | %    | %    | %    | %    | %           |
| North  | 80.9 | 75.7 | 81.8 | 85.8 | <b>81.0</b> |
| Centre | 72.4 | 68.9 | 53.1 | 77.7 | <b>68.0</b> |
| South  | 78.0 | 86.2 | 77.4 | 86.7 | <b>82.1</b> |

Source: authors' construction based on Afrobarometer data, rounds 4, 5, 6, and 8.

### *Voter turnout*

Table 5 shows voter turnout at the national level across legislative and presidential elections in Mozambique.<sup>1</sup> This figure is given by the ratio of the total votes, including invalid and blank votes, and the number of people registered to vote in the election. The first elections held in Mozambique to elect the president and the National Assembly, in 1994, had a very high voter turnout, with almost 88 per cent of those registered voting in the election (Table 5). Over the following elections, turnout has decreased significantly and consistently across all regions of the country, but particularly more so in the

<sup>1</sup> Preliminary results of the 2024 general elections, announced by the Mozambique National Electoral Commission (CNE), remain widely contested and are pending confirmation and validation by the Constitutional Council.

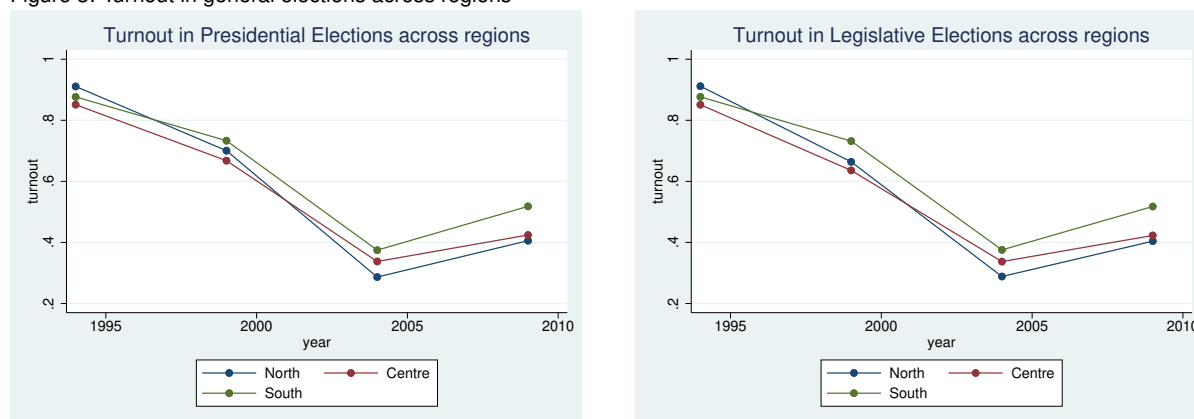
north and centre (Figure 3).<sup>2</sup> In particular, the 2004 legislative and presidential elections saw widespread abstention, with only around 36 per cent of registered voters going to the polls.

Table 5: Voter turnout in Mozambique

|              | 1994  | 1999  | 2004  | 2009  | 2014  | 2019  |
|--------------|-------|-------|-------|-------|-------|-------|
| Legislative  | 87.89 | 68.09 | 36.34 | 44.44 | 48.84 | 51.41 |
| Presidential | 88.03 | 69.51 | 36.42 | 44.63 | 49.03 | 51.84 |

Source: data from IDEA (2023).

Figure 3: Turnout in general elections across regions



(a) Presidential elections

(b) Legislative elections

Source: authors' construction based on data from IESE.

### *Election-related violence and unrest*

The first election campaign was overall peaceful, although with some intimidation by both FRELIMO and RENAMO. RENAMO was able to attract new supporters after the end of the civil war, and gained the central provinces of Manica and Sofala, while the south and north mainly supported FRELIMO (Vines 2013). Until 2004, electoral competition was relatively stable as a result of this historical regional division of influence between the two parties (Carbone 2005).

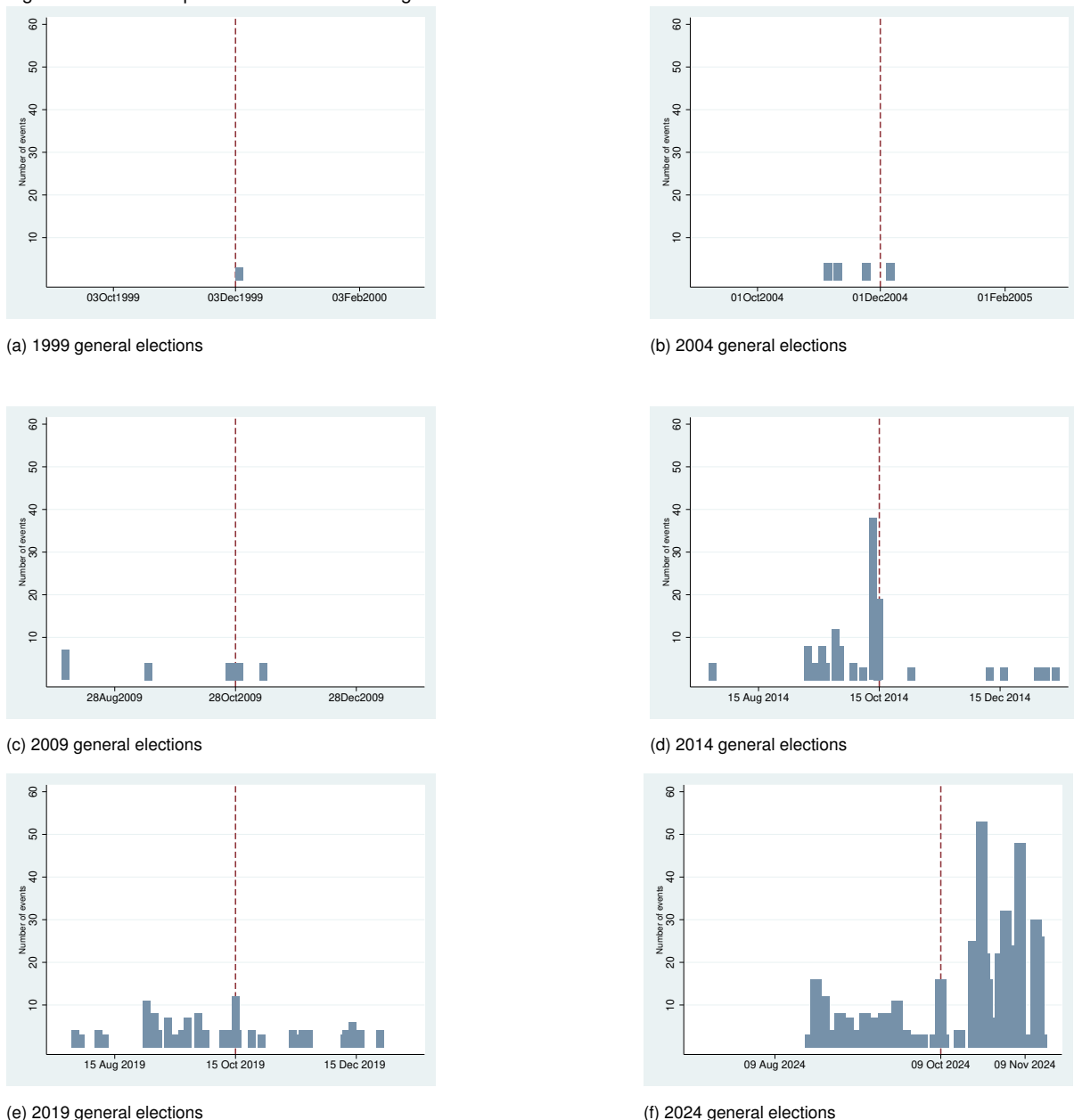
Over time, the electoral process in Mozambique has increasingly been marked by accusations of voter suppression and fraud, through ballot stuffing, vote destruction, and misregistration of polling results, especially in areas previously won by RENAMO. These accusations have been accompanied by a rise in skirmishes, protests, and riots surrounding the elections. Figure 4 shows the total number of riot and protest events around the dates of general elections.<sup>3</sup> The 2014 elections took place in the midst of the resurgence of violence between the government and RENAMO, and were preceded by a last-minute peace deal. There were concerns that the elections would not be free and fair, and a considerable increase in riots and protests before the elections. The 2019 general elections were marked by unprecedented levels of election-related violence, intimidation, reports of police misconduct, and significant irregularities. Mozambique police officers were implicated in the killing of an election observer, and opposition candidates were arbitrarily arrested. Election-related clashes killed at least 44 people during the campaign period (Pitcher 2020). Moreover, violent conflict in the northern province of Cabo Delgado disrupted elections in the area.

<sup>2</sup> The data pertains to presidential elections up to the 2009 general elections. Disaggregated data for subsequent elections has not been made publicly available by the electoral authorities.

<sup>3</sup> Due to data availability, we take into account elections from 1999 onwards.

Protests broke out again following the municipal elections in 2023, which were also marked by significant irregularities. These demonstrations were suppressed with force, resulting in at least four fatalities. The presidential and parliamentary elections held on 9 October 2024 triggered severe unrest. Official results indicated a landslide victory for FRELIMO; however, these outcomes remain widely contested. In the aftermath of the elections, two prominent opposition figures were killed. Opposition leader Venâncio Mondlane, representing the PODEMOS party and a former RENAMO MP, called for a general strike, which garnered substantial public support. As shown in Figure 4, protests have been more sustained and widespread than ever before. ACLED data register 60 fatalities related to riots, protests, and violence against civilians perpetrated by police forces or political militias in the six weeks after the general elections. The unprecedented scale of the turmoil has been attributed not only to the contested election results and evidence of misconduct, but also to a widespread dissatisfaction with the status quo, rising inequality, and limited economic opportunities and social mobility (Jones 2024).

Figure 4: Number of protests and riots around general elections



Note: the red dashed line represents the general elections day(s).

Source: authors' own calculations based on ACLED data.

## 4.2 Judicial system

Mozambique's judicial system has undergone significant transformations since the country gained independence. The 1975 Constitution laid the foundation for the judicial system. It established several levels of courts, which had to be in operation in each administrative division, down to the locality and neighbourhood level. At all levels, judicial activity was carried out not only by professional judges, but also by citizens elected to judicial duties. The popular court system was meant to establish the presence of the new state institutions all over the country and create a new legal framework coexisting with traditional conflict resolution mechanisms. However, in practice, popular participation in the administration of justice often clashed with the centralized and authoritarian nature of the state (Trindade and Pedroso 2006).

Over the years, several reforms aimed at improving judicial efficiency, integrity, and access to law and justice have been implemented, particularly following the constitutional developments of 1990 and 2004 (Trindade 2023). The 1990 Constitution and the following laws introduced profound alterations to the judicial system, based on the separation of powers and the principles of independence, impartiality, and autonomy of the judges.

Recent constitutional reforms have recognized legal pluralism. Article 4 of the Constitution recognizes all the different normative and dispute resolution systems that co-exist in Mozambique, as long as these do not contradict fundamental principles and values enshrined in the Constitution. Community courts, which handle minor disputes and are based on traditional justice practices, have been formally integrated into the judicial framework. However, the effectiveness of these courts is limited by inadequate training and resources. Other key reforms include the establishment of higher courts of appeal, the introduction of commercial dispute resolution mechanisms, and efforts to combat corruption within the judiciary.

Despite these efforts, the system continues to face significant inefficiencies and disparities in resource allocation, resulting in many district courts being understaffed and underfunded, and rural areas inadequately served. Experts also point to the fact that the judiciary's independence is compromised by the appointment of key judicial positions by the president, and that the system is affected by delays and corruption, compromising the protection of citizens' rights and affecting public trust in the courts (Trindade 2023).

### *Trust in the courts of law and judicial legitimacy*

Trust in the judicial system is a crucial indicator of its legitimacy and effectiveness. Table 6 shows variation in the level of confidence in the courts of law among Mozambicans over time. Overall, around 68 per cent of Mozambicans report to trust the judicial system somewhat or a lot. However, this figure varied over time. In 2005, the majority of Mozambicans showed confidence in the system, with 81.6 per cent of the respondents answering that they trusted the courts somewhat or a lot. Confidence in the judicial system has generally declined from 2005 to 2021, with a notable dip in 2015, when almost one in two respondents did not trust the courts. It then gradually restored, reaching 65.2 per cent in 2021, reflecting a partial recovery of public trust.

Table 7 shows substantial regional variation in trust in the judicial system. Initially, confidence in the courts of law was higher among residents in the north (nearly 91 per cent) compared to the centre (82.2 per cent) and the south (69 per cent). However, trust declined over time, reaching similar levels across regions (65.9 per cent in the north, 67.3 per cent in the centre, and 60.8 per cent in the south). The regional breakdown also reveals that the drop in trust in 2015 was particularly driven by the central region and to a lesser extent by the south.

Table 6: Trust in the courts of law

|               | 2005       | 2008       | 2012       | 2015       | 2018       | 2021       | Total       |
|---------------|------------|------------|------------|------------|------------|------------|-------------|
|               | %          | %          | %          | %          | %          | %          | %           |
| Not at all    | 6.4        | 7.6        | 12.0       | 20.3       | 11.3       | 10.9       | <b>12.4</b> |
| Just a little | 12.1       | 15.7       | 18.3       | 26.1       | 18.8       | 23.9       | <b>19.7</b> |
| Somewhat      | 22.2       | 16.4       | 20.1       | 23.5       | 29.9       | 24.0       | <b>23.2</b> |
| A lot         | 59.4       | 60.3       | 49.6       | 30.1       | 40.0       | 41.2       | <b>44.7</b> |
| <b>Total</b>  | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>  |

Source: authors' construction based on Afrobarometer data, rounds 3–8.

Table 7: Trust in the courts of law: somewhat or a lot

|        | 2005 | 2008 | 2012 | 2015 | 2018 | 2021 | Total       |
|--------|------|------|------|------|------|------|-------------|
|        | %    | %    | %    | %    | %    | %    | %           |
| North  | 90.5 | 88.6 | 77.9 | 74.5 | 74.8 | 65.9 | <b>78.7</b> |
| Centre | 82.2 | 71.3 | 67.8 | 38.9 | 70.0 | 67.3 | <b>66.2</b> |
| South  | 69.0 | 69.2 | 62.2 | 46.1 | 63.0 | 60.8 | <b>61.7</b> |

Source: authors' construction based on Afrobarometer data, rounds 3–8.

Despite the overall decrease in the level of trust in the courts of law, Mozambicans have remained generally convinced of the legitimacy of courts' decisions (Table 8). The proportion of Mozambicans that agree or strongly agree that the courts have the right to make binding decisions increased from 79.4 per cent in 2005 to 85 per cent in 2021, with some fluctuation over the years, which mirror the drop in confidence in the judicial system in the past two decades.

Table 8: The courts have the right to make decisions that people always have to abide by.

|                            | 2005       | 2008       | 2012       | 2015       | 2018       | 2021       | Total       |
|----------------------------|------------|------------|------------|------------|------------|------------|-------------|
|                            | %          | %          | %          | %          | %          | %          | %           |
| Strongly disagree          | 1.3        | 2.4        | 5.5        | 9.9        | 7.3        | 3.2        | <b>5.5</b>  |
| Disagree                   | 8.0        | 10.6       | 15.1       | 9.3        | 21.2       | 8.4        | <b>12.3</b> |
| Neither agree nor disagree | 11.2       | 9.0        | 3.6        | 8.6        | 10.6       | 3.3        | <b>7.7</b>  |
| Agree                      | 57.0       | 63.5       | 51.6       | 41.1       | 45.9       | 49.3       | <b>49.4</b> |
| Strongly agree             | 22.4       | 14.6       | 24.2       | 31.2       | 14.9       | 35.7       | <b>25.1</b> |
| <b>Total</b>               | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>  |

Source: authors' construction based on Afrobarometer data, rounds 3–7.

Initially, respondents in the southern provinces were the least convinced about the legitimacy of courts' decision (around 67 per cent, compared to 88.5 per cent in the north and 76 per cent in the centre; Table 9). This proportion increased to reach levels similar to the rest of the country by 2018 (around 83 per cent, compared to 89 per cent in the north and 81 per cent in the centre). The perception of the legitimacy of the courts of law was particularly low in 2015 both in the south and centre of the country, when only around half of the respondents agreed that the courts have the right to make binding decisions.

Table 9: The courts make binding decisions: agree or strongly agree

|        | 2005 | 2008 | 2012 | 2015 | 2018 | Total       |
|--------|------|------|------|------|------|-------------|
|        | %    | %    | %    | %    | %    | %           |
| North  | 88.5 | 87.3 | 74.8 | 81.6 | 89.7 | <b>84.4</b> |
| Centre | 76.1 | 69.2 | 69.1 | 50.1 | 81.7 | <b>69.2</b> |
| South  | 67.0 | 70.9 | 73.8 | 47.8 | 83.5 | <b>68.6</b> |

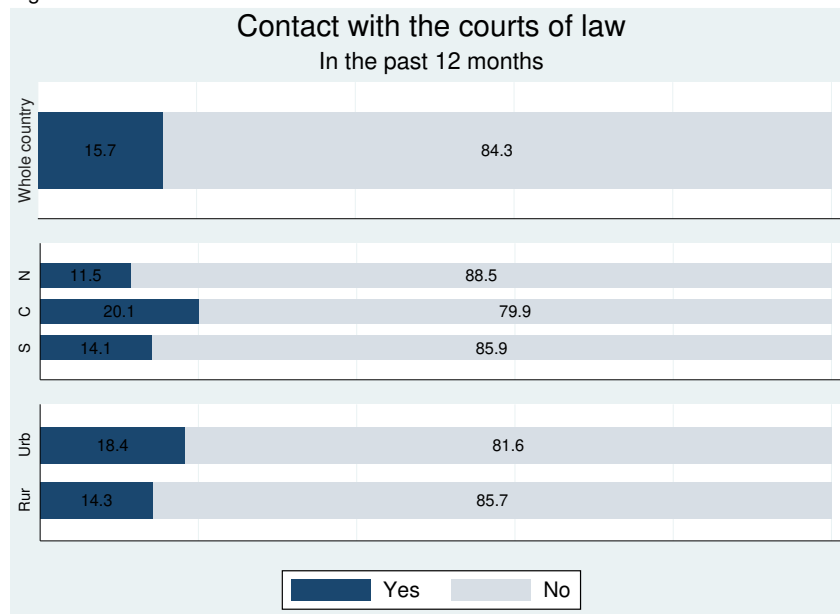
Source: authors' construction based on Afrobarometer data, rounds 3–7.

### Accessibility

In this section, we examine the accessibility of the courts of law, relying on the most recent information available from the Afrobarometer, collected in 2015. We begin by examining the level of contact with

the legal system. Figure 5 shows that 15.7 per cent of Mozambican citizens report to have had contact with the courts of law in the previous year, with higher percentages in the centre region (20 per cent) and in urban areas (18.4 per cent).

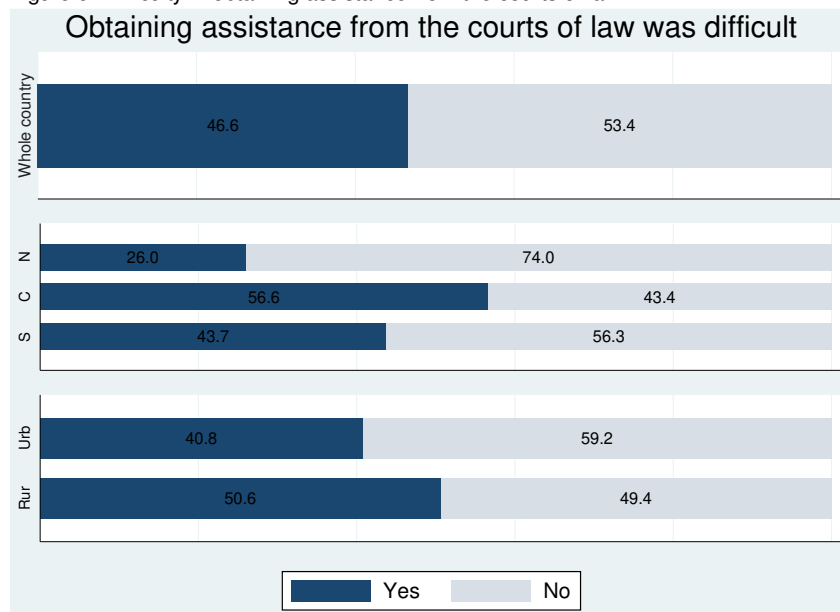
Figure 5: Contact with the courts of law



Source: authors' construction based on Afrobarometer data, round 6.

Respondents who had contact with the courts in the previous year were asked how easy or difficult it was to obtain the assistance they needed. Notably, almost half (46.6 per cent) of the respondents found it difficult or very difficult (Figure 6), with an even higher percentage in the centre region (56.6 per cent). Respondents in rural areas find obtaining court assistance more difficult than respondents in urban areas (50.6 per cent in rural areas compared to 40.8 per cent in urban areas).

Figure 6: Difficulty in obtaining assistance from the courts of law



Source: authors' construction based on Afrobarometer data, round 6.

Respondents that had any kind of contact with government courts or tribunals in the previous five years were also asked what kind of problems they encountered (Table 10). More than half of the respondents were unable to pay the legal fees (55.2 per cent), had difficulties understanding the legal procedures

(57.1 per cent), and obtaining the necessary legal counsel and advice (51.5 per cent). Nearly one in two respondents felt they could not make the judges and magistrate listen to them (48.4 per cent), while six out of ten (61.9 per cent) experienced delays.

Table 10: Problems encountered by respondents who had contact with the courts in the previous five years

|              | Unable to pay legal fees | Could not understand legal procedures | Could not obtain legal counsel | Could not make the judge listen | Delays      |
|--------------|--------------------------|---------------------------------------|--------------------------------|---------------------------------|-------------|
| North        | 55.2                     | 55.0                                  | 46.2                           | 47.1                            | 59.8        |
| Centre       | 67.9                     | 69.8                                  | 65.8                           | 57.9                            | 73.6        |
| South        | 28.7                     | 32.1                                  | 28.1                           | 29.1                            | 40.3        |
| Urban        | 43.4                     | 42.0                                  | 41.2                           | 46.6                            | 54.4        |
| Rural        | 61.9                     | 65.4                                  | 57.2                           | 49.4                            | 66.3        |
| <b>Total</b> | <b>55.2</b>              | <b>57.1</b>                           | <b>51.5</b>                    | <b>48.4</b>                     | <b>61.9</b> |

Source: author's construction based on Afrobarometer data, round 6.

These issues are reported the most by respondents living in the centre region of the country (6–7 out of ten respondents experienced the aforementioned problems at least once) and much less so by respondents in the south (around 3–4 respondents out of ten). These problems are also generally more acute in rural areas compared to urban ones.

### 4.3 Corruption

To examine the evolution of corruption in Mozambique, we look at citizens' perceptions and at the extent to which they have to pay bribes to access public services. Table 11 shows respondents' opinions on the changes in the general level of corruption over the previous year, starting from 2015 (the first year in which the question was asked in the Afrobarometer survey). In general, Mozambicans perceive an increase in corruption over time. Across all Afrobarometer rounds considered, more than half of the respondents believed that corruption had increased somewhat or a lot compared to the previous year.

Table 11: Perceptions of change in corruption

|                    | 2015       | 2018       | 2021       | Total       |
|--------------------|------------|------------|------------|-------------|
|                    | %          | %          | %          | %           |
| Decreased a lot    | 7.0        | 4.8        | 8.0        | <b>6.3</b>  |
| Decreased somewhat | 16.6       | 16.9       | 14.8       | <b>16.3</b> |
| Stayed the same    | 20.5       | 22.1       | 19.9       | <b>21.0</b> |
| Increased somewhat | 22.6       | 23.5       | 21.9       | <b>22.8</b> |
| Increased a lot    | 33.2       | 32.7       | 35.5       | <b>33.5</b> |
| <b>Total</b>       | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>  |

Source: authors' construction based on Afrobarometer.

In Table 12 we consider the percentage of respondents who think that corruption increased somewhat or a lot, across different regions of the country. In general, more than half of the respondents in each of the three regions perceive an increase in corruption over time. The percentage of respondents who answers that corruption has increased is particularly high in the north region, reaching more than 70 per cent in 2018. However, it decreased between the last two rounds of the Afrobarometer. The data reveals that the number of respondents that perceive increases in corruption in southern Mozambique grew over time, while it decreased in the centre of the country.

Table 12: Percentage of respondents who think corruption increased by region

|        | 2015 | 2018 | 2021 | <b>Total</b> |
|--------|------|------|------|--------------|
|        | %    | %    | %    | %            |
| North  | 69.0 | 72.4 | 63.9 | <b>68.4</b>  |
| Centre | 60.4 | 57.2 | 51.5 | <b>56.4</b>  |
| South  | 55.2 | 55.2 | 66.9 | <b>59.1</b>  |

Source: authors' construction based on Afrobarometer.

In Tables 13–15 we zoom into perceptions of the involvement in corruption of key institutional actors, namely the president and members of his office, government officials, and the police. In this case, we can examine changes over a longer period of time, from 2002 to 2021.

Table 13: Corruption: president of the republic and his office

|              | 2002       | 2005       | 2008       | 2012       | 2015       | 2018       | 2021       | <b>Total</b> |
|--------------|------------|------------|------------|------------|------------|------------|------------|--------------|
|              | %          | %          | %          | %          | %          | %          | %          | %            |
| None of them | 36.5       | 48.1       | 33.0       | 32.9       | 28.2       | 28.5       | 30.8       | <b>32.8</b>  |
| Some of them | 40.3       | 38.3       | 47.4       | 45.3       | 46.1       | 41.2       | 34.2       | <b>42.4</b>  |
| Most of them | 10.4       | 6.7        | 12.1       | 14.7       | 13.1       | 19.8       | 18.4       | <b>14.4</b>  |
| All of them  | 12.7       | 6.8        | 7.5        | 7.1        | 12.5       | 10.4       | 16.6       | <b>10.4</b>  |
| <b>Total</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>   |

Source: authors' construction based on Afrobarometer.

Table 14: Corruption: government officials

|              | 2002       | 2005       | 2008       | 2012       | 2015       | 2018       | 2021       | <b>Total</b> |
|--------------|------------|------------|------------|------------|------------|------------|------------|--------------|
|              | %          | %          | %          | %          | %          | %          | %          | %            |
| None of them | 23.2       | 30.4       | 15.9       | 22.3       | 15.3       | 9.5        | 20.6       | <b>18.4</b>  |
| Some of them | 45.0       | 45.0       | 52.9       | 50.1       | 39.9       | 46.1       | 36.2       | <b>45.1</b>  |
| Most of them | 18.8       | 17.1       | 22.6       | 18.7       | 32.0       | 32.2       | 24.5       | <b>24.9</b>  |
| All of them  | 13.1       | 7.5        | 8.6        | 8.9        | 12.7       | 12.2       | 18.7       | <b>11.6</b>  |
| <b>Total</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>   |

Source: authors' construction based on Afrobarometer.

Table 15: Corruption: police

|              | 2002       | 2005       | 2008       | 2012       | 2015       | 2018       | 2021       | <b>Total</b> |
|--------------|------------|------------|------------|------------|------------|------------|------------|--------------|
|              | %          | %          | %          | %          | %          | %          | %          | %            |
| None of them | 18.5       | 21.8       | 13.8       | 14.4       | 11.3       | 7.7        | 15.5       | <b>13.7</b>  |
| Some of them | 38.8       | 41.6       | 45.6       | 42.3       | 33.6       | 36.8       | 32.6       | <b>38.4</b>  |
| Most of them | 27.9       | 23.1       | 27.2       | 29.4       | 31.1       | 35.9       | 27.9       | <b>29.9</b>  |
| All of them  | 14.8       | 13.6       | 13.3       | 13.8       | 24.1       | 19.6       | 24.0       | <b>18.0</b>  |
| <b>Total</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b>   |

Source: authors' construction based on Afrobarometer.

In general, the percentage of the population that has the perception that none of the members of the aforementioned institutions are involved in corruption is quite low, ranging from 32.8 per cent for the president and his office members, to only 13.7 per cent for members of the police. Although with some differences across institutions, the data show an increase over time in the percentage of people who think that most or all of the members of the institutions are involved in corruption.

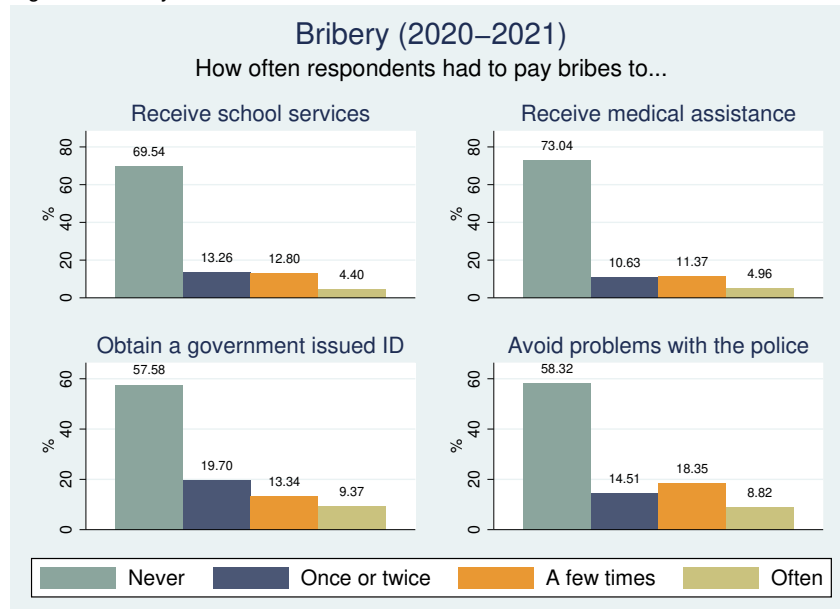
### *Bribery*

Although corruption in the public sector can take many different forms, a way in which it typically manifests itself is through bribery. For this reason, we turn to examining how often individuals are compelled to pay bribes to access essential services in Mozambique. In this section, we rely on data from the last available round of the Afrobarometer (round 8, 2021).



Figure 7 shows that bribery is common in Mozambique. More than 40 per cent of the respondents who requested a government-issued document had to pay a bribe at least once to receive the service requested. The same applies for respondents who encountered the police over the previous year: in order to avoid problems, 41.7 per cent of the respondents had to pay a bribe, with nearly 9 per cent of them having to do so often. Bribery victimization happens less often, but is still quite widespread, in public schools (30.5 per cent) and medical facilities (27 per cent).

Figure 7: Bribery victimization

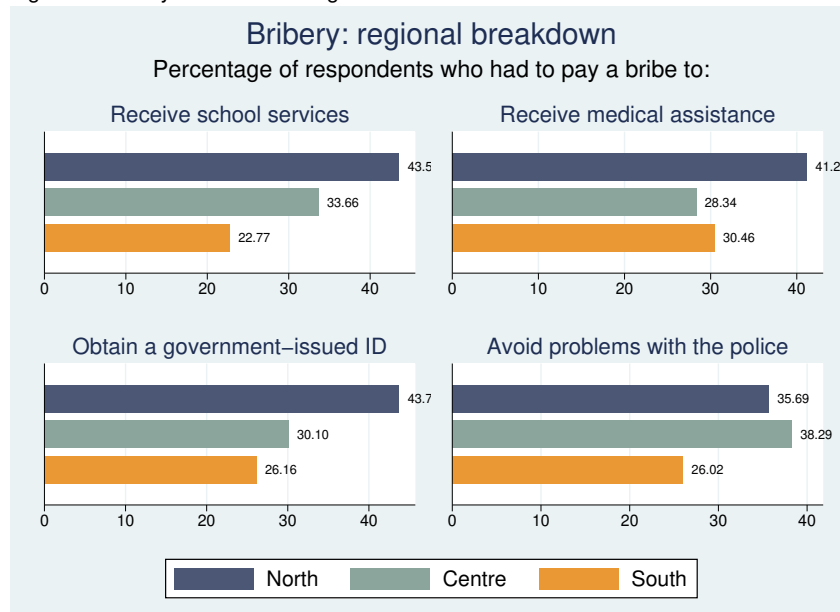


Note: the graph shows percentages of respondents who had experience with each service in the previous year.

Source: authors' own construction based on Afrobarometer data, round 8

Figure 8 shows the regional breakdown in bribery victimization. Respondents living in the north of Mozambique are generally more subject to bribery in order to access public services: more than 40 per cent of respondents in northern Mozambique paid bribes at least once to obtain school services, medical care, and government-issued documents. Although bribery is generally less common in the south, between one-quarter and one-third of respondents had to pay bribes to obtain the services needed. Bribery to avoid problems with the police is particularly widespread in the centre of the country, with almost 40 per cent of the respondents having to do so at least once over the previous year. Moreover, this form of bribery prevails in rural areas, where almost 60 per cent of the respondents has to bribe the police (Figure 9).

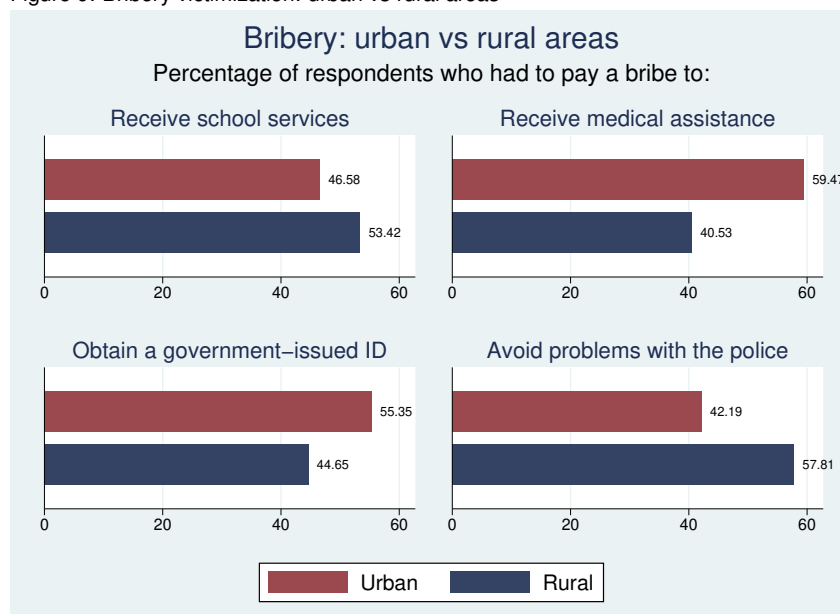
Figure 8: Bribery victimization: regional breakdown



Note: the graph shows the percentage of respondents who had experience with each service over the previous year and had to pay a bribe at least once to obtain it.

Source: authors' own construction based on Afrobarometer data, round 8.

Figure 9: Bribery victimization: urban vs rural areas



Note: the graph shows the percentage of respondents who had experience with each service over the previous year and had to pay a bribe at least once to obtain it.

Source: authors' own construction based on Afrobarometer data, round 8.

#### 4.4 Trust in the institutions

To analyse trust in the institutions, we look at trust in the president, trust in the Parliament or National Assembly, and trust in the police. Despite the widespread perception of corruption, the data shows that Mozambicans are quite trustful towards these institutions. In Table 16 we show trends over time of a dichotomous variable which takes value 1 if the respondent said that they trust the given institution somewhat or a lot, and value 0 if they do not trust it at all or just a little.

Table 16: Trust in the institutions

|                        | 2005 | 2008 | 2012 | 2015 | 2018 | 2021 | <b>Total</b> |
|------------------------|------|------|------|------|------|------|--------------|
|                        | %    | %    | %    | %    | %    | %    | %            |
| Trust in the president | 85.3 | 81.2 | 74.2 | 66.8 | 74.4 | 67.9 | <b>75.0</b>  |
| Trust in the assembly  | 83.7 | 77.0 | 68.5 | 60.7 | 64.7 | 59.1 | <b>69.0</b>  |
| Trust in the police    | 76.0 | 63.1 | 67.3 | 46.8 | 68.6 | 55.2 | <b>62.8</b>  |

Source: authors' construction based on Afrobarometer.

On average, more than seven out of ten respondents said that they trust the president at least somewhat, while trust in the assembly and in the police is slightly lower, although on average quite high (68.8 per cent and 62.6 per cent, respectively). However, we also see a continuous decline in trust over time. Trust was particularly low in 2015, when only 46.8 per cent of the respondents felt they could trust the institution of the police.

Tables 17–19 provide a breakdown by region and by urban versus rural areas. Consistently across institutions, trust increases moving from the south to the north of the country, and it is generally higher in rural compared to urban areas. As with other indicators, we find that trust in the institutions dropped in the centre of the country in the mid-2010s.

Table 17: Trust in the president

|        | 2005 | 2008 | 2012 | 2015 | 2018 | 2021 | <b>Total</b> |
|--------|------|------|------|------|------|------|--------------|
|        | %    | %    | %    | %    | %    | %    | %            |
| North  | 89.6 | 89.2 | 87.2 | 80.1 | 77.3 | 67.9 | <b>81.9</b>  |
| Centre | 84.1 | 80.0 | 73.0 | 51.3 | 76.5 | 69.7 | <b>72.4</b>  |
| South  | 81.8 | 72.3 | 58.2 | 72.9 | 67.2 | 64.7 | <b>69.5</b>  |
| Urban  | 83.3 | 71.2 | 63.6 | 66.8 | 68.0 | 63.6 | <b>69.4</b>  |
| Rural  | 86.9 | 85.8 | 79.5 | 66.8 | 78.3 | 70.6 | <b>78.0</b>  |

Source: authors' construction based on Afrobarometer.

Table 18: Trust in the assembly

|        | 2005 | 2008 | 2012 | 2015 | 2018 | 2021 | <b>Total</b> |
|--------|------|------|------|------|------|------|--------------|
|        | %    | %    | %    | %    | %    | %    | %            |
| North  | 91.8 | 87.1 | 79.9 | 75.9 | 70.8 | 67.7 | <b>78.9</b>  |
| Centre | 82.6 | 75.1 | 66.2 | 46.9 | 67.7 | 62.2 | <b>66.8</b>  |
| South  | 74.6 | 66.1 | 57.1 | 60.4 | 52.5 | 44.5 | <b>59.2</b>  |
| Urban  | 82.8 | 67.6 | 58.4 | 58.7 | 59.5 | 55.5 | <b>63.7</b>  |
| Rural  | 84.5 | 81.6 | 74.0 | 61.9 | 68.0 | 61.6 | <b>71.9</b>  |

Source: authors' construction based on Afrobarometer.

Table 19: Trust in the police

|        | 2005 | 2008 | 2012 | 2015 | 2018 | 2021 | <b>Total</b> |
|--------|------|------|------|------|------|------|--------------|
|        | %    | %    | %    | %    | %    | %    | %            |
| North  | 86.1 | 76.0 | 75.1 | 65.4 | 72.2 | 52.2 | <b>71.2</b>  |
| Centre | 75.5 | 58.7 | 70.5 | 31.4 | 67.0 | 61.7 | <b>61.1</b>  |
| South  | 63.8 | 53.4 | 51.4 | 44.2 | 63.0 | 47.6 | <b>53.9</b>  |
| Urban  | 71.9 | 46.5 | 54.0 | 44.3 | 64.0 | 50.6 | <b>55.2</b>  |
| Rural  | 79.2 | 71.1 | 74.2 | 48.3 | 71.3 | 58.3 | <b>67.1</b>  |

Source: authors' construction based on Afrobarometer.

#### 4.5 Access to public services

The extent to which people have access to basic services provides an objective measure of the quality of governance. In this section we describe the presence of key public services—namely electricity, piped water, a sewage system, schools, and health clinics—in Mozambican communities.

Access to electricity and water has improved over the past two decades, although overall levels remain low. By 2021, nearly 50 per cent of the population lived in areas connected to electricity grids, and

less than 40 per cent had access to piped water systems (Tables 20 and 21). Access to sewage systems was even more limited, with only 11.8 per cent of the population benefiting from such infrastructure (Table 22). The data reveals large and persistent disparities across areas of the country. Residents of the more developed southern provinces generally have better access to essential public services. What stands out even more are the stark differences between urban and rural areas. On average, over the years considered, residents in rural areas had far more limited access to public services. While only one-quarter of the rural population, on average, had electricity, this figure was 87 per cent in urban areas. Access to water was available to just 10.6 per cent of rural residents, compared to 69 per cent in cities. Similarly, only 3.3 per cent of the rural population had access to sewage systems, whereas 28.3 per cent of urban dwellings was served.

Table 20: Access to electricity

|              | 2002        | 2005        | 2008        | 2012        | 2015        | 2018        | 2021        | <b>Total</b> |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
|              | %           | %           | %           | %           | %           | %           | %           | %            |
| North        | 24.3        | 22.3        | 26.6        | 44.1        | 36.0        | 45.7        | 46.8        | <b>35.1</b>  |
| Centre       | 25.2        | 42.1        | 64.5        | 64.9        | 42.1        | 37.7        | 35.9        | <b>44.7</b>  |
| South        | 51.7        | 48.8        | 55.4        | 77.0        | 81.9        | 74.0        | 76.7        | <b>66.6</b>  |
| Urban        | 85.3        | 73.4        | 89.9        | 94.4        | 93.1        | 84.2        | 88.6        | <b>86.9</b>  |
| Rural        | 9.5         | 13.8        | 32.2        | 43.6        | 26.4        | 28.5        | 23.9        | <b>25.4</b>  |
| <b>Total</b> | <b>31.9</b> | <b>38.6</b> | <b>49.9</b> | <b>60.8</b> | <b>49.8</b> | <b>49.5</b> | <b>49.7</b> | <b>47.2</b>  |

Source: authors' construction based on Afrobarometer.

Table 21: Access to water

|              | 2002        | 2005        | 2008        | 2012        | 2015        | 2018        | 2021        | <b>Total</b> |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
|              | %           | %           | %           | %           | %           | %           | %           | %            |
| North        | 9.7         | 11.6        | 15.1        | 20.5        | 23.0        | 21.1        | 28.7        | <b>18.5</b>  |
| Centre       | 33.2        | 16.0        | 31.0        | 21.1        | 35.1        | 23.2        | 22.7        | <b>26.1</b>  |
| South        | 40.6        | 39.3        | 33.4        | 59.2        | 70.1        | 68.9        | 75.2        | <b>55.2</b>  |
| Urban        | 65.8        | 42.9        | 62.9        | 77.1        | 82.2        | 71.8        | 79.9        | <b>69.0</b>  |
| Rural        | 13.8        | 6.1         | 9.9         | 6.6         | 16.4        | 10.8        | 10.1        | <b>10.6</b>  |
| <b>Total</b> | <b>27.9</b> | <b>21.3</b> | <b>26.4</b> | <b>30.0</b> | <b>39.6</b> | <b>33.8</b> | <b>38.4</b> | <b>31.0</b>  |

Source: authors' construction based on Afrobarometer.

Table 22: Access to sewage system

|              | 2002        | 2005        | 2008        | 2012       | 2015        | 2018       | 2021        | <b>Total</b> |
|--------------|-------------|-------------|-------------|------------|-------------|------------|-------------|--------------|
|              | %           | %           | %           | %          | %           | %          | %           | %            |
| North        | 4.2         | 3.3         | 9.2         | 3.7        | 18.8        | 7.3        | 6.2         | <b>7.5</b>   |
| Centre       | 19.7        | 11.2        | 8.0         | 4.5        | 9.9         | 11.1       | 14.6        | <b>11.3</b>  |
| South        | 11.8        | 24.9        | 15.3        | 12.2       | 32.7        | 9.8        | 13.5        | <b>17.2</b>  |
| Urban        | 35.6        | 25.5        | 30.1        | 18.9       | 46.5        | 19.9       | 21.5        | <b>28.3</b>  |
| Rural        | 5.5         | 4.1         | 0.99        | 0          | 3.5         | 3.6        | 5.2         | <b>3.3</b>   |
| <b>Total</b> | <b>12.9</b> | <b>12.7</b> | <b>10.2</b> | <b>6.1</b> | <b>18.3</b> | <b>9.5</b> | <b>11.8</b> | <b>11.7</b>  |

Source: authors' construction based on Afrobarometer.

Tables 24 and 23 show the percentage of the population that had access to health clinics and schools, respectively. Broadly speaking, access to health clinics improved over time: by 2021, around 60 per cent of the population overall had a health clinic nearby. Access to schools is a more positive indicator: in 2021, nearly 85 per cent of the population had access to a school, with similar rates of access across regions and in rural and urban areas. However, despite notable results in guaranteeing access to school, substantial challenges remain in terms of improving the quality of education (Mário et al. 2023).

Table 23: Access to a health clinic

|              | 2002        | 2005        | 2008        | 2012        | 2015        | 2018        | 2021        | <b>Total</b> |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
|              | %           | %           | %           | %           | %           | %           | %           | %            |
| North        | 35.3        | 47.3        | 87.1        | 65.2        | 51.0        | 70.0        | 54.6        | <b>58.6</b>  |
| Centre       | 38.9        | 53.7        | 82.0        | 82.5        | 23.4        | 48.3        | 57.4        | <b>55.2</b>  |
| South        | 38.1        | 13.1        | 54.9        | 62.4        | 48.2        | 57.4        | 71.4        | <b>49.4</b>  |
| Urban        | 50.2        | 46.5        | 62.8        | 62.5        | 52.8        | 66.9        | 72.1        | <b>59.1</b>  |
| Rural        | 33.3        | 39.4        | 83.8        | 76.5        | 31.6        | 53.1        | 52.4        | <b>52.9</b>  |
| <b>Total</b> | <b>37.6</b> | <b>42.1</b> | <b>77.8</b> | <b>71.8</b> | <b>39.1</b> | <b>58.3</b> | <b>60.2</b> | <b>55.2</b>  |

Source: authors' construction based on Afrobarometer.

Table 24: Access to a school

|              | 2002        | 2005        | 2008        | 2012        | 2015        | 2018        | 2021        | <b>Total</b> |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
|              | %           | %           | %           | %           | %           | %           | %           | %            |
| North        | 88.2        | 78.4        | 100.0       | 94.7        | 79.8        | 76.6        | 83.3        | <b>85.8</b>  |
| Centre       | 88.8        | 82.7        | 98.3        | 95.7        | 69.1        | 65.8        | 83.5        | <b>83.4</b>  |
| South        | 82.7        | 66.2        | 97.4        | 91.6        | 85.6        | 92.7        | 87.8        | <b>86.2</b>  |
| Urban        | 87.8        | 77.4        | 95.7        | 96.3        | 87.0        | 80.6        | 90.1        | <b>87.9</b>  |
| Rural        | 86.7        | 77.0        | 100.0       | 93.5        | 71.4        | 73.6        | 81.0        | <b>83.3</b>  |
| <b>Total</b> | <b>87.0</b> | <b>77.2</b> | <b>98.7</b> | <b>94.5</b> | <b>77.0</b> | <b>76.2</b> | <b>84.6</b> | <b>85.0</b>  |

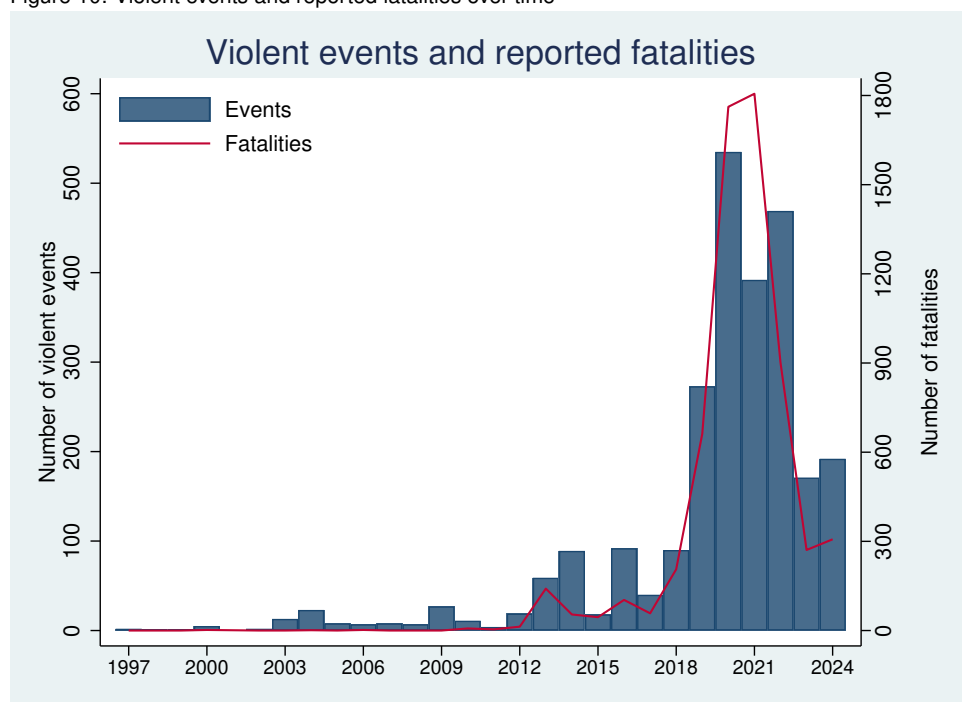
Source: authors' construction based on Afrobarometer.

#### 4.6 Personal security and absence of violence

The state's capacity to provide effective personal security is a central aspect of the rule of law and it remains an ongoing challenge for a significant group of developing countries (Haggard and Tiede 2011). In this section, we consider the extent to which Mozambicans are exposed to personal insecurity by considering both the level and intensity of political violence in the country, and citizens' perceptions of personal insecurity.

Figure 10 presents the yearly number of political violence events and of reported fatalities from political violence in Mozambique over the past 30 years. The number of violent events increased since 2013, when low-level conflict between the government and RENAMO broke out again in the centre of the country, causing hundreds of deaths. However, it is since 2017 that we see a surge in conflict events and in fatalities, with the onset of the Islamist insurgency and the outbreak of conflict in the northernmost province of Cabo Delgado, which has killed almost 6,000 people and affected hundreds of thousands. As of November 2022, the International Organization for Migration (IOM) reported more than one million internally displaced persons (IDPs) due to the conflict.

Figure 10: Violent events and reported fatalities over time



Note: violent events include battles, explosions/remote violence, and violence against civilians.

Source: authors' own construction based on ACLED data.

We analyse Mozambicans' sense of personal security by looking at the evolution in responses to a question in the Afrobarometer which asks how often respondents feared crime at home in the previous year.

Table 25 presents a binary variable that takes value 1 if the respondent feared crime at home at least once or twice. We find that, although on average around six out of ten people never feared crime at home during the years under analysis, Mozambicans' sense of security is declining over time. From 2002 to 2021, fear of crime at home consistently increased from 23.5 per cent to 50.4 per cent. The worsening in the sense of the security in recent years is more pronounced in the north, where people used to feel safer in the past, and in the centre of the country, and likely reflects the instability in these areas. Moreover, although respondents living in urban areas report to fear crime at home more, there is a considerable rising trend in rural areas as well.

Table 25: Feared crime at home in the past year

|              | 2002        | 2005        | 2008        | 2012        | 2015        | 2018        | 2021        | Total       |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|              | %           | %           | %           | %           | %           | %           | %           | %           |
| North        | 13.5        | 23.0        | 41.6        | 47.0        | 33.6        | 43.6        | 56.3        | <b>36.9</b> |
| Centre       | 22.4        | 29.8        | 38.2        | 34.5        | 43.8        | 48.4        | 47.2        | <b>37.8</b> |
| South        | 38.3        | 41.7        | 39.1        | 40.0        | 35.3        | 29.4        | 49.1        | <b>39.0</b> |
| Urban        | 37.2        | 41.8        | 46.5        | 52.4        | 44.0        | 46.0        | 57.3        | <b>46.5</b> |
| Rural        | 18.0        | 22.1        | 36.2        | 33.7        | 35.0        | 39.6        | 45.8        | <b>32.9</b> |
| <b>Total</b> | <b>23.5</b> | <b>30.7</b> | <b>39.5</b> | <b>40.1</b> | <b>38.2</b> | <b>42.0</b> | <b>50.4</b> | <b>37.8</b> |

Source: authors' construction based on Afrobarometer.

#### 4.7 Property rights

The protection of property rights is an important component of the rule of law. Article 82 of the Constitution of the Republic of Mozambique recognizes and guarantees the right to property ownership, stipulating that expropriation may only occur in cases of public necessity, utility, or interest, and must be accompanied by fair compensation. However, composite indicators reviewed by Ferreira (2024), in-

cluding the Index of Economic Freedom from the Heritage Foundation, the Fraser Institute Economic Freedom of the World, and the World Bank's CPIA, suggest that property rights remain poorly defined and inadequately protected. In this subsection, we delve into land-related issues, which are particularly critical in the country, relying on both scholars and experts views, and on perceptions of Mozambican citizens.

### *Land rights*

Land in Mozambique has belonged to the state since it was nationalized after the country gained independence in 1975. The principle of state ownership of land was maintained in the 1990 Constitution and its following reforms. The legal framework governing land rights is rooted in the 1997 Land Law, which sought to protect local community land rights while creating the conditions to attract investors. To balance state ownership of land with tenure security for communities and investors, the Land Law introduced transferable and inheritable land use rights, or DUATs (*Direito de Uso e Aproveitamento das Terras*). A critical feature of the 1997 Land Law was its explicit recognition of customarily acquired land rights, which are given full legal equivalence to state-allocated DUATs (Tanner 2010). Furthermore, the Land Law establishes the participation of local communities in land and natural resources management, including requiring private investors to consult with local communities before obtaining new DUATs. Gender equality is explicitly guaranteed in the Land Law: women have equal rights to hold and inherit land use titles, and to participate in every step of community land-related procedures (Bicchieri and Ayala 2017).

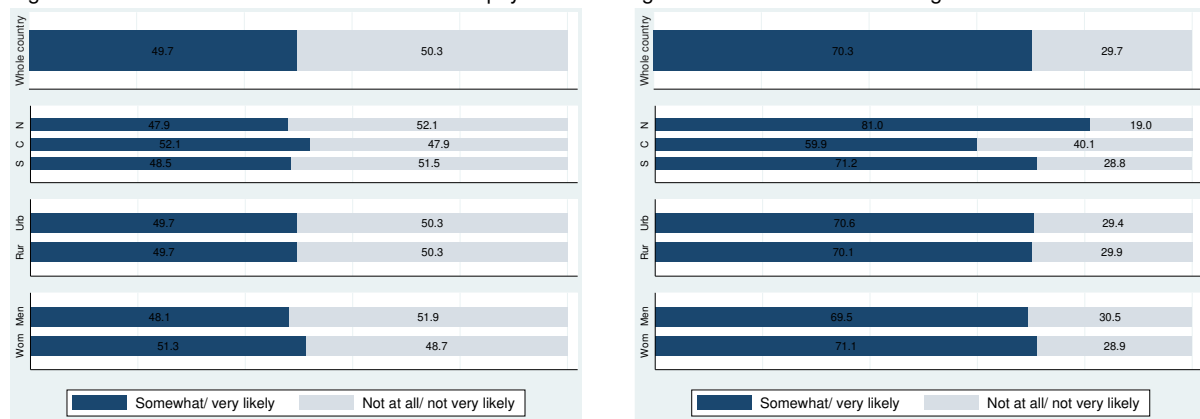
Despite its progressive framework, effective implementation of the Land Law has at times proved challenging. Over the past decades, public sector efforts and funding have primarily prioritized facilitating the acquisition of land rights for investors (Kaarhus and Dondeyne 2015). On the other hand, land rights obtained through *de facto* occupation of land are not required to be registered to be legally recognized. However, experts warn that the lack of registration exposes local communities to expropriation, as they are not in a position to negotiate with investors, especially in a context of increasing pressures on land (Tanner 2010). In fact, over the past decades, Mozambique has experienced an unprecedented surge in demand for and allocation of DUATs for investment projects. In a number of cases, this has led to peasant dispossession due to flawed or insufficient consultation processes, or has given rise to conflicts between investors and local communities (Fairbairn 2013; Hanlon 2011).

Data from Afrobarometer round 7 provides valuable insights into perceived land security in Mozambique, particularly regarding the role of corruption in land registration. When asked about the likelihood of someone paying a bribe to register land that does not belong to them, nearly half of the respondents (49.7 per cent) considered it somewhat or very likely. This perception of vulnerability is even more pronounced when the question pertains to wealthy individuals: 70.3 per cent of respondents believe that a rich person could successfully bribe officials to obtain land illegally. Regional disparities are also notable, with over 80 per cent of respondents in the northern regions expressing a strong belief in the likelihood of such corrupt practices (Figure 11). Overall, the data highlights significant concerns about the fairness and integrity of land registration processes.

Since 2013, when the programme *Terra Segura* was launched, the country has made efforts to improve land titling for households and communities and to digitize land registration data. However, progress has been slow: the programme aimed to register millions of land parcels but has fallen short of its target. Furthermore, much of the land tenure data remains incomplete and outdated, while institutional responsibility for its management is fragmented between different ministries and departments. The cadastral authorities have struggled to develop a centralized system for land information, leaving land rights largely invisible and informal in many areas. Various government initiatives, such as the National Land Information Management System (SiGIT) of the National Directorate for Land and Territorial Development (DNDT), have faced technical and financial obstacles, preventing them from achieving

lasting impact (Norfolk et al. 2023). Therefore, while the link between good governance of the land and access to information is explicitly recognized in the new Land Policy adopted in 2022, access to information remains limited.

Figure 11: Perceived likelihood that someone can pay a bribe to register land that does not belong to them



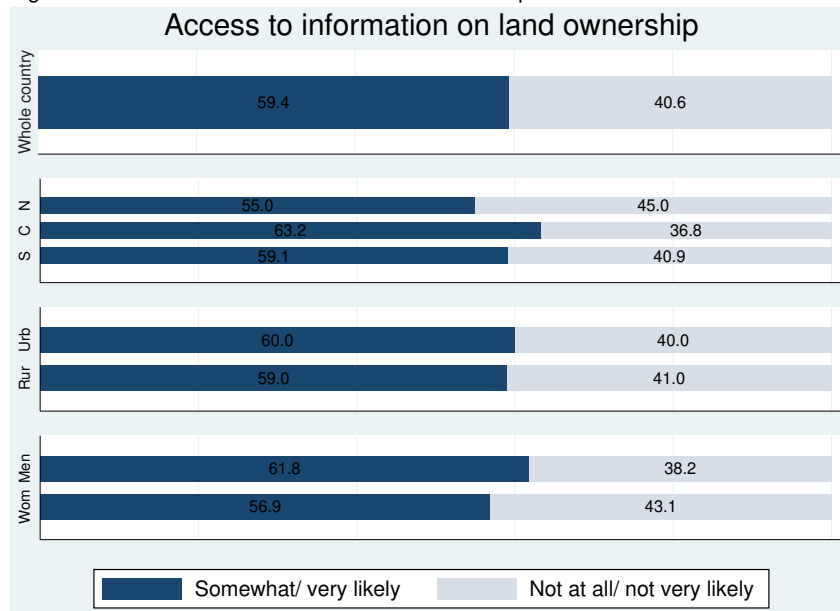
(a) Ordinary person

(b) Rich person

Source: authors' construction based on Afrobarometer data, round 7.

In 2018, 40.6 per cent of Mozambicans considered it not at all or not very likely that they could access information on land ownership if needed. This percentage is higher for residents in northern provinces (45 per cent) and does not vary substantially between urban and rural areas (40 and 41 per cent, respectively). Figure 12 also shows that women find they are less likely to receive information on land ownership than men (43.1 and 38.2 per cent, respectively).

Figure 12: Access to information about land ownership



Source: authors' own construction based on Afrobarometer data, round 7.

## 5 Conclusion

This paper has examined the evolution of key dimensions of the rule of law in Mozambique over the past decades, with a particular focus on the perceptions and experiences of its citizens. Overall, our



findings show that the country's performance has declined in several of the dimensions under analysis, and highlight critical areas for intervention to strengthen the rule of law.

Key challenges include a consistent decline in electoral participation, coupled with increasing allegations of irregularities and fraud in the electoral process, and recurring episodes of electoral violence. In this context, enhancing the fairness and transparency of the electoral process, and ensuring the protection of the fundamental freedom of expression, remain central issues to prevent democratic backsliding in the country.

Effective separation of powers, although formally enshrined in the Constitution, remains an area of concern, which is reflected in the independence of the judicial system. Moreover, despite efforts to improve its accessibility, many Mozambicans continue to face barriers to obtaining legal assistance. While most Mozambicans accept the courts' authority to make binding decisions, public trust in the judiciary has declined over time, raising concerns about its independence and impartiality.

Corruption continues to be a pervasive issue and further weakens the rule of law. Mozambicans perceive a rise in corruption over time and are often subject to bribery when accessing public services or in order to avoid problems with the police. Tackling corruption at all levels is vital to improving governance and rebuilding public trust in the institutions, which is consistently eroding over time.

In addition, access to essential public services remains limited. Although there have been improvements in areas such as electricity over the past two decades, notable disparities persist between regions, while residents in rural areas remain significantly more marginalized. Efforts to bridge these gaps must be prioritized to ensure equitable service delivery, foster trust in the state, and strengthen the rule of law.

Managing the ongoing conflict in Cabo Delgado and addressing the declining sense of security requires tackling the root causes of violence, such as deep inequalities and local underdevelopment. Finally, more efforts need to be made to effectively implement legal provisions on land rights, as Mozambicans report significant concerns about the fairness and integrity of land registration processes, while increasing demand for land by investors exposes local communities to the risk of dispossession.

Amid these challenges, Mozambique is also presented with opportunities to strengthen its rule of law. The ongoing decentralization process, if effectively approached with a focus on power-sharing and increased political accountability, could create more inclusive governance structures.

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