

Advocacy to safeguard the right to manifest and review of the law that regulates the exercise of the right to manifest

- As part of the IGUAL Program, the CDD organized on October 31, in Maputo, a debate on the theme "Advocacy for safeguarding the right to manifest and review of the law that regulates the exercise of the right to manifest". The right to manifest is provided for in the Constitution of the Republic and is regulated by Law no. 9/91, of 18 July, partially amended by Law no. 7/2001, of 7 July.



The purpose of the demonstration is the public expression of a will on a) political matters; b) social; c) of public interest; d) or others. The right to manifest does not require authorization and must only be preceded by a written notice to the civil and police authorities of the territorial district where the demonstration is intended to take place.

From the debate, it became clear that demonstrations that offend the Constitution of the Republic, law, morals, good customs, and rights of third parties, as well as those with abusive occupation of public or private spaces, with the possession of bladed weapons, cannot be allowed, that occurs less than 100 meters from the headquarters of sovereign bodies, political parties, consulates and embassies, military installations, and prisons.

Regarding the current challenges for the full enjoyment of the right to demonstrate, the following were highlighted:

- i. legal literacy (citizens and administrative authorities);
- ii. respect for pluralism of expression;
- iii. knowledge of law enforcement institutions;
- iv. improvement/improvement of the legal framework;
- v. accountability of administrative entities;
- vi. departisanship of administrative decisions;
- vii. greater dissemination of legislation on the exercise of the right;
- viii. excessive zeal/abuse of authority by police entities.

The Courts, as enforcers of the competent sanctions, were also highlighted as institutions of the guardianship to safeguard human and fundamental rights, in particular the right to manifest; Public Prosecutor's Office, as a guarantor of legality; Ombudsman, as the "supervisor" of the Public Administration's actions; National Commission for Human Rights (CNDH), as promoter of the defense of human rights, Assembly of the Republic, as legislator and authentic interpreter of the law.

At the same time, the experiences they have had in the relationship with the police authorities in the demonstrations they have taken part were shared by the various stakeholders. These experiences led to the conclusion that civic space has been curtailed every day by political leaders, who use police authorities to illegally prevent the full exercise of the right to manifest.

The participants' reports showed that all the demonstrations they carried out were preceded by notices to the Maputo Municipal Council about the date, time, and itinerary for their realization. However, whenever



they do so on the informed day and time, the Police deploy contingents from the Rapid Intervention Unit, the Protection Police, and the Canine Police, with the aim of preventing the demonstration from taking place, using tear gas, firing rubber bullets, and unleashing dogs on protesters.

The Constitution of the Republic already grants this fundamental right to demonstrate, and it cannot be deprived or restricted to those who wish to exercise it, as it is a fundamental right.

Therefore, the exercise of the right to manifest is constitutional, but at no time can it be exercised in an abusive way, that is, the right to manifest must be exercised in compliance with the Constitution of the Republic and the laws.

In general terms, the participants considered that the current law that regulates the exercise of the right to manifest, despite being just over two decades old, still responds to the current dynamics of society. of the law, but of the arbitrariness of the State authori-

ties, especially the police, who systematically violate this right.

It is true that the reason for the restriction of civic space and restrictions on the right to manifest is caused by successive violations of the law, under the pretext of complying with superior orders.

The solution is currently to identify and promote the competent criminal and disciplinary proceedings against all police officers who illegally prevent the exercise of the right to demonstrate, as required by law.



What we want in the revision of the law is to hold the police responsible for preventing the realization of the right to manifest

Prof. Adriano Nuvunga



The right to manifest is available to all citizens and not to a handful of members of a certain political party

Ivan Maússe, Jurist



In all the demonstrations I took part in, we always found vehicles and dozens of police officers at the scene

Milda Quaria, Journalist and social activist



In the penultimate demonstration at the Fish Market, the police fired to disperse us. But we only had whistles and we were singing

Lerdes Cuinica, Fish Market Vendor



I fear that the Government will take advantage of the revision of the law on demonstrations to impose limits on citizens' rights

Mirna Chitsungo, social activist



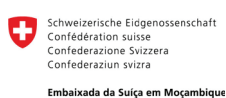
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