

Legalizing the blocking of telecommunications networks is a democratic setback and an affront to human rights



Introduction

The Council of Ministers approved ¹a legal decree aimed at legitimizing the blocking of telecommunications networks in Mozambique. This is Decree No. 48/2025 of 16 December, which establishes mechanisms for suspending and blocking mobile telecommunications networks, internet service providers, and television broadcasting services when administrative authorities allege the existence of an “imminent risk” to public security, state security, or social order.

The approval of this decree occurs in a context marked by repeated practices of restricting ²electronic communications, particularly during and after election periods, which raises serious concerns regarding respect for the Democratic Rule of Law enshrined in the Constitution of the Republic of Mozambique (CRM). Far from being an isolated measure, the decree represents a particularly worrying moment for Mozambican democracy, as it jeopardizes the protection of citizens’ fundamental rights, freedoms, and guarantees.

¹ <https://verdade.co.mz/chapo-legaliza-obrigacao-da-movitel-vodacom-e-tmcel-suspenderem-ou-bloquearem-as-suas-redes-em-mocambique/>

² <https://cddmoz.org/wp-content/uploads/2020/07/Mocambique-em-Modo-Offline-Bloqueio-de-Internet-para-Controlar-e-Reprimir-Movimentos-Populares.pdf>

Legalizing the blocking of communications places Mozambique on the same level as authoritarian regimes³ that use digital censorship as a political weapon. By allowing widespread restrictions without objective criteria, effective judicial guarantees, or independent control mechanisms, the regulation opens the door to abuses, political persecution, and repression of human rights defenders, journalists, and activists, violating the State's constitutional duty to respect, protect, and promote human rights.

The content and scope of the Decree

The new legislation grants the government broad powers to impose total or partial restrictions on access to electronic communications, potentially affecting subscribers, devices, or service providers selectively. These restrictions are implemented based on instructions from the regulatory authority, supposedly supported by court orders whose nature, limits, and procedural guarantees are not clearly defined, remaining dangerously vague.

In practice, this regulation creates a legal framework that allows for the *de facto* suspension of the right to communication, opening the door to arbitrary administrative decisions and the political instrumentalization of telecommunications.

Unconstitutionality and violation of fundamental rights

Decree⁴ No. 48/2025 directly violates the Constitution, which enshrines the fundamental right to freedom of expression, of the press and of information (Article 48), as well as the right to the inviolability of private communications (Article 68), prohibiting any form of prior censorship.

Under the principle of legality, as outlined in Article 56, n.º 1 of the CRM (Constitution of the Republic of Mozambique), the limitation of rights, freedoms, and guarantees can only be done by law of the Legislative Assembly, and not by a regulatory act of the Government.

This regulatory measure is not an isolat-

ed incident. Since 2018, governments led by Frelimo have systematically resorted to blocking the internet and mobile networks during election and post-election periods as a means of silencing citizens and controlling information. Such practices have prevented citizens from documenting and disseminating evidence of electoral fraud, police repression, and human rights violations, in clear violation of the right to political participation enshrined in Articles 73 et seq. of the Constitution of the Republic of Mozambique (CRM).

Following the 2024 General, Legislative and Provincial Elections, the Government, then headed by Filipe Nyusi, ordered the restriction of internet access for more than ten days, encompassing the operators Movitel, Vodacom and Tmcel, as well as several internet providers. This measure constituted a *de facto* suspension of the right to communication, without regard to the constitutional regime of a state of siege or emergency, provided for in articles 290 et seq. of the CRM.

Civil society filed a lawsuit to stop the government order.

At the time, the then Minister of Transport and Communications, Mateus Magala, attempted to legitimize the blockade with generic arguments of "security" and "civil liability," insinuating, without any evidence, that the internet was being used for the "destruction of the country." This narrative criminalizes the exercise of digital citizenship and violates the right to information guaranteed by Article 48 of the CRM.

Against this arbitrary act, the Center for Democracy and Human Rights (CDD), the Center for Public Integrity (CIP), and the Center for Learning and Capacity Building of Civil Society (CESC) filed⁵ an unspecified precautionary measure (case no. 75/2024-X), which was deemed admissible by the Maputo City Judicial Court. The Court⁶ expressly prohibited telecommunications operators from blocking internet access, recognizing the illegality and the nature of the government measure that violates fundamental rights.

In clear reaction to this judicial decision,

the Government has now chosen to "legalize" practices previously considered illegal, through the revision of the regulation, institutionalizing digital censorship and violating the principle of separation of powers enshrined in Article 134 of the CRM.

Economic coercion and instrumentalization of operators

The new regulation also provides for severe sanctions for operators who refuse to comply with blocking orders, with fines ranging from 500 to 1,500 minimum wages for civil servants. This is a form of economic coercion that transforms private companies into instruments of state repression, eroding their autonomy and social responsibility.

CDD Position and Alert

According to CDD, this regulation represents a serious and systematic violation of several fundamental rights, namely: freedom of expression and of the press, the right to information, the right to political participation, the inviolability of private communications, and the principle of legality.

CDD warns that legalizing the blocking of communications constitutes a social control strategy incompatible with the Democratic Rule of Law, placing Mozambique on the same level as authoritarian regimes that use digital censorship as a political weapon. By allowing widespread restrictions without objective criteria, effective judicial guarantees, and independent control mechanisms, the regulation opens the door to abuses, political persecution, and repression of human rights defenders, journalists, and activists, violating the State's constitutional duty to respect, protect, and promote human rights (Article 11 of the CRM).

CDD further emphasizes that state security cannot be invoked as a pretext to annul fundamental rights, and any limitation must strictly respect the Constitution and international treaties ratified by Mozambique, namely the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Conclusion

The institutionalization of digital censorship mechanisms through Decree No. 48/2025 represents a serious democratic setback and a direct threat to fundamental freedoms in Mozambique. In addition to eroding citizens' trust in public institutions, these practices undermine government transparency and create conditions that foster abuses of power and politically motivated persecution. Faced with this scenario, CDD reaffirms that the defense of human rights and fundamental freedoms must prevail over any short-term interests, reiterating its commitment to the promotion, protection, and respect for the democratic values enshrined in the Constitution of the Republic of Mozambique and in the international human rights instruments ratified by the Mozambican State.

³ <https://www.insper.edu.br/pt/noticias/2022/8/-desligar--a-internet-e-pratica-recorrente-de-governos-autoritar>

⁴ <https://www.incm.gov.mz/index.php/legislacao/legislacao-telecomunicacoes>

⁵ <https://cddmoz.org/wp-content/uploads/2020/07/Comunicado-conjunto.-CDD%5EJ-CIP%5EJ-CESC.pdf>

⁶ <https://cddmoz.org/wp-content/uploads/2020/07/Tribunal-Judicial-da-Cidade-de-Maputo-ordena-operadoras-de-telefonias-movel-a-se-absterem-de-bloquear-acesso-a-internet.pdf>



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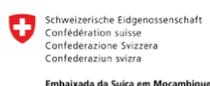
EDITORIAL INFORMATION:

Property: CDD – CENTRO PARA DEMOCRACIA E DIREITOS HUMANOS
Director: Prof. Adriano Nuvunga
Editor: André Mulungo
Author: CDD
Layout: CDD

Address:
 Rua de Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.
 Telefone: +258 21 085 797

Twitter: CDD_moz
E-mail: info@cddmoz.org
Website: http://www.cddmoz.org

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