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Anticorruption - Transparency - Integrity Edition Nº 8 - 2019 - April - Free Distribution

An Assessment of some Aspects of Judicial Integrity in Mozambique

Corruption has been described as the major obstacle to development in any country. Mozambique is among the most corrupt countries in Africa and in the world. In 2017, the Corruption Perception Index placed in the 153rd position out of 180 countries. Data from Transparency International reports that, in 2016, 40% of all citizen interactions with the judicial system ended with a bribe being paid.

Judicial integrity is under-researched as it is challenging to conduct empirical research on this topic in Mozambique. This is mainly due to institutional resistance to publicly address judicial integrity.

The aim of this report is to reignite discussions on judicial integrity, synthesising available knowledge on the subject, identifying knowledge gaps, and calling for more in-depth research to strengthen judicial integrity in the country. The concept of “public integrity” is often used in discourses about governance, public institutions and especially the behaviour of public officials. Integrity, or more precisely the lack of public integrity, is often equated with the notion of “corruption”. Integrity is considered the opposite of corruption, and the lack of integrity as a cause of corruption, while there is no single, internationally accepted definition of corruption. The most widely used definition is “the abuse of public office or public position for private gain”.

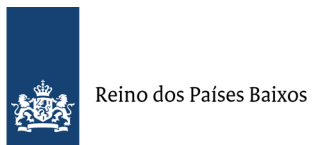
Mozambique has signed and ratified most of the international instruments against corruption, the most important being the UN Convention against Corruption. The Constitution provides, in its articles 134, 217, 218 and 219 the constitutional framework on the judicial integrity. The first ever corruption-specific legislation was adopted in 2004 as the Anti-Corruption Law, with the creation of the Central Office to Combat Corruption. The Public Probity Law, the Protection of Victims, Witnesses, Whistle-blowers and Experts in Criminal Proceedings Law and the new Penal Code compose, today, the legislative framework on the matter.

The legal and institutional structure exists, however this should be reinforced to promote and integrity and punish corruption and other forms of public misconduct. The media reports daily on corruption scandals and different allegations concerning violations of public integrity. This article reveals that, between January 2017 and October 2018, 15 articles reported on issues specifically relating to judicial integrity. Among those, acknowledgment of corruption in the sector and/or an acknowledgment of the importance of strengthening judicial integrity; examples of corruption in the judicial sector and criminal behaviour involving prosecutors. However, the path from the official recognition of judicial corruption to the full implementation of laws and measures in place is a long one.



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