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لجنة حقوق الإنسان
الدورة الحادية والستون
البند ١٧ (ب) من جدول الأعمال المؤقت

تعزيز حقوق الإنسان وحمايتها

المدافعون عن حقوق الإنسان

التقرير المقدم من هيئا جيلاني، الممثلة الخاصة للأمين العام
المعنية بحالة المدافعين عن حقوق الإنسان

إضافة

البعثة إلى أنغولا**

* يعمم موجز تقرير البعثة هذا بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق الموجز، فيعمم باللغة التي قدم بها فقط. وتعمم الحواشي باللغة التي وردت بها.
** تأخر تقديم هذا التقرير لكي يعكس أحدث المعلومات.

موجز

قامت الممثلة الخاصة بزيارة إلى أنغولا في الفترة من ١٦ إلى ٢٤ آب/أغسطس ٢٠٠٤ والتقت خلالها بكبار المسؤولين في الحكومة، وبمجموعة واسعة من المدافعين عن حقوق الإنسان وممثلي المنظمات الحكومية الدولية وممثلي الدول. وكان الهدف من هذه الزيارة هو تقييم الحالة والدور الذي يضطلع به المدافعون عن حقوق الإنسان في أنغولا.

وتصف الممثلة الخاصة، في الفرع الأول من التقرير، البيئة القانونية والمؤسسية التي يعمل في إطارها المدافعون عن حقوق الإنسان في أنغولا. وتشدد الممثلة الخاصة على أن القوانين المطبقة في مجال حرية التعبير والإعلام وتكوين الجمعيات لا تزال مشوبة بالعديد من أوجه الضعف التي تؤثر سلباً على المدافعين عن حقوق الإنسان. وفي حين ترحب الممثلة الخاصة بالجهود القيمة التي تبذلها الحكومة لتطوير السياسات والمؤسسات الوطنية من أجل تعزيز وحماية حقوق الإنسان في هذا البلد، فإنها تشدد على أنه لا يزال يلزم بذلك جهود من أجل ضمان عمل هذه السياسات والمؤسسات كما يجب.

وتبحث الممثلة الخاصة، في الفرع الثاني، مسألة قدرة المدافعين عن حقوق الإنسان في أنغولا. وهي تلاحظ أنه بالرغم من وجود العديد من المنظمات غير الحكومية في هذا البلد، فإن قدرة المدافعين عن حقوق الإنسان على إثارة قضايا حقوق الإنسان لا تزال ضعيفة، وبخاصة خارج لواندا. وتشير الممثلة الخاصة إلى ضرورة توفير تدريب إضافي وزيادة التعاون بين المنظمات القائمة.

وترحب الممثلة الخاصة، في الفرع الثالث من التقرير، بالتحسن النسبي الذي شهدته حالة المدافعين عن حقوق الإنسان في أنغولا منذ نهاية الحرب. إلا أنها تأسف لأن سلطات الدولة لا تزال تنظر إلى المدافعين عن حقوق الإنسان نظرة عدائية وتعتبر أعمالهم جزءاً من أعمال المعارضة السياسية. وتلاحظ الممثلة الخاصة أن المدافعين عن حقوق الإنسان كثيراً ما يقومون، نتيجة لذلك، بممارسة الرقابة الذاتية، مما يترك العديد من القضايا الهامة دون معالجة. كما تؤكد الممثلة الخاصة أن عدم وجود وسائل إعلام مستقلة هو أمر يضعف قدرة المدافعين عن حقوق الإنسان على الإعلان عن شواغلهم وممارسة أنشطتهم. ولا يزال المدافعون عن حقوق الإنسان يواجهون عقبات خطيرة تعترض سبيل إنشاء وتنظيم وتشغيل المنظمات غير الحكومية. كما أن عدم قدرة المدافعين عن حقوق الإنسان على الوصول إلى العدالة إلا بقدر محدود يؤثر سلباً على عملهم.

وتختتم الممثلة الخاصة تقريرها ملاحظة أن أنغولا تواجه، بالنظر إلى الانتخابات المزمع إجراؤها في عام ٢٠٠٦، تحدياً جدياً في تحولها نحو الديمقراطية، وهو تحدٍ لا يمكن مواجهته إلا إذا سُمح للمدافعين عن حقوق الإنسان بأن يسهموا مساهمة فعالة في التحضير لهذه العملية الهامة ورصدها وتنفيذها.

Annex

**REPORT OF THE SPECIAL REPRESENTATIVE OF
THE SECRETARY-GENERAL ON THE SITUATION
OF HUMAN RIGHTS DEFENDERS, HINA JILANI,
ON HER VISIT TO ANGOLA (16-24 AUGUST 2004)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	4
I. THE LEGAL AND INSTITUTIONAL FRAMEWORK	5 - 35	4
A. General comment on the context	5 - 17	4
B. Legal framework	18 - 30	7
C. Institutions supporting the work of defenders	31 - 35	9
II. CAPACITY OF THE HUMAN RIGHTS DEFENDERS COMMUNITY	36 - 50	10
A. Human rights defenders and what they do	37 - 40	10
B. Capacity concerns	41 - 50	11
III. IMPROVEMENTS OR CONTINUED OBSTACLES TO HUMAN RIGHTS WORK?	51 - 97	13
A. Improvements in the situation of human rights defenders	51 - 54	13
B. State perception of human rights defenders	55 - 63	14
C. Violations and other challenges faced by defenders	64 - 80	15
D. Lack of redress mechanisms	81 - 87	18
E. Reaction to specific human rights activities	88 - 92	19
F. The role of the United Nations in supporting human rights defenders	93 - 97	20
IV. CONCLUSIONS AND RECOMMENDATIONS	98 - 108	21
Appendix: List of persons with whom the Special Representative met		27

Introduction

1. Pursuant to Commission on Human Rights resolutions 2000/61 and 2003/64, the Special Representative of the Secretary-General on the situation of human rights defenders conducted an official visit to Angola from 16 to 24 August 2004. The Special Representative thanks the Government of Angola for extending this invitation and for its continued support throughout her visit.
2. The Special Representative wishes to acknowledge the cooperation extended to her by the Ministry for Foreign Affairs in the rapid preparation and facilitation of the visit. During her visit, she was able to meet with the Acting Prime Minister, the Attorney-General, the President of the National Assembly, a number of government ministers and their staff and senior representatives of the police and the judiciary. She also met with a wide range of human rights defenders. She thanks representatives of the diplomatic community and heads of United Nations agencies for making themselves available.
3. Apart from Luanda, the Special Representative visited Cabinda and Huila, two provinces with distinctly different situations, and met with the provincial governors, local chiefs of security and the military and individuals working on human rights issues within the area. Within each province, she travelled to one municipality where she met with the local State authorities and members of the traditional authorities.
4. She wishes to thank the United Nations Resident Coordinator and his staff and the Angola Office of the United Nations Office of the High Commissioner for Human Rights for their extensive support in the organization and during the course of her visit.

I. THE LEGAL AND INSTITUTIONAL FRAMEWORK

A. General comment on the context

5. Thirty years of armed conflict have been followed by two years of comparative peace since the 4 April 2002 ceasefire agreement between the Government, led by the People's Movement for the Liberation of Angola (Movimento Popular de Libertação de Angola, MPLA), and the opposition National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA).
6. Angola is still in the midst of political, economic and social transition and the benefits of peace have not yet fully relieved the daily struggle faced by most Angolans. Basic indicators of development in Angola are among the lowest in the world, including: an average life expectancy of just over 40, a 46 per cent unemployment or underemployment rate;¹ 38 per cent of the population without access to drinking water;² and a 25 per cent under-5 mortality.³ Malaria continues to be a severe problem and ongoing research by the United Nations Children's Fund (UNICEF) on HIV/AIDS indicates that there could be a sudden and dramatic increase in that rate. The humanitarian crisis was the direct result of two interlinked factors: the prolonged

armed conflict and long-term underinvestment in the basic social services. Several hundred thousand people were killed during the conflict and, according to government figures 3.5 million people were displaced. During the conflict a high percentage of internally displaced persons (IDPs), fled to the cities, leading to rapid urbanization that completely overwhelmed the social services. Roads across the country are very poor and communications systems are weak. Millions of landmines render large tracts of land unusable and continue to cause deaths and injuries.

7. Land tenure was described to the Special Representative as a key concern of many within the rural population. With the return of refugees, IDPs and ex-combatants to their former communities, land rights are likely to become an increasing source of friction and, where fair legislation is not applied, the cause of human rights violations. Further, since 2001 the police in Luanda are reported to have conducted a series of forced evictions of thousands of people. Evictees were reportedly beaten and people moved, in some instances to tents, kilometres outside the city far from work opportunities.

8. In 2003, inflation still amounted to 76 per cent and a high budget deficit and ongoing heavy foreign debt repayment remained major financial burdens. While oil production is expected to increase significantly in the next five years, leading to a rise in income, inadequate mechanisms to account for transactions, leading to allegations of corruption, are likely according to some observers to dampen economic recovery. These economic and social rights concerns reflect some of the most apparent human rights problems in Angola and areas in most obvious need of a contribution by human rights defenders.

9. Elements of the past humanitarian crisis remain to be resolved. As refugees continue to return to the country,⁴ some populations continue to be internally displaced in a search for food or to escape natural disasters such as drought and floods. Some of the long-term internally displaced still await acceptable resettlement.

10. Public reports published by United Nations bodies in 2003 and early 2004 agree that attacks on communities and mass abductions of civilians, common during the war years, have stopped since the ceasefire. However, there is consensus that sexual harassment; unaddressed and widespread domestic violence against women; restrictions on freedom of movement in some parts of the country; dispossession of property; individual instances of rape by soldiers; and impunity have continued to occur in the last two years.⁵

11. After massive arms distributions during the conflict, a vast quantity of weapons remains in civilian hands. The Special Representative was informed that a civil defence force, established during the armed conflict, continues to exist and, while armed and paid by the State, is generally non-uniformed and is seen by many defenders as taking its orders only from those government officials who are members of the MPLA.

12. While the elections are expected in 2006, Government, both at the national and provincial levels, continues to be structured in accordance with the terms of the peace agreement between the parties to the erstwhile conflict, rather than on the democratic choice of local populations. Governance below the municipal level relies partly on

traditional authorities, an arrangement which, as yet, does not always encourage the fair application of Angola's international human rights obligations at the local level. UNITA, now a party of political opposition, has reported that its officials have been prevented from establishing offices in some provincial municipalities and that the party's representatives have been attacked by members of the local population without benefiting from the protection of the police.

13. A special mention must be made with regard to the situation in the province of Cabinda where the population has suffered from a continuation of a level of armed conflict between government forces and the independence movements of the FLEC/FAC and FLEC RENOVADA, which was not addressed by the April 2002 national ceasefire.

14. Upon her arrival in Cabinda, the Provincial Governor warned the Special Representative that she would be receiving complaints of human rights violations from some of the non-governmental actors in the province which were false and politically motivated by individuals supporting Cabinda's independence from Angola. According to the military commander in the province, complaints of human rights abuses committed by the military, while continuing, have nevertheless decreased and are being addressed by either military or civilian courts.

15. Human rights defenders in the province consistently acknowledged that respect for civil and political rights has generally improved in the last few years and that efforts had been undertaken by the Government to improve the situation. Nevertheless, defenders with whom the Special Representative met and, in some instances, victims themselves described grave violations committed recently including instances of abductions, summary executions, and rape. The alleged violations reported to the Special Representative all presented common characteristics: they were committed by soldiers, reported to the police who took no action and no cases ever reached court, resulting in lack of redress for the victims. Deep concern was expressed at the continued heavy military presence within the province, with soldiers often stationed in close proximity to civilian communities.

16. The position of the provincial government on the situation of human rights in the province and the role of the human rights defenders are indicated by the statement made by the Provincial Governor to the Special Representative upon her arrival in the province. He said that she would be receiving complaints of human rights violations from some of the non-governmental actors in the province concerning individuals supporting Cabinda's independence from Angola that were false and politically motivated. According to the military commander in the province, human rights abuses committed by the military, while continuing, have nevertheless been reduced and are being addressed by either military or civilian courts.

17. From this general perspective of severe lack of implementation of economic, social and cultural rights and an ongoing period of transition in which the assurance of civil and political rights is precarious, human rights defenders have an absolutely essential role to play in the immediate and long-term future of human rights in Angola. Without such a contribution from human rights defenders one can expect only limited progress in addressing the many serious human rights concerns.

B. Legal framework

Constitutional and international law

18. Angola's present Constitution entered into force in 1992 and was drafted as a function of the peace process at the time. A Constitutional Commission, created in 1998 and now incorporating both Government and opposition members, is currently working on the adoption of a law for the revision of the Constitution.

19. Internationally, Angola has ratified the: International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and its two Optional Protocols; the 1951 Convention relating to the Status of Refugees and the 1967 Protocol; the Geneva Conventions of 12 August 1949; the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of the Child; and the Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa. Articles 21 and 43 of the Angolan Constitution ensure that the international human rights conventions ratified by Angola have the force of domestic law. The Special Representative was also informed that the Guiding Principles on Internal Displacement have been adopted into Angolan law.

20. In legislative terms, these provisions give Angola a strong framework for the protection of human rights. Nevertheless, the limited extent of the enforcement of the legal framework remains a fundamental weakness, which has left it ineffective in protecting the rule of law and human rights. This in turn affects the work of human rights defenders as well as their security in carrying out their activities. Furthermore, some of Angola's legislation is over 100 years old. In some instances, old statutes contradict provisions of the Constitution and, while judges are able to ignore an outdated statute, it would be preferable if legislation could be fully updated, thereby providing a more reliably precise basis for the defence of human rights. A process to revise outdated statutes reportedly began in 2003.

Freedom of expression and information

21. Despite the existence of constitutional guarantees included in article 32.1 and complemented by provisions in the Press Law,⁶ national legislation concerning freedom of expression is unduly restrictive and constitutes a potential hindrance to legitimate human rights work. In particular, the Special Representative was informed that articles 45 and 46 of the Press Law provide that statements critical of the President can constitute the criminal offence of insult, defamation or calumny even where proven accurate.⁷ The existence of "*Descato* laws",⁸ which sanction offensive expression against public officials with suspension from work, fines and imprisonment, also hampers full realization of this right. The Special Representative is concerned that the wide scope of this legislation may lead to the criminalization of human rights reporting and undermine the capacity of human rights defenders, especially journalists, to monitor actions by governmental authorities through public scrutiny.

22. The Special Representative is also concerned at the absence of a constitutional guarantee providing for access to information. She notes that access to information has been limited by the State on the grounds of national security, including in the context of the recently adopted security law.⁹ While the new law has been acknowledged by some journalists to be an improvement on the previous situation in which a legislative vacuum allowed Government to prohibit access to almost any information on the grounds of national security, concern was expressed that it adopts an overly broad interpretation of issues falling within the scope of national security and hinders defenders' access to information relevant to their work.¹⁰

Freedom of association

23. Defenders raised particular concern with regard to law 14/91 regulating the creation, functioning and dissolution of NGOs in the country dating back to 1991 and the relevant application decree passed in 2002.¹¹

24. Article 8 of the law lists all authorized purposes for an organization. The list is divided into two categories: political and other objectives. The Special Representative expresses concern at the categorization of human rights activities as political activities, which risks resulting in confusion between human rights work and political opposition.

25. Defenders also complained that the legislation set up burdensome and time-consuming procedures to acquire legal status.¹² National NGOs have to submit their application for a prospective association to the Ministry of Justice, after which the association's statute must be published in the *State's Official Gazette*. Proof of the statute's publication is sent to the Procurador Geral da República for verification of the legality of the NGO's aims and attribution of a registration number.

26. International NGOs reported an even more complex registration process involving three different authorities whose respective jurisdiction is not precisely described by the law. Prior authorization for international NGOs to conduct their activities is required from a number of bodies and in several cases no time limit is indicated for the authority to issue its decision.

27. In reviewing the law, the Special Representative noted that article 18 of the decree which regulates the suspension of NGOs gives wide powers to courts to decide on suspension, which can be ordered on "strong indications" of illegal activities or activities prejudicial to State sovereignty, without giving reason or providing appropriate means to appeal the decision.

28. The Special Representative welcomes the fact that, by law, the dissolution of NGOs can only be pronounced through the courts, but she remains concerned about the ill-defined grounds for dissolution. Of particular concern is the wide power vested in courts to determine whether an NGO is engaging in activities included in its charter. She believes dissolution to be a disproportionate penalty when changes to the NGO's charter would suffice to remedy the irregularity.

29. Lastly, the Special Representative is concerned about the overly broad powers vested in the coordinating body by articles 6 and 21 to “monitor, control and audit the activities of NGOs”; “define programmes complementary to Government’s actions to be implemented by NGOs”; “determine regions where projects of interest to the Government should be implemented”.

30. The Special Representative believes that the framework established by such laws reflects a willingness on the part of the Government to keep tight control over NGOs.

C. Institutions supporting the work of defenders

31. The existence of effective human rights institutions can provide an essential support to human rights defenders, by addressing concerns they have raised and in assuring them a level of protection.

32. While the 1992 Constitution provides for the creation of a constitutional court, the institution itself has yet to be established. Similarly, the office of ombudsman provided by the Constitution has never been filled. An alternative provision allows for the State Attorney-General to act as ombudsman ad interim, in practice nullifying the notion of an independent institution. Defenders indicated that in reality the Attorney-General has not filled this role. It should be noted, however, that the current draft Constitution provides for both an ombudsman and a national human rights commission. The Special Representative also notes the existence of the National Assembly’s 9th Commission, which focuses on human rights and individual petitions.

33. During the sixtieth session of the Commission on Human Rights in Geneva, the Government committed itself to publishing a national human rights action plan. The National Forum on Early Childhood Care and Development called for the creation of a National Council for Children’s Rights, with membership from both State bodies and civil society, although the Special Representative has no information on progress made in establishing this body.

Provincial human rights committees

34. The Special Representative commends the Government for its efforts to establish mechanisms to deal with allegation of abuse. With United Nations assistance, a process to establish provincial human rights committees was launched. The committees’ membership is drawn from civil society as well as Government, and is complemented by invited guests - such as the prosecutor - who are not members. The Provincial Committee of Huila Province was cited to the Special Representative as a positive example of the contribution that the institution can make to human rights. However, in the course of her meeting with that Committee’s deputy coordinator, the Special Representative learnt that the Committee had not sat for almost a year, had no office where complaints could be submitted or a budget of its own, and had accomplished no notable activities. As described to her, the provincial committee initiative has promising

potential. She was impressed by the candour of the deputy coordinator in Huila and by the comments of the provincial prosecutor on the importance of the Committee's independence - which is not assured under the current legal status of the Committee. It was pointed out to her, however, that in many other provinces, committees had not been set up. While the Special Representative could not conduct an extensive review of these mechanisms, her impression was that they are not yet ready to conduct meaningful activities in the protection of human rights.

Police complaints mechanism and training

35. Complaints desks have been created in police stations at the provincial level to handle allegation of police misconduct. Senior police officers reported that these desks have started to be used. However, defenders expressed scepticism, indicating that they would be afraid to use such a mechanism; others claimed that lodging complaints had produced no results. During her meeting with the Deputy National Police Commander, the Special Representative learnt that police officers are being trained on human rights with the cooperation of the OHCHR in Angola and hopes that this initiative will address the issue of credibility of the system sufficiently for the human rights defenders to have confidence in the complaints procedure.

II. CAPACITY OF THE HUMAN RIGHTS DEFENDERS' COMMUNITY

36. During the course of her visit, the Special Representative had the opportunity to meet with a large number of human rights defenders and, while time constraints prevented her from gaining in-depth insight into the capacity of defenders across the whole country, she is nevertheless able to indicate the common trends that she identified.

A. Human rights defenders and what they do

37. A majority of defenders in Angola work from within NGOs, while a few work in their individual capacity. Defenders are most commonly lawyers, paralegals, teachers, journalists and church officials. The many years of conflict have made it difficult for civil society to develop across the country and form a movement. While civil society is reported to have started becoming increasingly active in the 1990s, the end of the conflict in 2002 has seen a very significant growth in the number of organizations. A large number of international organizations contribute directly to the respect and protection of human rights in Angola.

38. A number of actors suggested to the Special Representative that traditional authorities, present at the municipal level, have a key role to play in defending human rights. The Special Representative was able to meet with traditional authorities in two municipalities. On the basis of these meetings, and from her discussions with defenders at the local level, her understanding is that the traditional authorities do not generally qualify as human rights defenders. While they may, in some instances, work to protect certain rights, the consensus is that some of their practices or decisions might actually go against the spirit of Angola's human rights obligations and that their status fails to ensure sufficient independence from the Government.

39. Defenders in Angola work to address a variety of human rights concerns, including: civil and political rights; penal reform; the rights of the unemployed; the right to education; rural development; the right to adequate housing; a broad range of health concerns including HIV/AIDS; children's rights; humanitarian assistance; disarmament and demining; family reunification; anti-corruption; violence against women and gender concerns; discrimination in the workplace; the rights of minorities; land rights.

40. The Special Representative met with representatives of a number of organizations with clear and professionally presented programmes and objectives. She notes that many national organizations have benefited from capacity-building support from the international human rights defenders community. Some national organizations, such as the Bar Association, "Rede Mulher" or SOS-Habitat, focus a part of their activities on empowering other national human rights defenders.

B. Capacity concerns

Absence of defenders at the local level

41. While Luanda has several well-organized human rights organizations, there appears to be a severe lack of defenders locally. Provincial capitals have a smaller number of defenders' organizations than is needed and, at the municipal level, civil society appears to be extremely weak or entirely absent. As mentioned above, traditional authorities in no way compensate for the lack of such presence and in this context, church representatives have been the strongest voices in defence of human rights. The comparative absence of defenders outside the capital suggests that civil society and the human rights community need a more enabling environment to develop and strengthen. The lack of a stronger presence of defenders in local areas raises concerns particularly with regard to the upcoming elections and the critical role of human rights monitors for the credibility of this process.

Restraints on human rights activity

42. The Special Representative was impressed by the broad range of issues currently being addressed by defenders in Angola. Nevertheless, she believes that key human rights concerns are taken up by an insufficient number of defenders. Typically, NGOs have developed in the field of economic and social rights mostly in line with governmental policies. However, the number of organizations addressing issues that attract hostility from State authorities, including the promotion of democratic rights, good governance, voter and citizen registration, an accessible and independent judicial process and impunity, remains low. The absence of widespread action by national organizations to address these issues could be taken as an indicator of the high level of self-censorship exercised by defenders for their own protection. She also notes that civil society in Angola needs capacity-building in some key areas. As a result, many human rights issues, while widely reported in international forums, remain insufficiently addressed within Angola. It follows, therefore, that the effectiveness and the impact of the work of human rights defenders would greatly improve if they were able to enhance their skills in fact-finding and reporting human rights violations. The need for training in some aspects of their work that could enhance their capacity for monitoring and advocacy was expressed by several defenders' groups.

Impediments to collective action

43. The Special Representative appreciates the efforts of the defenders' community in the promotion and protection of human rights. However, more emphasis on organization, coordination of activities and better strategizing would also contribute to the strengthening of the human rights organizations. Enhanced capacity of the human rights NGOs would in turn provide more confidence and security to defenders working within NGOs or as individuals or groups.

44. While some organizations and individuals do collaborate and coordinate their human rights activities, more trust in each other would lead to better potential for collective action to face the challenges that the human rights defenders face. The Special Representative met with large groups of defenders from different organizations, and with smaller groups of defenders from individual organizations. The degree to which the defenders felt vulnerable was striking. The Special Representative noticed in particular that in larger meetings defenders were more restrained and reticent to discuss their situation and activities. Some of the defenders expressed fears that government informers had infiltrated human rights groups; others were apprehensive of the slant that members of other human rights groups could give to their comments. The Special Representative regrets any trends that lead to intimidation of defenders or create an environment of distrust amongst the larger community of defenders, as both these trends can only weaken the capacity of defenders.

45. There also appears to be a lack of national networks or coalitions of defenders to voice common human rights concerns across the country and abroad and establish a link with the population whose rights they are protecting. According to reports received by the Special Representative, the public is not well informed about the work of national human rights defenders who, in turn, have difficulties communicating information about their activities. Authorities at the national and local levels are reported frequently to make critical statements against defenders which are then disseminated on State-owned radio and print media, weakening the image of defenders among the public.

Barriers to outreach

46. A fundamental barrier facing defenders in their daily work has been the poor situation of State infrastructures and the lack of communication channels. Landmines and the poor condition of roads and bridges in many areas continue to hinder the access of humanitarian organizations to populations in need of support. In December 2003, six staff members with the international NGO CARE were killed when their vehicle drove over a mine. In January 2004, the city of Kuito was reportedly cut off from any humanitarian assistance when rain washed away five bridges. In spite of these serious problems, the Special Representative notes that the trend of the past 18 months has been for a steady improvement in physical access by humanitarian actors, including human rights defenders, to parts of the country.

47. Amongst the provinces that she visited, the human rights defenders' community in Cabinda needs to be much stronger, with clearly defined activities and practices for reporting violations. With a few exceptions, the Special Representative is concerned that defenders in the province are insufficiently organized, trained or strategic in their activities.

Funding

48. Gaps in the work undertaken by defenders can be partly attributed to problems in accessing funding, especially from abroad. The Global IDP Project report indicates that as of early 2004 there were still 450,000 internally displaced persons awaiting return and another 400,000 awaiting permanent resettlement in their current place of residence, but that only a small fraction of organizations seeking funding for humanitarian assistance projects - including support to IDPs - for 2004 had received funding.

49. Defenders all described a severe lack of funds for their activities, equipment and salaries. Such obstacles emanate both from the legislative arrangements discussed above, by which all fund-raising and international funding must receive prior authorization from the authorities, and by the fact that outside donors' priorities are not focused on human rights.

50. Donors, primarily from within the international community, have done much to help develop and strengthen human rights civil society in Angola. Funding of activities, advocacy on behalf of defenders, training and other assistance have all been of great help. However, defenders have expressed concern that not all donors give sufficient attention to the views of the defenders themselves. Some defenders reported that international donors had been reluctant to fund work on the most sensitive human rights issues.

III. IMPROVEMENTS OR CONTINUED OBSTACLES TO HUMAN RIGHTS WORK?

A. Improvements in the situation of human rights defenders

51. Almost all human rights defenders acknowledged that both the general human rights situation and their freedom and security had improved since the formal end of the countrywide armed conflict. In Luanda many pointed to an increased freedom of the press, including increased freedom in reporting about human rights issues.

52. The Special Representative notes with satisfaction the submission by the Government of its overdue reports to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Several defenders described favourably efforts by the Ministry for Planning and Promotion of Women to involve civil society in the preparation of both reports and their subsequent presentation in New York and Geneva in 2004. Civil society reportedly prepared alternative reports in both instances. While the State reports were received favourably by both United Nations treaty bodies, the Special Representative notes that the lack of data on many of the indicators relevant to the two conventions made the task of assessing the relevant human rights situation extremely difficult. Such absence of statistical information can be a major obstacle to human rights defenders' work domestically.

53. She also notes reports of the active participation of civil society in the June 2004 "National Forum on Early Childhood Care and Development in Angola" organized by the Government, which adopted common commitments on, inter alia, improved health services and nutrition, the reduction of HIV transmission from mother to child, pre-school education, legislative reforms in conformity with child rights, and child birth registration.

54. These recent improvements in the situation of human rights defenders are tempered by their insistence that the situation during the armed conflict was so bad that peace had to be an improvement. They stressed that it would be wrong, at this point, to place too much emphasis on a comparison with the past and that serious obstacles still remain to be addressed before they can freely conduct their work for the promotion and protection of human rights. An assessment of human rights defenders in Angola must look at their impact in actually improving the human rights situation; most defenders regretted the hostility of the Government and, most importantly, the lack of government action in response to their concerns.

B. State perception of human rights defenders

Misconception of human rights defenders' role

55. The Special Representative is concerned that the State has not fully understood the role that human rights play in a democratic society. She deeply regrets the clear pattern of government hostility towards almost any critical statement from defenders on the human rights situation. This hostility extended to public statements accusing organizations and individual defenders of anti-State activities or, as in the case of the university teachers' trade union, of being unpatriotic when they attempted to strike. Some international NGOs have faced negative reactions by the State in the form of threats of expulsion or a refusal to issue visas, in response to statements made by their staff working on human rights or related issues. The context in which this repression has occurred has clearly been a violation of the freedom of expression of the defenders concerned.

56. Many defenders indicated that government officials view NGOs as organizations seeking political power, a reflection of the misconception of the role and objective of civil society. Several human rights organizations indicated that State authorities had publicly suggested that their organizations were political parties. During a meeting with members of the press at the Forum Nacional sobre os Cuidados e Desenvolvimento da Primeira Infância, the Vice-Minister of Social Communication was reported to have indicated that registration of community radio stations was being delayed because the applicants for radio station permits did not have as their aim "serving society", and instead had "political goals".¹³ This problem is particularly acute in Cabinda where a number of defenders reported that as a result of their activities government officials tended to perceive them as supporters of the armed rebellion. The Bishop of Cabinda, for instance, reported that a government official had called him an "agent of the FLEC".

57. It would be only fair to report that the Special Representative finds no justification for the apprehensions regarding the motivation of defenders expressed by the Governor of Cabinda in his meeting with her.

58. In her meetings with State officials, the Special Representative noted with concern the insistence of many that civil society organizations should only comment on issues directly related to their area of expertise, and not on the human rights implications of State actions that affect their work. Similarly, the State generally appears to consider that it is the only actor permitted to discuss or raise concerns about certain issues. Adverse reactions to human rights defenders protesting against abuses of power, for example, are common.

59. A few State officials also argued that particular NGOs only had the support of a small number of people and that their legitimacy to criticize the State was thus questionable. The Special Representative emphasizes that organizations derive their legitimacy from their action to support respect for human rights, not from the size of their membership.

60. The Special Representative noted with deep concern that the Government generally perceived the role of civil society as limited to being tools to further governmental policies at the local level in the areas of assistance and humanitarian activities. The space for human rights organizations working as monitors of State policies and their impact on human rights issues, however, remains very limited.

Lack of response to defenders' concerns

61. In Angola, the relationship between human rights defenders and State authorities is largely determined by the authorities themselves and is generally poor. The Special Representative regrets that defenders' access to governmental authorities to raise and discuss human rights concerns is very limited. Throughout the country, defenders complained that it was difficult to obtain meetings with key officials, for example within the Ministry of the Interior and the judiciary.

62. Defenders indicated that the Government's responsiveness to their action is generally very poor. Some defenders noted slight improvements, and gave the example of a response from the Office of the Attorney-General 24 hours after a complaint of human rights violations had been communicated to them. Other defenders, however, complained of having submitted letters and reports to the same office in the context of evictions, without any response.

63. In spite of the generally poor situation, the Special Representative must make note of the good cooperation reported by defenders working in the province of Huila. She was impressed by the openness of the provincial civilian authorities with whom she met, their willingness to recognize problems of concern to defenders and their wish to address them. Defenders reported that provincial authorities and their counterparts at the municipal level held regular meetings to reinforce local respect for human rights and the role of NGOs, including by the municipal police. NGOs welcomed the State invitation to participate in a peace and reconciliation committee.

C. Violations and other challenges faced by defenders

Limitations on the exercise of freedom of expression and access to information

64. Human rights defenders indicated consistently that the situation of journalists reporting on human rights concerns has improved since 2002. Equally consistent, however, was the impression that the improvements are generally limited to Luanda and have not reached the provinces, especially with regard to private and independent media. State-owned media are widely perceived to be strongly influenced by the Government and human rights defenders look primarily to private media for the publication of information related to human rights violations for which State actors are directly responsible.

65. There are currently only seven privately owned newspapers in Angola, four of which were established in 2003. All of them are published weekly and available in Luanda but mostly not elsewhere in the country, partly as a result of printing, distribution and financial difficulties.

66. The Special Representative received information from multiple sources indicating that the Government is obstructing, rather than facilitating, efforts by independent and privately owned radio stations to broadcast outside Luanda. Representatives of the Catholic Church in Angola have been active in drawing public attention to human rights abuses and the Church's Radio Ecclesia has reported, *inter alia*, on police violence in the context of forced evictions in Luanda. However, Radio Ecclesia's efforts to broadcast its programmes across the country have been obstructed by authorities. In response to her concerns, the Special Representative was told by government officials that Radio Ecclesia had not fulfilled all the necessary administrative requirements, such as customs regulations for importing radio equipment. However, non-governmental sources indicated that Radio Nacional Angolense, a State-owned radio station, has not faced such obstacles.

67. In the course of her meetings, the Special Representative also observed a level of hostility from a number of officials with regard to the human rights programmes run by Radio Ecclesia. In one instance, an official in the Ministry of Assistance and Social Re-insertion justified the Government's failure to allow Radio Ecclesia to broadcast countrywide by complaining that it had planned to broadcast other than religious material. Such pronouncements, which appear to reflect the actual policy of the Government, are clearly incompatible with the right to freedom of expression and with the Declaration on human rights defenders.

68. The Government is also reported to have systematically obstructed efforts to set up community radio stations across the country. Independent community radio stations would provide useful support to human rights defenders at the local level and ensure that local populations are better informed, thereby providing useful support for future elections. Outside Luanda, the Angolan population has very limited access to information from non-State sources, although private radio stations have been established in Cabinda, Benguela and Lubango.

69. Various sources reported a number of alleged human rights violations against journalists. Human Rights Watch listed cases in a report published on 14 July 2004.¹⁴ One case outlined in the report was that of Manuel Vieira, a Radio Ecclesia correspondent in Huila who was reportedly questioned by police on 31 May 2003 about his coverage for the radio station of high death rates in transit camps for demobilized UNITA fighters. Other cases covered by the report relate to the alleged misuse of defamation laws to target journalists reporting possible corruption by senior officials or persons linked to the Government.

70. With the lack of law on access to information, journalists often reported having difficulty accessing information which should be publicly available and which pertains to human rights concerns. Independent journalists have complained of being denied access to government-sponsored meetings and press conferences whereas their colleagues from the

State-owned media were in attendance. The Special Representative was informed by defenders working with NGOs in the health sector that they had been prevented by police and government hospital officials from speaking with patients and obtaining statistics on rape and related violence.

71. The Special Representative deeply regrets that as a result of the absence of independent media, the general public cannot participate in debates concerning public policies affecting human rights, nor be informed of the work and efforts conducted by civil society. She notes that such a lack of access to the media and a lack of independent media outlets severely affect the capacity of human rights defenders to establish functioning networks, consolidate their relationship with the public, publicize their views and assessments, and engage in dialogue with all society actors.

Exercising freedom of association and assembly

72. Almost all of the human rights defenders said that they had encountered problems in registering their organizations. The process was described as long and cumbersome. Typically, authorities appear to fail to respond to applications submitted by NGOs. Defenders described having to repeatedly approach the authorities to seek action at each stage of the process. The Sindicato de Jornalistas Angolano,¹⁵ with 1,253 affiliated members, requested official registration in April 1996 and is still awaiting official recognition.

73. Defenders also complained about the very high cost of publishing an association's statute in the gazette - quoting a fee of US\$ 2,500. While defenders overall indicated that they were usually able to operate without waiting for the formal completion of the registration process, they noted with concern that the lack of official recognition acted as a deterrent to addressing sensitive issues for fear that the Government could use their lack of status against them when convenient, as had occurred in several cases. The Association for Justice, Peace and Democracy, (AJPD), in its meeting with the Special Representative, indicated that they were denied access to prison and related information, and later prosecuted on the basis of not being registered despite having applied for registration and publishing its statute several years previously.

74. The Special Representative considers that the high number of defenders' organizations facing difficulties with their registration reflects at worst a government policy to violate the freedom of association, and at best serious neglect by the Government of its responsibilities to facilitate the legal recognition of defenders seeking to form associations in defence of human rights.

75. In addition to registration difficulties, international NGOs indicated that procedures for securing the proper documentation for their workers has been complex and lacked transparency. Initial visas are only granted for three months; international staff then have to leave the country to renew their visas. Procedures are reported to be ever-changing, which often leads organizations having to pay heavy fines - up to \$1,000 - for irregularities. Many had the impression that the Government is unwilling to clarify and simplify procedures in order to keep some leverage over their activities.

76. The Special Representative received numerous reports of violations of the right to assembly, although she noted improvements during the course of 2004. In Cabinda, the police reportedly blocked public access to the official ceremony to launch the establishment of Mpalabanda, a human rights-related NGO, in February 2004.

77. In contrast, the Special Representative notes that on 3 October 2003 a demonstration took place in support of a general election, attended by approximately 1,000 persons whose right to assembly was reportedly respected. Similarly, on 2 March 2004 a protest against corruption by PADEPA in Luanda was able to go ahead as planned.

Intimidation and occasional arrests

78. Government authorities have also been reported to keep a close watch on activities carried out by human rights defenders. The Special Representative noted the presence of State officials at NGO meetings. She also received reports of threats against journalists and NGO activists. The Jesuit Refugee Service indicated that some of its members had been threatened and taken into custody in April 2002, while MSF reported that one of its members in Kazambo was threatened with expulsion in July 2004 for claiming that government forces were preventing the creation of a UNITA office.

79. Fear of reprisals against human rights workers seems to continue to be a serious obstacle to active engagement by the population in human rights activities. On several occasions, defenders stated that a number of people avoided having relationships with them to avoid being seen as “agitators”. In Cabinda, in particular, defenders were very much on the defensive during meetings and several later confessed that they feared reprisals for having met with the Special Representative; they said that, as a measure of safety, they would not sleep in their homes the following night.

80. Occasionally, defenders are taken to courts in connection with their activities. For instance, the head of Mãos Livres reported that five cases were currently pending against him.

D. Lack of redress mechanisms

81. The Special Representative notes with deep concern that the limited access to justice constitutes a serious obstacle to the work of human rights defenders. There was widespread consensus on the part of those with whom the Special Representative met that the judiciary is entirely absent from many parts of the country and is frequently ineffective as an independent guarantor of the law.

82. There is reportedly a severe scarcity of judges in Angola and judicial officials are said to be entirely absent at many municipal levels. According to a 2004 report by the International Bar Association,¹⁶ only 23 of 168 municipal courts are operational. In Bukazau, the role of the judiciary is partly filled by a police officer. The Government has acknowledged that problems exist and has expressed its willingness to find solutions, blaming limited progress on the absence of adequate resources. All provincial courts are reported to be functioning, but are unable to cope with the extra cases generated by the absence of municipal courts.

83. The Special Representative was also informed that the judicial process is handicapped by an insufficient number of lawyers, for both defence and prosecutions, in the country.

84. The Special Representative met with representatives of the State prosecution and judiciary in Cabinda, who said that they had not received any cases of alleged human rights abuses in the province and referred only to a few possible instances of “overzealous” action by the police. In contrast, human rights defenders in the province described multiple human rights violations and the Special Representative herself met with a number of victims. The implication is that either the prosecution and the judiciary in the province simply do not receive human rights cases, or that they choose not to address them - either way, the judiciary in this province appears to offer no support for the defence of human rights.

85. The Special Representative also met with senior police officers in Luanda, Cabinda and Huila who informed her of existing human rights training programmes for the police, as well as efforts to place lawyers from the Bar Association in every police station. While thanking the police for their presentations and encouraging these positive initiatives, she notes that human rights defenders generally did not perceive the police as allies in their human rights work, and saw them rather more as the perpetrators of human rights violations. She urges the national and provincial police forces, especially the police complaints offices, to consider ways of significantly strengthening their support for and collaboration with human rights defenders.

86. While the Special Representative recognizes the imperatives behind the Amnesty Law of 2002, she is nevertheless concerned that offering a blanket amnesty has led to impunity for human rights violations and failure to ensure respect for the rights of victims. As a result, human rights defenders have the difficult task of developing a culture respectful of human rights and trust in State institutions.

87. Overall, the complete absence of a judicial system in many parts of the country means that there is an imbalance of power with the State security forces that can only encourage violations. Even where defenders are able to monitor and report violations, they face great difficulty in actually addressing them and ensuring accountability. In some parts of the country, efforts are under way to strengthen the role of the traditional authorities in the hope that they can partially compensate for the absence of a formal justice system. This option may be promising, but only if it is backed up with considerable human rights and other training and if the traditional authorities are independent of the local State authorities.

E. Reaction to specific human rights activities

88. Almost all human rights defenders face difficulties conducting human rights activities and a large number of defenders exercise a degree of self-censorship because of their perception of the risks that taking up certain concerns may entail. Defenders working to address certain human rights issues, or using certain strategies such as strikes, are particularly likely to face repercussions as a result of their work. However, a number of these issues are likely to be at the forefront of human rights concerns that defenders will need to address in the near future.

Defenders working on corruption

89. Journalists and human rights organizations that have sought to investigate and report on State corruption have repeatedly faced obstacles. Editions of private newspapers carrying stories of alleged corruption have had their distribution in Luanda and the provinces disrupted. Journalists investigating corruption allegations have been arrested. On 22 February, Arthur, a journalist with the *Folha 8* newspaper, was arrested and held in custody until 28 March 2003 while he was attempting to interview officials about malpractice surrounding the sale of a State-owned hotel.¹⁷

Defenders working on land and housing rights

90. The police have forcibly evicted thousands of residents from neighbourhoods in Luanda and relocated them outside the city, severely beating some residents. In this respect the Special Representative was informed that in March 2003, after José Pedro João Rasgadinho, leader of the Commission of United Residents of Boavista Neighbourhood,¹⁸ organized a protest against the forced eviction and relocation of some Boavista residents, he was prevented by the police from entering the neighbourhood and was threatened by them. In September 2003 he was reportedly arrested and detained for four days. Mr. Rasgadinho has reportedly been arrested on eight separate occasions in relation to his human rights work.

91. Luís Araújo, a defender working with SOS-Habitat in Angola, also reported facing intimidation and reprisal from security forces when he attempted to enter the neighbourhood of Benfica as eviction of residents was going on. He was then prevented from entering the community for the following two months.

Trade unions

92. Defenders working to address labour rights issues through trade union activities, including strikes, appear to have faced particular difficulties. Members of the university teachers' union reported arbitrary cuts in their salaries, demotions, threats against family members and confiscation of their travel documents as examples of State intimidation to force them to end their activities.

F. The role of the United Nations in supporting human rights defenders

93. The Special Representative heard contrasting reports of the relationship between civil society and the United Nations system in Angola. Some defenders indicated that during the last years of the conflict, national and international NGOs were effectively integrated into the United Nations framework for the coordination of humanitarian relief, most especially through the Office for the Coordination of Humanitarian Affairs (OCHA). In this context, NGOs felt that they were consulted and able to participate in such activities, as well as in broader discussions on peace and reconciliation. They also recognized the United Nations efforts in supporting the

establishment of provincial human rights committees, the expansion of municipal courts and the creation of a “case tracking” programme in the Prosecutor General’s Office. Many defenders, however, expressed concern at the ongoing reduction of the United Nations presence in the provinces.

94. In contrast, those NGOs using a human rights methodology to address specific abuses of civil and political rights - such as killings and torture - expressed deep concern that they lacked adequate access to the United Nations hierarchy and that such human rights concerns were not given the weight that they deserved. Defenders expressed their impression that the United Nations was reluctant to genuinely address human rights violations committed by the Government.

95. Similarly contrasting reports were made by defenders with regard to the specific role of the United Nations Office of the High Commissioner for Human Rights (OHCHR). Some defenders indicated their strong satisfaction that they could always find within this Office a welcome access point to the United Nations in Angola, and they described many joint activities undertaken over the years. However, defenders also regretted that OHCHR Angola was often unable to follow up on their complaints of specific violations and was sometimes slow to respond to requests for collaboration.

96. In this respect, the Special Representative notes that deployment by OHCHR of human rights field officers to the provinces ended several years ago. The mandate of the Office is limited to assisting in the consolidation of peace and democracy through the strengthening of national capacities in the areas of human rights and rule of law; hence, it does not have a direct protection mandate. Its resources also limit the ability of the Office to adequately respond to human rights concerns as it only has a professional staff of four people, drastically limiting its capacity to cooperate with and support human rights defenders during a crucial time for the country’s future.

97. The Special Representative greatly appreciates the efforts of OHCHR Angola to seek opportunities, despite the constraints of its mandate, to support civil society initiatives for the promotion and protection of human rights and to enhance its cooperation with Government for strengthening the policy framework for the implementation of human rights and facilitating the work of defenders. However, these efforts could become more fruitful if its mandate were appropriately expanded so as to enable it to engage more fully with the issues relevant and critical to building an enabling environment for human rights work and ensuring the safety and security of human rights defenders beyond technical assistance initiatives.

IV. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

98. As the memory and threat of armed conflict recede, the immediate concerns of Angola’s population are, for the first time in many years, focusing on longer-term issues, including land rights, the redistribution of wealth in the form of social services, access to gainful employment, and the right and opportunity to contribute to the selection of a representative Government. It is regrettable that Government today is more a Government of the ruling party than a Government

that supports all citizens, irrespective of party allegiance. Indeed, the tools and functions of the State are often merged with those of the ruling party. The challenges facing human rights defenders are emerging from these core civil, political, economic, social and cultural rights problems.

99. Angola remains a country in transition, and the role and situation of human rights defenders in the country should be seen in the light of this evolving situation. The most prominent feature on the horizon in Angola's process of transition is the general election, which President Dos Santos has indicated will be held by September 2006 at the latest.

100. The Special Representative considers that the planned elections represent a watershed for human rights defenders in Angola. Many of the actors with whom she met agreed that successful elections and the strengthening of democracy in Angola are essential for the country's immediate future. The vast economic, social and cultural rights problems waiting to be addressed - as described in initial sections of this report - will only find effective long-term responses from a fully representative and transparent Government exercising the principles of good governance to manage the nationwide State apparatus. Free and fair elections are the best mechanism to assure that this standard is met. In addition, numerous actors expressed the opinion that the wounds left by the war have yet to fully heal. They are concerned that if the elections are not free and fair, and widely perceived as such, the country may risk the re-emergence of a high level of tension and split along the lines of existing regional and ethnic divisions.

101. The Special Representative notes that several processes must be completed soon if free and fair elections are to take place: the establishment of an independent electoral commission to undertake preparations for the elections; voter registration, which requires issuing identity papers to everyone, including the rural population; voter education, for people to understand how to exercise their right to vote; and the establishment of an environment allowing all parties to campaign, including at the provincial levels. A number of defenders independently indicated that the Government, with the aim of protecting the ruling party's firm hold on political power, is not facilitating any of these essential processes. A number of sources predicted that tensions may emerge in the lead-up to the elections if there is the feeling either that opposition parties have not been able to fully develop their political platforms, or that large segments of the population are being excluded from the electoral process. In the course of 2004, opposition parties walked out of discussions on a new constitution, partially because of their perception that the Government was not genuinely involving them in the process.

102. The contribution of human rights defenders to all processes and their monitoring of progress in this and other areas, such as the dissemination by independent media across the country of information indispensable to voters in order to make an informed choice, will be essential over the next 18 months. Defenders will play a similarly important role in monitoring the actual conduct of the elections and ensuring that they are free and fair.

103. In conclusion, the Special Representative believes that the upcoming elections will mark a turning point in Angola's future, and in the prospects for improvements to the human rights situation in the country. The active contribution of human rights defenders to the preparation and conduct of the elections will be a determining factor in whether the elections are successful. While the role and situation of human rights defenders have clearly improved in the last

two years, it is the Special Representative's deep concern that these improvements are far from adequate to meet the challenges posed by the coming elections. Their freedom to conduct their work is not sufficiently assured; their opportunities to provide input to State decision-making processes are extremely limited; and authorities pay only very scant attention to their reports. With some exceptions, defenders' organizations need more training and funding to further develop their professionalism and efficiency. Overall, the defender community needs to create effective and trustworthy networks between organizations.

Recommendations

104. The Special Representative urges the Government to:

- **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Worst Forms of Child Labour, 1999 (No. 182) of the ILO; the Rome Statute of the International Criminal Court; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**
- **Submit its reports due under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;**
- **Review existing legislation, and ensure its compatibility with the Declaration on human rights defenders and other applicable international human rights standards, especially the national security law and the NGO law;**
- **Urgently review the process for the registration of human rights defenders' associations; ensure that the registration is expedited; proceed with the registration of pending applications; significantly reduce the overall cost of registration and consider waiving registration fees for those applications that have been pending for more than one year;**
- **Consider adopting a "regime of declaration" whereby an association is legally recognized once it has formally declared itself to exist, without the requirement of any prior action by the State;**
- **Ensure full respect for the right to freedom of expression, in particular by encouraging the development of independent media outlets, especially by immediately granting privately owned radio stations permission to broadcast their programmes to all parts of the country;**
- **Improve access to information for human rights defenders, including access by journalists to government officials and public meetings;**
- **Ensure that defenders have timely and regular access to State officials, including at senior levels;**

- **Establish an environment conducive to free and fair elections, including allowing political opposition parties and activists effectively to campaign; fully involving human rights defenders in the process, and allowing them to independently monitor the Government's actions in preparing for the elections and to monitor the elections themselves;**
- **Consider inviting OHCHR to increase the capacity of its presence in Angola and adapting its mandate to better meet the needs of human rights defenders in the coming pre- and post-electoral periods.**

105. **The Special Representative urges human rights defenders:**

- **To seek training on developing human rights strategies and the management of human rights organizations;**
- **To strengthen their network;**
- **To consider publishing an annual human rights report for Angola, possibly representing the combined work of a network of national human rights defender organizations.**

106. **With regard to the Province of Cabinda, the Special Representative recommends that:**

- **The police systematically investigate cases of reported violations and that the prosecutor take these cases to court;**
- **The army urgently seek to identify violations committed by its soldiers and ensure an appropriate judicial response for the perpetrators and redress for the victims;**
- **The Governor organize regular periodic meetings, for example every four months, with civil society and personally hear their concerns regarding civil and political rights as well as economic, social and cultural rights. The Governor could consider publishing an annual report on the human rights violations that have occurred in the province and the action taken to address them.**

107. **With regard to the Province of Huila, the Special Representative recommends that:**

- **The provincial Human Rights Committee be formally established as a legal entity completely independent of the State authorities, that it be accorded a fixed and adequate budget and that consideration be given to providing it with a permanent secretariat and offices;**
- **Procedures and capacity in the area of the justice system be reformed so as to increase access to the judicial process.**

108. **With regard to the United Nations, the Special Representative recommends that:**
- **The United Nations consider its responsibilities under the Declaration on human rights defenders and ways through which, within the limits of individual mandates and existing resources, the Organization can contribute to the implementation of the Declaration;**
 - **OHCHR consider seeking a broadening of its mandate and an increase in its personnel capacity to allow the Office to monitor and raise concerns affecting human rights defenders, particularly in the context of preparing the upcoming elections**

Notes

¹ IDR (Budget Report) 2000/01.

² Multiple Indicator Cluster Survey II, 2001.

³ Ibid.

⁴ 62,000 returnees in 2004. UNHCR Country Briefing.

⁵ ISS, 5 February 2004; United Nations, 18 November 2003; IRIN, 19 August 2003; United Nations OCHA, 30 March 2003.

⁶ *Lei de Imprensa*.

⁷ Human Rights Watch, "Unfinished democracy: media and political freedoms in Angola", 14 July 2004.

⁸ "Disobedience to authority".

⁹ Law 10/02 on "State secret".

¹⁰ Article 26: "Non authorized divulgation - any person who, without occupying a political position and/or without being a civil servant has access to classified information, independently of the source and ways of accessing it, divulges publicly that information without having been expressly authorized by the competent body is subject to the penalties established by articles 24 and 25" (six months' to two years' imprisonment).

¹¹ Council of Ministers Decree 84/02.

¹² Respectively, articles 13, 14, 15, 16 and 13 and 17.

¹³ Journal AGORA, 26 June, p. 14.

¹⁴ “Unfinished democracy: media and political freedoms in Angola”.

¹⁵ Angolan Journalists’ Syndicate, SJA.

¹⁶ ANGOLA, Promoting Justice Post-Conflict.

¹⁷ Human Rights Watch, op cit., p. 18.

¹⁸ Comissão de Moradores Unidos do Bairro Boavista.

Appendix

LIST OF PERSONS WITH WHOM THE SPECIAL REPRESENTATIVE MET

Officials

Minister of the Interior, Mr. Osvaldo Serra Van Dunen
Minister of Justice, Mr. Paulo Tjipilica
Ministry of Foreign Affairs, Mr. Virgilio Faria, Director of International Organizations
Vice-Minister for Communication and Social Venue, Mr. Manuel Augusto
Minister of Family and Woman's Promotion, Ms. Candida Celeste
Minister of Assistance and Social Reinsertion, Mr. João Baptista Kusuma
National Director for the Institute of the Child, Ms. Eufrazina Maiato

President of the National Assembly, Mr. Roberto de Almeida
President of the Supreme Court, Dr. Cristiano Andre
Prosecutor General, Mr. Augusto Carneiro
Deputy General Police Commander

Cabinda

Provincial Governor
Provincial Police Commander
Provincial Prosecutor and Judge
Regional FAA Commander

Bukauzau

Municipal authorities
Traditional authorities

Lubango

Provincial Governor
Provincial Police Commander
Provincial Prosecutor

Humpata

Municipal authorities
Traditional authorities
Provincial Human Rights Committee

International organizations

UNDP - Mr. Pirlot, Mr. Camara

OCHA/TCU - Mr. Lazzarini

UNFPA - Mr. Mayouya

UNHCR - Mr. Saïdy

WFP - Mr. Corsino

UNICEF - Mr. Ferrari

WHO - Mr. Kertesz

UNAIDS - Mr. Stella

FAO - Mr. Luna

OHCHR - Mr. Bye

UNSECOORD - Mr. Vandenberg

Diplomatic community representatives from

Brazil

China

France

Italy

Netherlands

Norway

Portugal

Sweden

United Kingdom

United States

NGOs

University teachers' trade union

Journalist trade unions

Amnesty International-Angola

Angolan Bar Association

Angola 2000

Mãos Livres

Associação Justiça Paz e Democracia

Association of Women Jurists

Episcopal Commission for Justice Peace and Migration
FONGA
HIV Coalition
Human Rights Watch
Jesuit Refugee Services
Médecins Sans Frontières
Mplambanda
Open Society
SOS-Habitat

Others

Cabinda, Catholic Bishop
Lubango Catholic Archbishop
ICRC
