



Submission to the 79th Ordinary Session of the African Commission on Human and Peoples' Rights on the implementation of the African Charter on Human and Peoples' Rights, the additional Protocol on the rights of women in Africa (2016-2023) and the Kampala Convention (initial)

ANGOLA

April 2024

The work of Human Rights Defenders (HRDs) in Angola recognizes and upholds the dignity of people in various sectors of public life, since dignity is a fundamental pillar of the democratic state and the rule of law (cf. Art. 1 of the Constitution of the Republic of Angola). It is a fundamental principle that provides the basis for rights in general.

HRDs and Angolan civil society have played a fundamental role in denouncing and making recommendations concerning acts of human rights violations. In this regard, they have made public denunciations through radio interventions, debates, interviews, round tables, forums, public interest litigation, advocacy, lobbying, technical analysis and/or legal opinions. Thus, after learning that the Angolan government had submitted to the African Commission on Human and Peoples' Rights the report entitled "*Report on the implementation of the African charter on human and peoples' rights (2016-2023), additional protocol on the rights of women in Africa (2016-2023) and the Kampala convention (initial)*", these organizations produced a shadow report in which challenges some of the report's data and statements, specifically on the following issues: Non-Discrimination and Equality before the Law, Right to Life, Prohibition of torture, exploitation and other degrading and inhuman treatment, Access to Justice, Freedom of Expression and Information, Freedom of Assembly and Demonstration, Freedom of Association and Assembly, Right to Participate.

The choice of these themes is based on the following grounds:

1. The data on the issues presented in the report contrasts with what the organizations have compiled, as shown in the table below;
2. Appeal for the truth to be restored and for the damage caused to be repaired.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



1. AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

a. Government Information

Since the last report was submitted to the Commission in 2018, Angola has made significant progress in the promotion and protection of human rights and in the implementation of the African Charter and the Maputo Protocol, in particular the approval of the National Human Rights Strategy (ENDH) and its Action Plan (Presidential Decree No. 100/20 of April 14).

It is a public policy instrument on human rights, comprising a set of actions to be carried out in order to achieve national majority in human rights.

The first step is to exercise the legitimacy resulting from national sovereignty so that we Angolans can assess, denounce, correct and condemn our shortcomings in terms of human rights. Three years after its approval, 80% of the actions set out in its Action Plan are already being implemented. Human Rights in Angola have been elevated to the category of "National Security Issue". In this strategy Human rights are considered to be a matter of national security and the main players in its enforcement are civil society organizations throughout the country. Through the Local Human Rights Committees, they draw up independent reports that are compiled and presented to the National Security Council (5 have already been presented) so that the competent state bodies can take the necessary measures.

One of the pillars of the National Human Rights Strategy is the expansion of Local Human Rights Committees at municipal and commune level. Angola currently has 18 Provincial Committees (1 per province), 164 (out of 164) at municipal level and more than 80 at communal/district level. They are multi-sectoral bodies that promote and protect human rights locally. The Committees are made up of civil society organizations representing traditional authorities, religious leaders, representatives of people with disabilities and persons with albinism, academics and minority groups, among others.

b. Argument from civil society/ Mosaiko

Local Human Rights Committees inoperative following superior orders

Almost all the civil society invited to take part in the Local Human Rights Committees initially joined, but over time, due to the irregular frequency of the meetings, many of

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



them have stopped taking part or have a clear perception that nothing is resolved through this mechanism.

In Menongue, province of Cuando Cubango, where they haven't met for a year, cases that are referred to the committee are diverted to the provincial government and resolved, without making use of the mechanism. In Matala, Huíla province, the committee also stopped working a year ago. Civil Society Organizations (CSOs) report that the local human rights committee has not performed any activities and they have never heard of any work or intervention in that municipality. In Cubal, Benguela province, since July 2023 some CSOs have stopped receiving invitations to the provincial and municipal human rights committee meetings, and these CSOs felt that they logged complaints and made requests for support that were never resolved. In Cafunfo, Lunda Norte province, the story is different: in 2023 they attended 3 meetings, local CSOs have participated in and consider this mechanism to be a useful space.

In Luanda, the agenda for the Provincial Human Rights Committee meetings is set by the deputy governor for the social sector, although the committee does have a coordinator. Initially, the CSOs reported that it seemed to be a functional mechanism, with monthly meetings, in which operating rules were established. However, when it moved on to the planning phase, it made no progress. Several attempts were made by the CSOs to plan the next actions, but without success. The justification given was that they couldn't move forward because they needed superior orders to draw up action plans, and later, the justification was that before moving forward it was necessary to set up municipal committees.

The Coordinator of the Committee was unable to carry out his duties, especially since his superiors, namely the Secretary of State for Human Rights and the Director of the Registry and Notary Office, were on the same committee.

Three years passed and with COVID-19, another two years went by without any action. In the meantime, CSOs continued to suggest activities and ideas that were never taken up. The coordinator of the provincial human rights committee, who is also an employee of the registry and notary service, carried out activities within the scope of his job, such as visits to orphanages and homes to resolve civil registration issues, and presented these activities as being the committee's activities, without convening or liaising with CSOs.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Recommendations to the Government of Angola

- Distance the committee from political parties; meetings should no longer be run by party members;
- Resume regular meetings without party interference;
- The spirit in which the Committees were created be taken up again;
- The Committees should not be transformed into extensions of a political party;

Angola's Ombudsman takes no position on cases of human rights violations

The Ombudsman's Office is a mechanism unknown to most of the population. Moreover, it is not accessible to the people, it only exists in 10 of the 18 provinces. In Luanda, it is located in Cidade Alta, a district where the highest state representations in the country are.

In April 2021, the ombudswoman, Antónia Florbela Araújo, traveled to the province of Lunda Norte for a three-day visit. According to the report of the visit published on the ombudsman's office website, the aim of the visit was to publicize the importance of this mechanism and to create a local office. This visit took place three months after the Cafunfo massacre and despite the public denunciations, reported in the national and foreign media, the ombudswoman's visit program did not include any contact with the Cafunfo sector, there was no public statement on the case or any factfinding or consultation meeting on the events that took place in that diamond producing area.

The silence of the Ombudsman's Office shows the lack of independence of this mechanism, which only intervenes where and when it is allowed to. Therefore, the Angolan government can no longer maintain that the Angolan Ombudsman's Office can act as the National Human Rights Commission because the Ombudsman's Office is not autonomous and depends on resources to develop initiatives.

If the Ombudsman's Office acts as the National Human Rights Commission, it is obliged to follow the Paris Principles, namely: "To submit to the Government, Parliament or any other competent body, in an advisory capacity, either at the request of those authorities or on the basis of its power to act on its own initiative, opinions, recommendations, proposals and reports on any matter relating to the promotion and protection of human rights". As described above, the Ombudsman's Office does not

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



act on its own initiative, so it has never been capable of "deciding to review any situation of human rights violation".

Another task of the National Human Rights Commission is to "disseminate human rights and make efforts to combat all forms of discrimination, in particular racial discrimination, raising public awareness, especially through information, education and the media." The Ombudsman's Office has difficulties in communicating and during a meeting with the Mosaiko Institute for Citizenship, in Luanda, on 14/09/2022, the ombudswoman, Florbela Araújo, revealed that she had great difficulty in publicizing the agenda/initiatives of the ombudsman's office in the public media.

https://provedordejjustica.ao/wp-content/uploads/2020/07/Relatorio-da-Visita-da-Provedora-de-Justica-Interin-a-Provincia-da-Lunda-Norte_compressed.pdf

Recommendations to the Government of Angola

- The Ombudsman's Office should be free from the influence of political parties;
- The Ombudsman's Office should only fulfill its established mission, otherwise it should be suspended;
- Citizens should be given the right and confidence to turn to the Ombudsman's Office as a body at their disposal;

2. ARTICLES 2-3: Non-Discrimination and Equality before the Law

a. Government Information

All legislation in Angola respects the principle of equality and non-discrimination laid down in Article 23 of the Angolan Constitution. The Angolan state not only prohibits discrimination but is also radically against it (REC. 4). 31. Article 212 of the Angolan Penal Code (Law No. 38/20 of 11 November), penalizes with imprisonment of up to two years anyone who commits discriminatory acts because of race, color, ethnicity, place of birth, sex, sexual orientation, illness, physical or mental disability that is not impeding or constraining, belief or religion, political or ideological convictions, social status or origin or any other form of discrimination. This is perfectly in line with the Commission's recommendation.

b. Arguments from civil society / Mosaiko

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Procedural delays violate human rights

The Angolan courts lack human and financial resources, which means that cases drag on for several years. The government doesn't account for the damage that successive delays have done to citizens' lives and there are recurrent closures due to a lack of ink cartridges, rope, paper, vehicles and other resources.

In 2021, with free legal support, the mother of a 9-year-old child filed maintenance case 2551/2021-B in the 5th section of the Family Courtroom of the District Court of Luanda - Zango 4. Three years have passed and the plaintiff has never been summoned to a hearing. During this time, the child, who is now 12 years old, has needed food, education, health, care... In Angola, maintenance cases should theoretically be dealt with swiftly, but they often drag on for several years and in many cases without resolution until the children come of age. In a social context as challenging as Angola's, a financially constrained child runs the risk of dropping out of school, malnutrition and death from curable diseases.

Recommendations to the Government of Angola

- The courts and magistrates should be given the conditions to serve the citizens;
- Legal assistance should be improved and accelerated;
- Reduce bureaucracy in accessing the justice system;

c. Civil society's argument

Victims of violence forced to live with aggressor without shelter

The government often mentions that there are shelters, especially for victims of domestic violence, but no CSO has yet been found that works with this issue and can attest not only to their existence but also to their use. In addition, it has been a recurring recommendation to establish an articulation of victim support services with a focus on statistical data. In Angola, the number of victims of domestic violence, femicide and other gender crimes is not known for sure. Situations in which victims are forced to live with the aggressor and re-victimization are also not included in the statistics.

In Cazenga, Luanda, a 15-year-old teenager, the daughter of a *zungueira* (street vendor), was sexually assaulted by her landlord. After the case was reported to the police, the aggressor was taken to the police station and then returned home, where

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



he found the teenager again. After a week, she says she started "having bad dreams about him and feeling sick. I started sleeping at my aunt's house from that day on." At no point was she shown the alternative shelter, neither when she went to the police station nor at the hospital where she was examined.

In Viana, a 12-year-old pre-teen girl was raped by her neighbor, a complaint was filed at the police station and a notification was issued for tests to be performed. At no point was there any indication that an investigation was being carried out.

Recommendations to the Government of Angola

- Police officers and landlords who commit sexual crimes and use their power to cover up cases should be tried and convicted;
- The government should not be complicit in criminal sexual acts and other violence perpetrated by public servants;
- The right to justice should be enjoyed by everyone;

3. Article 4 The person's right to life, integrity and security

a. General Government Information

In Angola, the right to life is a right provided for by the constitution under the terms of Article 30. In addition, Article 59 prohibits the death penalty, as a demonstration of the importance that the state gives to life and the respect that this fundamental right deserves. In 2019, Angola ratified the Second Additional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty (National Assembly Resolution No. 37/19 of July 9).

The protection and guarantee of the right to life is the responsibility of *the State*. This precept is reinforced by the Angolan Penal Code, under the terms of Articles 147 to 160, "Crimes against Life and against Physical and Psychic Integrity". Perpetrators are held accountable and punished when they make an attempt on or endanger human life (Rec.5).

While this information roughly illustrates the responsibility of the government enshrined in the Constitution, it is worth recalling that the first subparagraph of the second paragraph of the report omits the entity responsible...

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



b. Real arguments from civil society / Kutakesa

Kutakesa| Movimento dos Defensores dos Direitos Humanos em Angola (Movement of Human Rights Defenders in Angola) is following a case in the province of Luanda (attack on the daughter of Mr. Eduardo Peres Alberto, reprisals, death threats and vandalization of his home), which took place in 2023. This is factual and relevant evidence but was not included in the report.

Physical attack, reprisal, death threats and vandalization

On April 14, 2023, Kutakesa received a complaint about acts of reprisals, death threats, malicious damage to private property, intimidation and harassment, the victim of which was Eduardo Peres Alberto, Secretary General of the National Union of Higher Education Teachers (SINPES).

The trade unionist said that at 10:30am on April 10 his house was vandalized by unidentified people who broke a window in an attempt to gain access to the inside of the house. The perpetrators left a photograph of the trade unionist's daughter on the scene with the sign of a cross on it, a symbol of death, and wrote the words "we'll be back", according to the father's statement to Kutakesa.

At the time, the members of the organization led by Eduardo Peres Alberto, i.e., the union of public higher education teachers, had been on strike for two months and there was strong social and political pressure to lift the strike. While this tug-of-war was going on between the government, which refused to meet the teachers' demands, and the teachers, who refused to resume classes under those conditions, Eduardo Peres Alberto was receiving phone calls saying "You're going too far with this strike. Then don't say you weren't warned," he told Kutakesa.

The first daughter of the trade unionist, 29-year-old Emiliana Peres Alberto, received another letter with the following content: "Tell your father and his union group that we're going to kill them".

And at 09:00am on Tuesday, April 25, in Zango 8000, she was attacked on the street by two unidentified men who chased her on a motorcycle and, when they caught up with her, threw tear gas in her face, resulting in a nosebleed followed by loss of consciousness. Kutakesa paid for her medical expenses, replaced the broken window and installed a security system in her father's home. From April 25 to the present day, Kutakesa has been monitoring the case and unfortunately the young woman's health

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



requires special care, as she is currently defecating bloody stool, a situation that has left her relatives distressed. Doctors have not been able to identify what type of liquid was in the tear gas.

Faced with this threat, Kutakesa has appointed a lawyer, Fortunato Paixão, to follow up on the criminal case (**No. 3500/023-02**) filed at the Zango Police Station, in the municipality of Viana, Luanda province, against the suspects in the death threats, psychological torture, reprisals and persecution of the Secretary General of the National Union of Higher Education Teachers, Eduardo Peres Alberto.

Kutakesa also sent Urgent Appeals, attached to letters, to the African Commission on Human and Peoples' Rights, addressed to Dr. Remy Ngoy Lumbo, Special Rapporteur on the situation of Human Rights Defenders, and to the United Nations Special Rapporteur on the situation of Human Rights Defenders, Dr. Mary Lawlor, requesting them to liaise with the Government of Angola on the situation of Human Rights Defenders in the country, with a view to putting an end to **REPRISALS, DEATH THREATS, MALICIOUS DAMAGE TO PRIVATE PROPERTY, INTIMIDATION, HARASSMENT, In particular towards Mr. Eduardo Peres Alberto, Secretary General of the National Higher Education Teachers Union (SINPES).**

DEATH OF ACTIVIST INOCÊNCIO DE MATOS

A young Angolan activist, Inocêncio Alberto Matos, was killed on November 11, 2020, allegedly after being shot by National Police officers during a demonstration in Luanda.

The 26-year-old activist, who was taking part in a demonstration against the high cost of living, was a third-year computer science student at Agostinho Neto University. To date, the perpetrators of the shooting have not been held accountable and Inocêncio de Matos' family is complaining about the "mysterious silence" of the justice system.

Recommendations to the Government of Angola

- The African Commission to urge the government to restore the legality of the facts and demand that the perpetrators of the assaults, death threats and physical attack on the trade unionist's daughter be found;
- Put an end to acts of reprisals, death threats, malicious damage to private property, intimidation, harassment, psychological and physical torture;
- The perpetrators should be investigated and held criminally accountable;
- Put an end to the brutal repression of peaceful demonstrations;
- Put an end to the disproportionate use of force against demonstrators, who are often taken to areas far from the demonstration and where they live, and in many cases are physically and psychologically tortured.



4. Prohibition of Torture, Exploitation and Other Degrading and Inhuman Treatment

a. Government Information

Article 60 of the Constitution of the Republic of Angola prohibits torture and degrading treatment, and Article 36(3)(b) refers to the right not to be tortured or treated or punished in a cruel, inhuman or degrading manner.

Article 370 of the Angolan Penal Code criminalizes acts of torture and cruel, inhuman and degrading treatment, and punishes perpetrators with a prison sentence of 1 to 6 years. As for the situation in the mining areas (Lunda Norte, Lunda Sul, Bié and Moxico), the Angolan government launched Operation Transparency in September 2018, with the main objective of "combating illegal diamond mining, trafficking of human beings, environmental protection, combating economic crime, protecting and controlling the country's borders and preventing the financing of international terrorism or armed groups that could destabilize the region.

Specific operations and missions in diamond producing areas are a security challenge because illegal diamond mining is a highly lucrative business and involves many victims and organized crime groups. Deaths have been reported as a result of disagreements between rival groups, conflicts with security company guards and the National Police. An example of this is the case of Cafunfo that took place in January 2021, which has already been tried and the perpetrators have been convicted.

b. Real arguments from civil society/Kutakesa

In the following paragraphs, Kutakesa presents an account of torture, exploitation and other degrading and inhuman treatment related to the "Cafunfo massacres" case (21 unofficial and 6 official deaths), in the province of Lunda Norte

Illegal detention (Cafunfo massacre case)

Human rights defenders and Angolan civil society have played a fundamental role in denouncing and making recommendations related to human rights violations. In this regard, they have made public denunciations through radio interventions, debates, interviews, round tables, forums, public interest litigation, advocacy, lobbying, technical analysis and/or legal opinions.

Government projections for 2050 indicate that the country will have a population of 67,927,825, of which 33,540,325 are men and 34,387,500 are women. According to

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



the same data, the population will be predominantly young, between 14 and 35 years old.

For Kutakesa, this data requires the engagement of human rights defenders to promote and protect human rights. Kutakesa also recognizes the key role of women in the realization of the democratic state and the rule of law.

Therefore, Human Rights Defenders have systematically performed analyses and issued warnings about the seriousness of the discourses and implementation of programs developed by the government to combat corruption, hold perpetrators accountable, recover assets and ensure transparency in the way public officials declare their assets, making it impossible for citizens to monitor them.

The Constitution of the Republic of Angola recognizes a catalog of citizens' fundamental rights, freedoms and guarantees. For this reason, it was to be expected that the authorities would have an approach and attitude that is in line with a democratic society and capable of upholding the actions of Human Rights Defenders. Therefore, the constant threats and violations of the rights and freedoms of HRDs by state agents have demonstrated a step backwards in terms of guaranteeing the fundamental rights and freedoms of citizens enshrined in the Constitution, as well as the rights provided for in the African Charter on Human and Peoples' Rights.

The persecution of human rights defenders who denounce violations carried out by state agents is a major concern because it not only puts their lives at risk, but also the lives of their families. Thus, HRDs are a group at constant risk in Angola because they are at the forefront of protecting human rights and repudiating violations.

The lack of hope amongst the majority of young Angolans and the high level of social inequality - most visible in the cities, where a large part of the population lives in informal settlements with limited access to water, electricity, sanitation and basic public health and education services - has fueled social discontent and led to various protests by young people to draw the government's attention to these issues. Meanwhile, the government's response, through the police force, has been one of repression and excessive and disproportionate use of force.

Examples include the deaths of demonstrators on November 11, 2020, the Cafunfo massacre on January 30, 2021, along with the "illegal detention and persecution" of the team of lawyers and human rights defenders who went to Cafunfo on February 9, 2021 to provide legal assistance and show solidarity with a defender who had been unjustly and illegally detained by the local police, which culminated in a criminal complaint being filed with the Attorney General's Office. In Angola, in particular, and in

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Africa, in general, human rights defenders play a fundamental role in strengthening democracy, the rule of law, the justice system, the fight against social discrimination and poverty. They also contribute to advancing a culture of rights in Angola.

The report states that the perpetrators of the Cafunfo massacre have been tried and convicted. As far as we know, the only people tried and convicted are citizens, such as the President of the Portuguese Protectorate Movement of Lunda Tchokwe, José Mateus Zecamutchima, (the organization reported 106 deaths) who, along with 15 other members, was accused of rebelling and attacking the police station, using firearms and bladed weapons. It is incongruous that a small group of citizens should invade or attack a police station, and it is also incongruous when, in a press release, the police accuse these citizens of an "attack". It is incomprehensible that this could happen, and even more so, they allegedly used firearms: Where did the weapons come from, when the country finished disarming civil society years ago? Can't the police carry out forensics to identify the origin of the weapons?

c. Civil society argument / Mosaiko

Assaults and arrests of people in Cafunfo, Lunda Norte

Every day, officers from the Reaction and Patrol Unit, the Border Guard Police, the Public Order Police and the Civil Protection and Fire Service set up roadblocks on the roads of Cafunfo to extort citizens, especially miners. This is a source of constant aggression and arbitrary arrests. The relationship between law enforcement institutions and regular citizens is tense and violent.

On 5 August 2023, the strike organized by the Trade Union of the Cuango Mining Company was interrupted by the police, and 3 (three) workers were shot with firearms, 7 (seven) were arrested and another 4 (four) escaped the throwing of stones and tear gas. They were later arrested and beaten at the Cuango police station.

The cases of human rights violations filed by citizens with the Attorney General's Office in Cuango did not give rise to an investigation or summons to hear the complainants **(MK and Kutakesa cases at the Cuango Attorney General's Office)**.

Operation Transparency (2018), which presents itself as a legitimate defense of the sovereignty of the Angolan state, also seems to be legitimizing the violent and repressive actions of the defense and security forces in diamond producing territories, fostered what happened on January 30, 2021. The Cafunfo massacre case remains open, above all because no independent investigation has been allowed.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



The outcome of the investigation into the involvement of the defense and security forces on January 30 and the following days has not been made public. Civil society organizations and members of parliament were prevented from entering the sector weeks after the massacre. The trial resulted in convictions without evidence and the state ended up acquitting and granting amnesty to innocent citizens that had been detained for over a year.



<https://www.voaportugues.com/a/feridos-e-desaparecidos-em-confrontos-entrepol%C3%ADcia-e-trabalhadores-no-cuango/7214303.html>

<https://www.dw.com/pt-002/caso-cafunfo-advogado-desmente-not%C3%ADciasfalsas-sobre-r%C3%A9us/a-61323760>

<https://www.dw.com/pt-002/caso-cafunfo-em-angola-zecamutchima-condenado-aquatro-anos-de-pris%C3%A3o/a-60917888>

Recommendations to the Government of Angola

- The African Commission on Human Rights urges the government to investigate the perpetrators of the Cafunfo massacres and hold accountable all those responsible for the torture and inhumane treatment of the victims and the illegal detention of the defenders;
- The African Commission on Peoples' Rights urges the Angolan state to make clear its actions to combat illegal trade, to hold the perpetrators criminally accountable and to hold companies accountable for the environmental, moral and human damage;

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



5. Freedom of Expression and Information

a. Government Information

The Board of Directors of the Angolan Media Regulatory Authority (ERCA) has been created. It is an independent and autonomous body that monitors the implementation of freedom of expression, information and the press.

This review process will include amendments to the Laws on the Status of Journalists and on the Media Regulatory Authority (ERCA) and, subsequently, the regulation of the laws that make up the media legislative package and regulation of community radio and online/digital media. Various international principles and standards are being taken into account in the process, including the Declaration of Principles on Freedom of Expression in Africa and the African Model Law on Access to Information.

The number of media outlets has increased in recent years, with 248 newspapers, 466 magazines, 161 newsletters, 16 portals, 47 radio stations, 5 conventional TV channels and one online channel; an increase of two.

Existence of the Journalists' Licensing and Ethics Committee, created and made up of journalists on the basis of Law No. 5/17 on the Statute of Journalists. There are currently 3,275 registered journalists, of which 2,620 are men and 655 are women.

In the field of mobile phone services in Angola, there has been an increase of 60,801 subscribers in recent years, which now stands at 14,937,350 users.

In terms of Internet access, from 2017 to 2022 there was an increase of more than five million subscribers (see Graph 3) (**Rec. 15**).

b. Real arguments from civil society / Angolan Journalists Union

Legislative aspects

The country has gone backwards in terms of legislation. Unlike the legislation passed in 1991, the year in which the multi-party system and democracy were inaugurated, in 2017 a set of laws regulating the press was passed (five laws in total - Press Law, Television Law, Broadcasting Law, Media Regulatory Authority and the Law on the Statute of Journalists). The main concerns are that astronomical amounts of money have been set aside to set up companies, such as 800 million Kwanzas to open a television station; 250 and 70 million Kwanzas to open national and local radio stations; and 35 million Kwanzas to open an agency.

The powers of regulation (licensing and supervision) have been assigned to government entities, in this case the Ministry of Telecommunications, Information

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Technology and Social Communication. The regulator has been given meaningless powers to intervene in regulation, and its composition is an extension of the political parties that transfer partisan squabbles to that space. For this reason, the Ministry of Telecommunications and Information Technology closed Vida TV, forced ZAP to remove all news content from its programming grid and arbitrarily closed Record TV for violating a law that establishes a fine. And the licensing of radio stations has not been transparent, despite the law requiring that the owners of the organizations be known, the fact is that the owners are not officially known. It is known, however, that most of the owners are linked to the ruling party.

Plurality and ownership of the media

As stated, the owners of most of the media outlets are unknown, but their editorial stance suggests that they are close to the ruling party and the government. In practice, the only media organizations whose owners are known are Rádio Ecclesia and Rádio Despertar, and the newspapers Expansão and Novo Jornal. And a few radio stations that are apparently affiliated with churches, but at election time, for example, end up favoring the ruling party by broadcasting its rallies. In short, the state is the biggest media owner in Angola. It is the only one that owns televisions (recently the ruling party set up a television group, Girassol); it owns the only radio that broadcasts throughout the country, the daily newspapers (Jornal de Angola and o País); the main printing companies (Damer and Edições Novembro);

Sustainability and the independence of journalists

Private media outlets face great difficulties in sustaining their expenses, because the media outlets that are considered not to be in favor of the government are mostly supported by airtime sold to churches and residual advertising. During election periods, companies that advertise are even told to withdraw their advertising. This situation makes private media outlets vulnerable, affecting the independence of journalists who are poorly paid and often go months and months without salaries. Many of them are lured to work in public media outlets where independence from the government is almost nonexistent (*source - Angolan Journalists' Union - Teixeira Cândido, Secretary General*).

The Constitution of the Republic of Angola and the Press Law guarantee (Public Interest - art. 10) that all companies and media outlets have a social responsibility to protect the right of citizens to inform, seek information and be informed in accordance with the public interest.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



This underpins the role of the media in the realization/consolidation of the rule of law and democracy, in scrutinizing the actions of the public administration, as well as being a vehicle of denunciation for human rights defenders. In the first year of President João Lourenço's administration, civic space was opened up, with greater freedom of expression and plural debate in the state media. Rádio Eclésia, affiliated to the Catholic Church, was finally authorized to operate outside Luanda. However, in the following year, the traditional independent media were still vulnerable, exposed to confiscation by the government and, as a consequence, ceased to be plural and became targets of censorship and political control by the ruling party, as well as being transformed into its means of political propaganda.

Article 5(1) of Law 17/22 of July 6 states that freedom of the press means the right to inform, to seek information and to be informed through the free exercise of press and business activity, without hindrance or discrimination;

Paragraph 2 of the same article states that freedom of the press must not be subject to any prior censorship, particularly of a political, ideological or artistic nature.

Even more important is the guarantee expressed in Article 6(2), which states that the exercise of freedom of the press must ensure broad and impartial information, democratic pluralism, non-discrimination and respect for the public interest.

Paragraph 3 of the same article also explains that the freedom to inform, to seek information and to be informed is protected through: a) Measures to prevent the monopoly of companies owning media outlets that jeopardize the pluralism of information. [SJA condemns reporter's detention and questions police actions - Camunda News](#)

<https://jornaleconomico.pt/noticias/eua-identificaram-prisoas-arbitrarias-e-restricoesa-liberdade-de-imprensa-em-angola-1008976>

c. Real arguments from civil society/Kutakesa RESTRICTIONS ON THE PLURALITY OF INFORMATION

As Article 6(2) on the diversity and plurality of information states, despite being protected, the government has systematically violated this right.

Article 25 prohibits monopolies by stating that the concentration of media companies or outlets in a single entity is forbidden, in order to prevent the creation of monopolies or oligopolies, thus jeopardizing the impartiality and pluralism of information and healthy competition.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



This provision has been violated by the government, which in recent years has closed down three private TV stations and has also taken over a media group that owned TV, radio stations, newspapers and magazines and broadcast content that was pluralistic. Currently, the government owns more than 44 media outlets, and the country has no private TV.

Although the law talks about incentives for the media (article 15), this article has never been complied with and, as a result, the media, especially the private companies and their employees, are experiencing various difficulties. According to the Angolan Journalists' Union and MISA-Angola, in provinces such as Cabinda, Benguela, Kwanza Norte, Lunda- Norte and Sul and Huíla, radio stations are experiencing various problems and, in certain cases, there are instances of political intolerance, where, as the unions denounce, there are times when a debate is being broadcast, depending on the topic and the approaches, the public power is turned off and restored only when the debate is over. These stations don't have power generators.

The union and MISA-Angola also report on the social situation of journalists, saying that some professionals are earning a salary of less than 40,000 kwanzas.

The Media Legislative Package has undergone major changes. The amount required for setting up a radio or TV station has increased, as has the amount for setting up a company to carry out opinion polls and electoral surveys (15 million kwanzas).

Requirements for incorporation of digital channels have increased, even though there is legal backing.

On March 16, 2022, the digital channel Camunda News TV, broadcasting via Youtube and Facebook, was forced to shut down its news broadcasts. This was a channel that broadcast information that served as an alternative and a source of diversity and plurality of information provided by professionals with vast journalistic experience.

The country has no community radio stations and the Angolan Media Regulatory Authority, ERCA, is under total government control.

<https://jornaleconomico.pt/noticias/eua-identificaram-prisoas-arbitrarias-e-restricoesa-liberdade-de-imprensa-em-angola-1008976>

[The "saga" of human rights violations in police squads in Benguela \(voaportugues.com\)](http://voaportugues.com)

RESTRICTIONS ON JOURNALISTIC WORK

2022 and 2023 were years of strong pressure for journalists. The National Union of Angolan Journalists reported acts of robbery of its headquarters, as well as physical and psychological attacks on journalists.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Journalist and director of newspaper Expansão, João Armando, was robbed at his home. Only his computer was stolen. According to the union, something similar happened at the organization's headquarters; three times in fact. Computers were also stolen.

Radio Despertar journalist Cláudio Emmanuel Pinto was the target of three attempted murders at his home. At the time of the events, the journalist was not at home, only his wife and children. The attackers stabbed the woman and left a warning for her husband.

On December 8, 2022, seven journalists were arrested in Luanda while covering a demonstration by a family protesting against the arrest of a young man. These arrests took place less than a week before a march called by the journalists' unions against intimidation of the press.

On October 9, 2022, in Luanda, the police detained three journalists who were covering the Angolan Students' Movement demonstration, where 14 of the participants were also arrested. According to a press release from the National Union of Journalists, they were journalists from Voz da América, Coque Mukuta, Rádio Eclésia, Cristóvão Luemba and DW, Borralho Ndomba.

On December 17, 2022, journalists marched in Luanda against intimidation. In a press release, the National Union of Journalists denounced that its headquarters had been broken into three times in one month and that computers had been stolen. According to the statement, reporters have been the victims of death threats, arrests and assaults while doing their job.

[Press freedom: Angola loses 26 places - Reporters Without Borders report highlights hegemony of state media, censorship and self-censorship \(newjournal.co.ao\)](#)

Motion Against PR and the Public Media

Two motions were filed by different social classes and individuals inside and outside the country. On August 4, 2022, a group of individuals filed a lawsuit against the President of the Republic and four public media outlets. Among the signatories are names such as activist and musician Luaty Beirão, writers José Eduardo Agualusa and José Luís Mendonça, doctor Luís Bernardino, journalist Carlos Rosado de Carvalho, reverends Júlio Candeeiro and Ntoni a Nzinga, priest Jacinto Pio Wacussanga, sociologist Cesaltina

Abreu, lawyer Hermenegildo Teotónio and actor Orlando Sérgio;

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



A similar motion was filed on August 23, 2022, by the political parties contesting the elections, namely UNITA; PRS; FNLA; CASA-CE; P-NJANGO and PHA, for "lack of impartiality and equal treatment by the public media". Members of civil society from various non-governmental organizations also signed the motion, which was filed against President, João Lourenço, the Angolan Media Regulatory Authority (ERCA), Angolan Public Television (TPA), Rádio Nacional de Angola (RNA), Jornal de Angola and TV Zimbo;

[Court summons opposition following motion filed against President and media - Camunda News](#)

[Agualusa, José Luís Mendonça and Luaty Beirão among the signatories of a lawsuit against four public CSOs and the President of the Republic - Camunda News](#)

d. Civil society's real arguments MOSAIKO

Voters exposed to partial information

The pre-campaign and campaign coverage of the 2022 general elections in Angola was partial. Angolan voters were deprived of accurate information, deprived of access to plural information (article 6, No. 2 and article 25), the mass media (Televisão Pública de Angola, Rádio Nacional de Angola and Jornal de Angola), are state-owned and, instead of fulfilling their duties as public servants, promote, without decorum, electoral propaganda almost exclusively for the MPLA/Government. No public or nationalized media outlet has held debates with party leaders, nor have they ever interviewed the leader of the largest opposition party or questioned any electoral proposal from the governing party.

The Movimento Cívico Mudei organization monitored the electoral coverage and independent journalists presented on their personal pages data about media coverage of the parties' activities in the news services of the public media. All of these initiatives have shown an imbalance in favor of the party that has ruled Angola for 49 years.

On August 5, 2022, a Popular Motion was filed against the President of the Republic as the holder of executive power, ERCA (the Media Regulatory Authority) and the Boards of Directors of Televisão Pública de Angola, Rádio Nacional de Angola, Jornal de Angola and TV Zimbo, before the Supreme Court, and a Public Petition for Electoral Truth, which included more than 31,000 signatures, was delivered to the Supreme Court on August 31, 2022.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



On August 22, 2022, the civil chamber of the Supreme Court published a notice of case No. 07/22, addressed to the political parties ignored by the public media giving them 10 days to intervene in the case as the main party or agree to be represented by the plaintiffs in the popular motion, failing which their passivity would count as acceptance. It should be noted that the general elections took place on August 24, and even if the political parties had spoken out, there would have been no way of balancing the media coverage of the elections in time. Since then, no other pronouncement on this process has been made public, despite clear evidence of a violation of the right to information.

<https://tribunalsupremo.ao/wp-content/uploads/2022/08/CA%CC%82MARA-DOCI%CC%81VEL-1.pdf>

<https://www.facebook.com/photo.php?fbid=10229024363618407&set=pb.1371923089.-2207520000&type=3>

<https://www.facebook.com/photo.php?fbid=10228728767988701&set=pb.1371923089.-2207520000&type=3>

Recommendations to the Government of Angola

- The African Commission on Human and Peoples' Rights to urge the Angolan government to put an end to the arrests, assaults, intimidation, physical torture, reprisals and psychological coercion of journalists;
- The African Commission on Human and Peoples' Rights to urge the Angolan state to put an end to the systematic violation of the Press Law and to stop influencing public bodies;
- The African Commission on Human and Peoples' Rights to urge the Angolan government to make the process of setting up media companies and community radio stations less bureaucratic;

6. Freedom of Association and Assembly

a. Government information

Under Articles 47 and 48 of the CRA, the freedoms of association and assembly are protected (**Rec. 16**).

Accordingly, the Angolan government took legislative action to materialize this right, with the approval of the Private Associations Law, Law No. 6/12, and its

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).

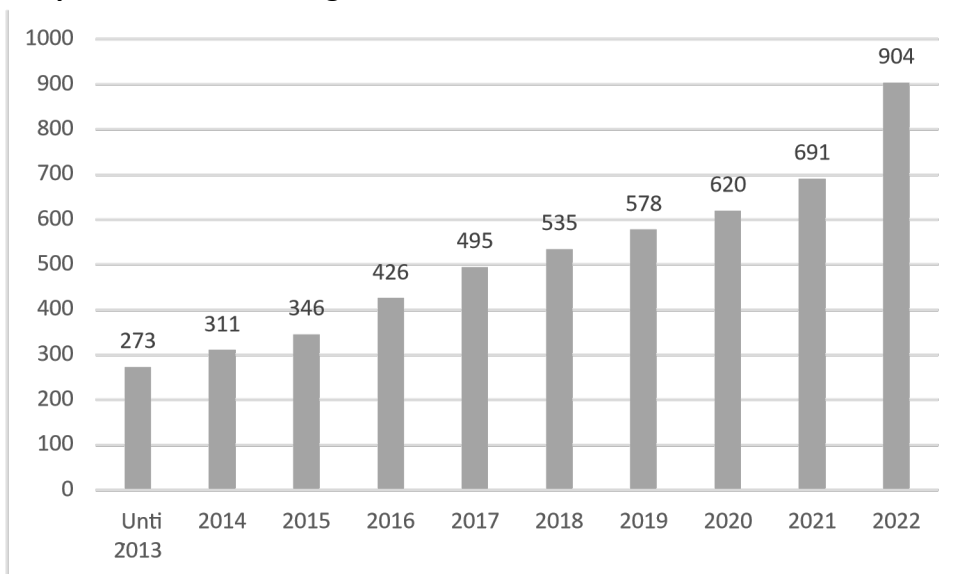


Regulations, which establish the forms of constitution of Associations in Angola, through Presidential Decree No. 82/02 applied by virtue of the Declaration of Unconstitutionality (Ruling 447.17 of 13 July).

In 2021, the Public Entity Status was approved (Presidential Decree 183/21). Public funds are allocated to associations with activities considered relevant for 3 years and they are evaluated and supervised by the Court of Auditors.

In May 2023, the draft law on the NGO Status was approved by Parliament, in line with the Guidelines on Freedom of Association and Assembly in Africa and the Rules and Recommendations of the Financial Institutions on Combating Money Laundering and Terrorist Financing in Non-Profit Organizations.

Graph 4: Evolution of registered CSOs 2013-2022



b. Real arguments from civil society/Kutakesa

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Based on the graph and the information on freedom of association and assembly, Kutakesa chose the new draft law approving the NGO status as the subject of its analysis.

And it begins by recalling that this new Status was already the subject of an action challenging its unconstitutionality in 2014.

Thus, Kutakesa, the networks, civil society organizations and citizens in general have been following with great concern the actions of the government that are increasingly closing off civic space through the creation of laws, the repression of peaceful demonstrations and bureaucratic banking policies, all of which are meant to impede the work of civil society organizations.

The KUTAKESA Association, Movimento de Defensores dos Direitos Humanos em Angola and civil society in general have been following, with great concern, the changes that have impacted human rights issues, which in many cases violate the Constitution of the Republic of Angola, as well as other laws and treaties to which Angola is a party.

On May 25, 2023, the National Assembly passed a draft law approving the New Status for Non-Governmental Organizations. After this, NGOs and society analyzed the document and soon concluded that as it was written it was unconstitutional and compromised the realization of the Fundamental Rights and Freedoms of Private Associations (i.e., NGOs) and should not be approved. Debates, meetings, comments in the private press and articles were held to influence the National Assembly not to approve the proposal put forward by the country's ruling party, the MPLA.

Therefore, Kutakesa produced an urgent appeal / technical legal opinion on the law, which it sent to the Special Rapporteurs of the African Commission on Human and Peoples' Rights and the United Nations. Given this position from the NGOs and civil society, the National Assembly did not proceed with the debates in the specialized committees, a parliamentary requirement after the general approval of a law. But when least expected, on December 4, 2023, Kutakesa received letter ref. No. 2091/00.45/GAB.SEJ/GAB.MINJUSDH/2023, through which the Ministry of Justice and Human Rights (MINJUSDH) invited Kutakesa to take part in a meeting with a view to "reviewing and discussing the draft law approving the Status of Non-Governmental Organizations", a meeting that was to take place at 11:00am on 8 December 2023, at the ministry's premises.

Once in the meeting, Kutakesa's management were presented with an alleged new draft law approving the Status of Non-Governmental Organizations, which was more

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



favorable to the reality of NGOs. For this reason, some organizations had been invited to review and discuss its content.

The organizations present at the meeting claimed that the law to be discussed at the meeting required NGO representatives to have prior contact with it and requested that the meeting not be held that day, but rather that it take place on a date to be announced or that they send their comments in writing.

It is important to recall that the law that was to be discussed at the meeting - the Draft Law Approving the Status of Non-Governmental Organizations - was already under review by the National Assembly, even though the Ministry of Justice and Human Rights claims that it is a new proposal, according to the principles that guide any legislative act on the matter (cf. Art. 48 of the CRA).

It so happens that the entity that issued the invitation is an auxiliary body of the Executive Branch, which does not have legislative competence in matters of Fundamental Rights and Freedoms, and the head of that ministerial body is proposing to coordinate a meeting aimed at reviewing and discussing the New Draft Law approving the NGO Status.

It was to be expected that the meeting to review and discuss the New Draft Law would be an initiative of the National Assembly, since it is known that, after the general approval, the bill would be debated in the special committees of that body which, as we reaffirm, has legislative competence in matters of Fundamental Rights, Freedoms and Guarantees.

i) Objective and Background of the Draft Law

The justification report for this draft law states that "the legal framework regulating NGO activities should be adjusted to the country's current economic, social and legal-constitutional stage of development".

The Angolan President considers that he has encountered constraints and difficulties in ensuring compliance with the international obligations assumed by the Angolan government with regard to money laundering and the financing of terrorism (Article 14(2)(a), (b)(d) of the Draft Law), hence the need to control the sources and means of NGO financing and the destination of the financial resources held by these organizations.

Furthermore, the aforementioned report justifying the proposed law adds that there is a need to guarantee the state's internal security since, under the guise of volunteering, many countries use NGOs as a receptacle and send secret agents to other states for espionage.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



ii) Indeterminate Concepts

Kutakesa believes that the draft law approving the NGO Status contains some provisions that need to be better clarified in the interests of the proper interpretation of the law. For example, it is difficult to dissect the meaning and scope of Article 19(1)(d), which imposes a duty on NGOs to refrain from subversive practices and actions or those that could be perceived as such. This provision raises the question of what is meant by the concept of subversive actions in the view of the proponent of this law.

The indeterminate concepts contained in the draft law violate the principle of legality, which requires that the law be clearly articulated and known in advance and not applied retroactively. And Article 2 of the Law approving the NGO Status requires existing NGOs to comply with the provisions of said law, otherwise their status will be revoked.

iii) Interference by the executive branch in NGO activities

KUTAKESA believes that the proposed NGO Law interferes with the activities of NGOs, insofar as its Article 6 provides for the creation of a body, to be supervised by the executive branch, to monitor the work carried out by NGOs.

Article 7 c) of the proposed NGO Law gives the abovementioned body the power to promote and propose to NGOs the implementation of programs and projects that complement the actions of the government and the communities. This power is reinforced in Article 19 under the heading "duties" which, in subparagraphs c) and e), imposes on non-governmental organizations the duty to participate in the implementation of economic and social programs approved by the government and to implement approved projects in the province and region of the national territory when they are the result of an agreement, contract or convention.

However, these provisions violate the essential content of the Right, Freedom and Guarantee of Associations laid down in Article 48(2) of the Constitution, which expressly states that "associations shall freely pursue their goals without interference from public authorities (...)".

iv) Restrictions, Excessive Control and Lack of Alignment with Human Rights in the Draft Law

Article 32(1) of the draft law states that the body to be set up by the head of state to monitor the work of NGOs may suspend the activities of NGOs through administrative acts. This provision is contrary to the spirit of the Constitution (Article 48(1) *in fine*)

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



and Article 182 of the Angolan Civil Code, which applies by virtue of Article 37 of Law No. 06/12 of January 18 - the Private Associations Law, under which the termination or suspension of Associations (i.e. NGOs) can only take place in the following situations:

- By decision of the Association's General Assembly;
- Upon the expiration of the deadline, if the NGO has been set up temporarily;
- The occurrence of any other extinguishing cause provided for in the instrument of incorporation or in the articles of association;
- In case of death or disappearance of all members;
- By court decision.

Article 19(h) of the draft law contains restrictions on the rights of NGOs, insofar as it imposes on them the duty to purchase goods and equipment to support projects on the national market. This violates the consumer's right to acquire quality goods and services and to freely choose the supplier of goods and services (cf. Art. 78 of the CRA).

The draft law approving the NGO Status gives excessive powers to the government to control NGOs insofar as, in Article 19(f), it imposes on them the duty to provide information and submit monthly, quarterly, half-yearly and annual activity reports, during and at the end of projects.

We believe that interference in the financial and administrative management of NGOs, which should be autonomous under the terms of Article 48(1), is still controlling. Financial support from national and international donors is what best guarantees that NGOs can carry out their activities without any interference from any powers.

The draft law's excessive concern with the crimes of money laundering and terrorist financing is unnecessary, as the Angolan legal system is sufficiently clear about the prohibitive acts in relation to these types of crime, and the Angolan penal code, in its Chapter VI, provides for criminal liability for private legal persons (NGOs) that commit acts subject to criminal proceedings (Articles 90 to 100).

The draft law approving the NGO status is not aligned with international human rights conventions and various commitments that oblige the country to protect human rights, by virtue of the *principle of the general open clause*, laid down in Article 26(1) of the CRA.

The proposed NGO Status Law is not in line with resolution 319 (LVII) 2015, created by the African Commission, under the terms of Article 45(1)(b) of the African Charter on Human and Peoples' Rights, which considers that any supervisory bodies should be dealt with, if necessary, by a single body that exercises its functions impartially and

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



fairly. For Kutakesa, the proposed law interferes with the freedom of NGOs to pursue their goals.

Civil and political rights are also enshrined in the Universal Declaration of Human Rights and are a fundamental objective of the creation of the African Union, under the terms of the AU's Constitutive Act.

The draft law approving the NGO Status represents a significant risk for civic space in Angola. It gives the Government too much power to control and interfere with the work of NGOs. It increases surveillance and control of NGOs and human rights defenders and potentially criminalizes the work of NGOs and the protection of human rights. The law creates potential arbitrariness in law enforcement.

It creates real dangers of expropriation of NGO funds and assets without due process and compensation. It can also be used to disrupt work in support of democracy, governance, human rights and the rule of law.

For Kutakesa, the proposed law is restrictive and goes against the legal regime for restrictions on fundamental rights, freedoms and guarantees set out in article 57 of the CRA, which establishes that the fundamental rights and freedoms enshrined in the Angolan Constitution can only be limited or restricted under the terms of a law of general and abstract application, and must be limited to what is necessary, proportional and reasonable in a democratic society to safeguard constitutionally protected rights or interests.

Recommendations to the Government of Angola

- The African Commission on Human and Peoples' Rights to urge the Angolan government not to pass a law that restricts civic space, limits the work of NGOs or does not comply with the African Commission's guidelines;
- The African Commission on Human and Peoples' Rights to urge the Angolan government to put an end to the persecution of human rights defenders.



7. ARTICLE 13 Right of Participation

a. Government information

133. The CRA states in Article 52 that every citizen has the right to participate in political life and in the management of public affairs, directly or through freely elected representatives. Article 53 covers access to public office, Article 54 covers the right to suffrage and Article 55 covers the freedom to create political associations and political parties.

134. In Angola, elections were held in 1992, which were inconclusive; Legislative elections were held in 2008, 2012, 2017 and general elections were held in 2022. All nationals over the age of 18 can vote, according to Law No. 36/11 of December 21, the Organic Law on General Elections.

135. In the context of the general elections held in August 2022, the Angolan Government ensured it was an inclusive electoral process, having adopted favorable measures regarding sign language interpretation in the main media channels and electoral propaganda, polling stations had specific tables for people with disabilities, as well as the participation of the "network" of people with disabilities in the electoral process. 136. Over the years, there have been national and foreign observers, and elections have been considered free and fair.

b. Civil society's real arguments/ Mosaiko

Discrimination against CSOs during accreditation of national election observers

On July 11, 2022, more than three (3) months before the general elections, civil society organizations such as Mosaiko | Instituto para a Cidadania and the Núcleo Dinamizador dos Direitos Humanos do Cubal (Cubal Human Rights Promotion Center) sent application letters to the National Electoral Commission (CNE) for accreditation as national election observers. In a reply issued on 08/08/2022, through letter No. 470/GAB.PR.CNE/2022, the CNE said it would reject the request, since by the date of the application (11/07/2022), the 2,000 quotas available had already been filled.

On 19/08/2022, Mosaiko sent a letter of complaint to the CNE, denouncing that after the date of the application, when the vacancies were supposed to have been filled, at least two civil society organizations publicly announced on radio and in the press that on 20/07/2022 they had submitted the documentation to apply for accreditation as election observers. Ten days after the date of Mosaiko's petition, these civil society

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



organizations were granted accreditation and participated as national observers in the 2022 general elections.

Mosaiko, like other organizations that have been part of or encouraged the creation of civic movements or that have taken part in popular actions, monitoring, polls, have been deliberately excluded and are outside the "organized civil society", a distinction made by the MPLA candidate, João Lourenço, during the election campaign: "a real civil society, not those lumpen individuals they call civil society, not those thugs, lumpen individuals, the real civil society, organized together with the churches, these do have a patriotic stance".

<https://radioplaydigital.com/clipe-de-audio/essencial-entrevista-com-luis-jimbo/>

<https://novojornal.co.ao/politica/interior/eleicoes-cne-recebe-processos-individuais-de-21-organizacoes-nao-governamentais---observatorio-eleitoral-de-angola-foichumbado-para-observar-eleicoes-109092.html>

https://www.youtube.com/watch?v=vYMWeHFxX_c

8. ARTICLE 13: Right to Education

a. Government Information

During the period under review, legislative measures, programs, policies and strategies were adopted with a view to fully guaranteeing the right to education (as mentioned in Part B of this report). Some of them were focused on girls and young women (Rec. 9 and 10):

a. The Curriculum Adequacy Program (2018-2025) aims to update, correct and create didactic-pedagogical conditions to implement new curricular materials, with a view to increasing the supply of quality education.

b. Girls' Education Project: This project aims to promote equity in the Internal Scholarship System, in partnership with the African Development Bank (AfDB), for 250 vulnerable girls from the various regions of the country, to ensure access to, retention in and completion of secondary education.

c. Preventing school dropout: to ensure the well-being of children within the education system and their retention in schools:

School snack program; Health and school environment (promotion of personal hygiene and healthy lifestyle); A.H.S. (Water, Hygiene and Sanitation); First aid at school; Healthy eating; Sex education, gender and reproductive health; Empowerment of girls; Oral and visual health;

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Sensory disabilities; Prevention of the use of alcohol, tobacco and other drugs; Physical activities and promotion of sports at school.

b. Civil society's real arguments/ Mosaiko

Neglect violates the right to live in a healthy environment and the right to education

For four years now, the streets of the municipality of Viana (the most populous in Luanda with around 3 million inhabitants) have been deteriorating with each rainy season and in the silent gaze of every and all public officials. In neighborhoods such as Estalagem, km12A, the situation is chaotic to the point of affecting the functioning of schools, the police station, the market, commercial establishments, OSC... Public complaints are recurrent, and the General State Budget even provides for road rehabilitation works in that locality, but nothing has been done for over three years.

Meanwhile, five public and private schools close for four to five weeks every rainy season and when they reopen, around 8,200 pupils are forced to wade stagnant water for weeks; roads become muddy, and garbage brought in by the water currents pile up near schools.

This situation is well known to Viana's municipal administrator, who in November last year went to the Estalagem neighborhood to meet with the residents' committee but refused to drive his government-issued car through the most flooded streets. In 2021, the Minister of the Interior, also revealed that he knew that the area floods during the rainy season, but until then he had done nothing to improve the situation or to guarantee the functionality of the police station, whose operation is compromised whenever it rains.

The residents of this neighborhood, like so many others in Luanda, are resigned to the fact that they have to leave and return to their homes every day by wading dirty water and mud. No data was available on diseases prevalent in the area, but it is a place with a high incidence of malaria due to the stagnant water and lack of access to drinking water. People are also prone to diseases such as cholera, typhoid and dengue fever.

<https://www.facebook.com/MosaikoAngola/videos/358635330006182>

<https://www.facebook.com/MosaikoAngola/videos/625777689533250>

<https://www.facebook.com/photo/?fbid=730581645768467&set=pb.100064499149826.-2207520000>

<https://www.facebook.com/photo/?fbid=730581412435157&set=pb.100064499149826.-2207520000>

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



[6.-2207520000](tel:6-2207520000)

9. ARTICLE 18: Right to Family, Children, Women, Persons with Disabilities and Minorities - Children (ARTICLE 6: Marriage)

a. Government Information

According to Article 24 of the Family Code, the minimum legal age for marriage is 18. Exceptionally, a man who has reached the age of 16 and a woman who has reached the age of 15 may be allowed to marry, if the circumstances of the case are considered and the best interests of the minor are taken into account. Authorization must be granted by the parents, guardians or whoever is responsible for the minor, which may be overridden by the Court. This rule is currently under review. Angola recorded few official cases of child marriage in the years 2017 to 2021: 1 in Malange; 1 in Lunda Sul; 5 in Benguela; 4 in Namibe; and 5 in Luanda.

b. Real arguments from civil society / Mwana Pwo Association

A study carried out and published by the Mwana Pwo Association (**EXPLORING CHILD MARRIAGE IN ANGOLA - 2021 report**), reveals that in Angola 30% of girls are married before the age of 18, 8% by the age of 15, while 6% of boys are married before the age of 18 according to the Multi-indicator Health Survey. According to the study, the main factors contributing to child marriage are poverty, gender inequality, impunity and inadequate laws, traditional norms, and religious doctrines.

The report cites various sources, such as the 2017 National Report on Human Rights Practices, compiled by the United States Department of State, the Angolan Ministry of Family and Women's Protection, (now the Ministry of Social Action, Family and Gender Equality), which state that four out of every 10 children in the country aged between 12 and 17 enter legal or common marriages every year. Rural areas in the provinces of Lunda Sul, Moxico, Huambo, Bié and Malanje are the places where early marriage was most prevalent.

Furthermore, according to the Multi-indicator Health Report, the province of Lunda Sul has the highest teenage pregnancy rate in the country at 59.79%. Teenage pregnancy is both a cause and an impact of child marriage, further justifying the need for this study.

These figures contradict those reported by the government (pages 56 and

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



79 of the report), particularly when it claims that the province of Lunda Sul has recorded only 1 (one) case of child marriage. Although the government admits that this figure could be higher, it cannot be compared with the 30% graph, where Lunda Sul has a higher rate of Marriage, Divorce and Family Relations, while the Constitution was amended in 2017 to outlaw marriage before the age of 18.

Therein lies the crux of our approach. There is a lot of contradiction, "loopholes" in the Angolan legal system regarding the protection of marriage that may be at the root of the proliferation of early marriages. Article 24.1 of the Family Code states that only those over the age of 18 can marry.

This means that people are protected from early marriage. However, in contradiction, paragraph 2 of the aforementioned article states that a man who has reached the age of 16 and a woman who has reached the age of 15 may be allowed to marry when, taking into account the circumstances of the case and the interests of minors, marriage is the best solution.

Although it is a normative exception that is allowed in certain cases, if we look at the bottom line and make an extensive interpretation of the rule, taking into account the normative social teleology, we find out there is a contradiction. If the legislator's aim is to prevent minors from getting married, taking into account the value of the family as a pillar of society, then under no circumstances should underage marriages be allowed.

On the other hand, the rule clashes with the spirit of the Angolan Constitution. Article 24 of the CRA, without exception, states that people are considered adults at the age of 18. This means that anyone who hasn't reached the age of 18 is a minor, and therefore cannot marry, while article 80 of the CRA enshrines the protection of children. In this case, the doctrine of the hierarchy of legal norms states that lower norms are repealed by higher norms in the event of conflicts, and we believe that there is an unconstitutional norm here considering the teleological values of the constitutional norm. Another problematic situation is the purpose for which the family is formed.

In addition, Article 23 of the constitution upholds the Principle of Equality. By setting the age of marriage at 15 and 16 for girls and boys respectively, the Family Code contradicts this article. Equality means that there should be no discrimination based on religion, sexual orientation, gender, race or any other differences.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).



Recommendations to the Government of Angola

- Propose an amendment to the Family Code to repeal the rule that marriage can take place before the age of 18;
- Criminalize child marriage in the Angolan legal system;
- Legal literacy should be promoted as an important culture for preserving the greater good of children's development;
- The age of marriage should be set at 18, with no exceptions and in accordance with the Constitution of the Republic of Angola and regional and international standards, and child marriage should be criminalized.

Report produced by the Movement of Human Rights Defenders in Angola (Kutakesa), the Institute for Citizenship (Mosaiko), the Angolan Journalists Union with the support of the International Service for Human Rights (ISHR).