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LEGAL AID BOARD

Angola- Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 30 April 2014

Treatment of human rights groups, including available state protection

A report issued in February 2014 by the *United States Department of State* commenting on events of 2013 notes that:

“A variety of domestic and international human rights groups operated throughout the country. Some of those investigating government corruption and human rights abuses alleged government interference in their activities. Civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons. Local NGOs promoted and defended human rights to the extent possible during the year by asserting constitutional rights, protesting labor conditions, providing free legal counsel, lobbying government officials, and publishing investigative reports. The Law of Association requires NGOs to specify their mandate and areas of activity. The government used this provision to prevent or discourage established NGOs from engaging in certain activities, especially those that were politically sensitive. Government officials threatened to ban those NGOs it determined to be operating outside their mandate or not effectively working on the specific issues they were created to address. NGO leaders suspected the motive was to silence their criticism. No NGOs were banned during the year. The government allowed local NGOs to carry out human rights-related work, but many NGOs were forced to limit the scope of their work because they faced problems registering, were subject to subtle forms of intimidation, and risked more serious forms of harassment and closure. The government arrested and harassed NGO workers. For example, on September 2, authorities forced a member of Omunga, a human rights NGO based in Benguela Province, to stop his car. They then allegedly put a gun to the activist’s head and told him that if he valued his life, he would stop supporting a group of striking grocery store workers. The government criticized domestic and international NGOs. There were reports of police or military presence at community meetings with international NGOs, especially in Cabinda.” (United States Department of State (27 February 2014) *Country Reports on Human Rights Practices for 2013, Angola*, Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights).

An undated overview from *Front Line Defenders* states:

“Human rights defenders in Angola have been victims of arrests, judicial harassment, physical attacks, threats and defamation campaigns. Freedoms of peaceful assembly and expression are limited. Human rights defenders working on civil and political rights and journalists criticizing the government are especially at risk” (Front Line Defenders (Undated) *Angola*).

A report published by *Amnesty International* in March 2014 notes:

“Although by law demonstrations do not require authorisation,³⁶ the authorities often refuse to allow them to take place. Since 7 March 2011, youths, mainly in Luanda, regularly attempt to hold peaceful demonstrations to call for the resignation of President José Eduardo dos Santos, and to raise human rights and social justice concerns. During these demonstrations police carry out arbitrary arrests and

detentions, punch and kick, and use dogs, truncheons, batons, metal rods and butts of firearm against peaceful demonstrators” (Amnesty International (1 March 2014) *Angola: Amnesty International submission for the UN Universal Periodic Review 20th session of the UPR Working Group, October-November 2014*, p.3).

In March 2014 a report issued by the *International Service for Human Rights* notes that:

“Angola ranks 101 out of 109 States assessed in the 2013 CIVICUS Enabling Environment index, a study of how open and safe a country is for civil society activism” (International Service for Human Rights (March 2014) *The Situation of Human Rights Defenders in the Republic of Angola*).

In February 2014 the *Office of the United Nations High Commissioner for Human Rights* notes in a report that:

“The Special Rapporteur wishes to reiterate her concerns regarding information received on alleged restrictions on the right to freedom of peaceful assembly in Angola, including excessive use of force against protesters involved in peaceful demonstrations on the part of the authorities. She also expresses her concern regarding information received of arrests, arbitrary detention protesters and the refusal of access to lawyers while in detention” (Office of the United Nations High Commissioner for Human Rights (28 February 2014) *Report of the Special Rapporteur on the situation of human rights defenders: Observations on communications transmitted to Governments and replies received - Angola excerpt*).

In January 2014 a report issued by the *Bertelsmann Foundation* states:

“While the new constitution of 2010 enshrined the rights to association and free assembly (without previous authorization), these rights are, in practice, curtailed by severe restrictions. Since early 2011, a number of small, anti-government youth protests, organized mainly in Luanda, has been countered with increasing repression” (Bertelsmann Foundation (1 January 2014) *Angola Country Report*, p.10).

This report also states:

“Civil rights are guaranteed by the constitution, but they are violated in certain contexts. These violations increased in the run-up to the 2012 elections, when anti-government activists were arbitrarily detained, beaten, subject to interrogation and sentenced to jail. In Luanda, female street vendors are routinely chased by the police, beaten with sticks and sexually harassed, and their merchandise is confiscated or destroyed; the police also sometimes kill suspected “bandits” and are only rarely held accountable for such extralegal killings. In the provinces, the situation is generally worse, as the population has less means of redress through the courts or through public scrutiny. This is especially the case in Cabinda, where civil society activists and suspected FLEC-supporters are often prosecuted, detained and tortured. The same holds true in the diamond-producing areas of Lunda Norte and Lunda Sul, where the local population is subjected to human rights abuses by the army, the police and private security forces, including torture and extralegal killings. However, there has been a growing awareness of civil rights since the 2010 constitutional revision, at least in Luanda and in some provincial capitals, where citizens and politicians have started to speak the language of civil rights and appeal to their new constitutional rights to block, for example, housing demolitions, or to

demand the right to demonstrate. Despite this tentative positive dynamic, legal safeguards are still largely failing to protect the rights of citizens" (ibid, p.13).

This report also points out that:

"...as soon as associations become entangled with organized NGOs, they are subject both to government attention, including a host of regulations and legal prerequisites, and financial constraints, and therefore donor demands. Nonetheless, many groups manage to provide services to the population across the country, as long as they abstain from addressing more explicitly "political" subjects such as transparency or accountability, electoral observations or human rights. "Permitted" areas of work include the improvement of basic infrastructure, water and sanitation, community health, microcredit financing and food security, but such efforts do not constitute in any way a counterbalance to the party-state's domination" (ibid).

In September 2013 *Human Rights Watch* points out in a report that:

"Since 2011, inspired by popular uprisings in the Middle East, a small, peaceful movement of Angolan activist groups has sought to protest corruption, restrictions on free speech and other rights, and rising inequality in the oil-rich country. Angolan police and security agents have repeatedly disrupted peaceful protests organized by different groups, including youths and war veterans. Police regularly use unnecessary or excessive force and arbitrarily detain protesters" (Human Rights Watch (23 September 2013) *Angola: New Crackdown on Peaceful Dissent*).

A report issued by the *World Organisation Against Torture* in May 2013 states:

"The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), carried out a fact-finding mission in Angola, from April 21 to May 1, 2013, to analyse the context in which human rights defenders are operating in the country. The mission delegation met with, amongst others, members of human rights NGOs, journalists, lawyers, artists, along with representatives of national authorities, political parties and foreign diplomatic missions. The first-hand testimonies gathered during the mission and the analysis thereof reveal an environment marked by the persistence of hindrances to the ability of human rights defenders to carry out their activities freely, despite an avowed commitment from the Angolan authorities to strengthen dialogue and cooperation with civil society on human rights issues" (World Organisation Against Torture (22 May 2013) *Angola: From Theory to Practice - It's Time to Guarantee the Capacity of Human Rights Defenders to Act*).

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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