



Avenida Comandante Valódia

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AJPD EVALUATION ON THE COMPLETION OF THE COMMITMENTS ASSUMED BY ANGOLA DURING ITS ELECTION FOR THE UNO HRC

After the election of the Republic of Angola as a member of the UN Human Rights Council, in 2007, the AJPD, an organization of the Angolan civil society, concerning to the realization of a Universal and Periodic Exam of the commitments assumed by Angola together this organism and aiming the improvement of Human Rights in Angola, presents through this document a synthesis of the Human Rights situation in Angola.

1) About the Human Rights Treaties ratified and not-ratified by Angola;

Angola is part of the United Nations, African Union and of the SADC, therefore, many international treaties on human rights were ratified. As the ratification or adhesion of treaties is a voluntary/free act of each State, Angola has ratified/adhered some international treaties on human rights and yet did not do the same with the other fundamental instruments for protection of human rights.

The Art.21st of the current Constitution recognizes and legitimates the incorporation and application on the internal right the norms of human rights in which Angola is State-party by referring the following:

«1 - The fundamental rights stated in the current legislation do not exclude other resolutions of laws and rules applicable to international right.

2 - The constitutional and legal norms relatively to fundamental rights must be interpreted and integrated in harmony with the Universal Declaration of Human Rights, the African Charter on Human Rights and the other international instruments in which Angola is part.

3 – In the appreciation of the litigious by the Angolan tribunals these international instruments even if not appealed by the parts. »

This is not happening. The norms on human rights are interpreted and applied casually.

MAIN TREATIES ON HUMAN RIGHTS NON-RATIFIED OR ADHERED BY ANGOLA

- i.) 2nd Protocol Additional to Civil and Political Rights Convention and to abolition of death penalty.
- ii.) Protocol to African Charter and People related to the rights of women in Africa (ongoing at the National Assembly, since 2007).
- iii.) Facultative Protocol on the Elimination of All Forms of Discrimination Against Women (ongoing at the national Assembly, since 2007).
- iv.) International Convention on the Elimination of All Forms of Racial Discrimination.
- v.) Convention against Torture and other treats or cruel penalties, dehumanized or degradable.



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- vi.) International Convention on the Protection of the Rights of all migrant workers and their families.
- vii.) Protocol on the African Charter that creates the African Tribunal on Human Rights.

Meanwhile, during its candidature as a member on the UN Human Rights Council, and its election on the 17th of May 2007, for the period 2007/2010, Angola has committed to accelerate the process and ratify in a near future the following international conventions related to human rights:

- 1) International Convention on the Elimination of All Forms of Racial Discrimination (1970).
- 2) Convention against Torture and other treatments or cruel penalties, dehumanized or degradable (1988).
- 3) International Convention on the Protection of the Rights of all migrant workers and their families.
- 4) The statute of Rome of the International Penal Tribunal (17th July 1998).
- 5) International Convention against recruitment, use, disbursement and training of mercenaries, 4th of December 1989.
- 6) Protocol on the African Charter that creates African Tribunal on Human Rights.
- 7) Protocol on the Elimination of All Forms of Discrimination Against Women in Africa.
- 8) Consider to sign the convention on the rights of handicapped people and its facultative protocol.
- 9) Consider to sign the international convention for the protection of all forced people missing.

Meanwhile, till the moment this report was made, Angola ratified and signed the Protocol on the African Charter for the human rights related to the rights of woman in Africa (2007) and the facultative protocol to the UN convention on the elimination of all forms of discrimination against women (2007).

The Republic of Angola only signed the protocol on the creation of the African tribunal on human rights, in January 2007, but did not ratify yet. Unfortunately, the other conventions are stuck since 2007 in the cabinet, organism in charge to carry out the discussion and immediate approval of the referred international instruments for ratification at National Assembly of the Republic of Angola.

In conclusion, among the ratification instruments in terms of human rights that Angola committed to accelerate the process of ratification, ratify those that were already signed, less or nothing was accomplished; the republic of Angola only adhered to the statute of Rome that creates the International Penal tribunal 17th July 1998, through the resolution nº 8/2000 of 1st of December by the National Assembly and ratified the protocol to the African charter on human rights related to woman in Africa (2007) and the Facultative Protocol on the Elimination of All Forms of Discrimination Against Women (2007).



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It is important to clarify that Angola while party of the African Charter has not taken any legislative measure aiming at the specific protection of women's rights. Till the moment, the Republic of Angola has not yet signed the convention on the rights of handicapped people and its facultative protocol such as the international convention for the protection of all forced people missing, which it has committed to sign.

2) Improve the involvement of non-governmental organizations as a positive and important element of dialogue in the ambit of the work of the council;

The Angolan government has not been promoting the involvement of Angolan NGOs at any international organism and manifests a total apathy when they, by own merit, reach international levels. Parallel to this, it is seen in Angola a tentativeness of control, limitation, coercion and reprehension to civil society actions and intensions, several times manifested by the Technical Unit of Coordination of Humanitarian Aid, a governmental organism with competence that violate the right of assembly enshrined in the Legislation and others, by governmental organisms, such as the National Police.

From 2007 to 2008 institutions, government members and some opinion making disseminated information referring that some national and international NGOs are illegal, in a clear intention to spoil them.¹

In spite of the statements in the current legislation in Angola, in the Law of the associations (Law 14/91) and other regional and international instruments signed and ratified by Angola, the Angolan government continues to impede and delaying the process of formal constitution of the Civic Associations, mainly those that work in the promotion and defense of human rights. Tangible example is AJPD that is waiting for its registration certificate since 2000, Mãos Livres and NCC since 2001 and also SOS-Habitat since 2003. In the same situation, there are other organizations, and the situation has not changed even after the entrance of Angola in the UNOHRC.

It is also important to refer that Law 14/91, Law of Associations is been revised in the ambit of the ongoing legal renewal in Angola. We fear that the right of assembly may be limited.

The government transformed the acquisition of juridical personality of associations a political and administrative procedure basing on the principle of convenience subjectivity and not on the principle of legality. Only organizations that convene the government have the easy access to the acquisition of juridical personality and right to registration.

3) Contribute for the ongoing renewal of the UN organisms;

For the renewal of the UNO organisms some² "operational actions" were set and the first of them demands that the States "should contribute so that the presence of the

¹http://www.hrea.org/lists2/display.php?language_id=11&id=9731

² 60ª Sessão da Assembleia Geral da ONU - 20 de Setembro de 2005 (Pag. 46)



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United Nations in various countries should be more effective, efficient, coherent and coordinated to produce better results” meanwhile, nothing was done in Angola. Although not knowing the political-diplomatic causes the grounded it, we noticed that some actions that oppose the principle of cooperation between the Angolan government and the United Nations concerning the protection of HRs, eradication of poverty, promotion of sustainable development as well as other commitments for the realization of the millennium goals. We noticed that:

1. On the 31st of May 2008, the UNO Human Rights office was permanently closed;
2. The visit of the rapporteur of the UNO Human Rights Commission for prisons to Angola was limited;
3. It is not of public domain if the Angolan State tried to invite the UN General Secretary to visit Angola aiming at reinforce the management and coordination of the UN operational activities;

We notice that the relationship between the UN and the Angolan government before entering the UNOHRC was more permeable and it was visible a major set of programs implemented alongside with UNDP, UNICEF, WFP, UNFP, UNOIDS, OCHA AND WHO. At the moment only UNICEF has a formal and effective partnership with MINARS.

The fact that Angola has entered UNOHRC in a period of significant sociopolitical transformations, mainly the preparation of the elections may have influenced the adoption of a more restricted posture concerning the elaboration and implementation of the combined plans related to international organisms.

4) Continue to work in inviting the special rapporteurs, to promote and to protect the Human Rights at local level;

After the visit of the Special Rapporteur of the Human Rights in 2004, the last visit of UNO rapporteurs to Angola was in 2007, by the working group on arbitrary detentions. Since then, no single UNO rapporteur has visited Angola.

5) Promote legislative measures, aiming at improve and harmonize the local legislation i.e. the Angolan judicial system with the international demands in human rights issues;

Angola is a member of the UN Human Rights Council since 2007, however, there is not any legislative measure aiming at improve the Angola international duties in human rights issues. After elections in September 2008, there is a Minister of Human Rights, but there is not any sort of action taken by this organism aiming to improve the respect for human rights in Angola. The Human Rights department of the Ministry of Justice and the Provincial Committees are theoretically functioning.

6) Continue to supply adequate resources for the present ombudsman: accelerating its creation and reinforce its presence at local level;



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As to Law nº 4/06 the ombudsman must have local representative branches, but unfortunately till the present moment we do not have any representative branch in any other province of Angola but Luanda. The ombudsman has entered his second mandate and according to information obtained from his office, only at the end of the current month representative branches will be opened in provinces of Huambo and Cunene. We were also informed that some departments of the ombudsman are temporarily functioning in the Ministry of Justice and in the Public Attorney facilities respectively because they do not have their own.

7) Trading on Human Rights for police officers to improve their principles and capacity of protection;

The National Police owns a Junior High Institute for Police Training. According to information obtained, the curriculum of the Institute does not include any specific subject on human rights issues. The National Police Headquarter had cooperation protocols with some organizations of the civil society (each of which AJPD) aiming at training the police officers, but resigned the protocols. Another identified problem is that the police officers are not adequately prepared relatively to using guns fact that has been provoking constant and unnecessary resource to it for the resolution of any conflict.

AJPD, in Luanda, on the 1st of September 2009.

The President, António José Ventura