

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

Author: Chris Collier
Date: March 2006
Version: 2



Netherlands institute for Southern Africa

Table of contents

1	Background.....	1
2	Introduction.....	2
3	The EU Guidelines on Human Rights Defenders	3
4	The Situation of Human Rights Defenders in Angola	5
5	Progress in the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola.....	10
6	Conclusions.....	13
7	Recommendations to the EU Regarding the Implementation of the EU Guidelines on Human Rights Defenders in Angola	14

NiZA

Netherlands institute for Southern Africa

PO Box 10707

1001 ES Amsterdam

The Netherlands

T: +31 (0)20 520 62 10

F: +31 (0)20 520 62 49

E: niza@niza.nl

I: www.niza.nl

1 Background

The Netherlands Institute for Southern Africa (NiZA) seeks to help the people of Southern Africa find structural solutions to poverty, injustice and inequality. NiZA collaborates with organisations in Southern Africa which promote freedom of expression, free media, human rights, peace building and economic justice. NiZA works towards strengthening the capacity of these organizations and influencing the policy-making process in the South as well as the North. NiZA also promotes the involvement in Southern Africa of the Dutch population, by collecting and disseminating documentation and information and informing the press and the public on issues concerning the region.

NiZA's human rights and peace-building programme works with 24 local partner organisations in six countries in Southern Africa. In 2003, partner organisations requested that NiZA contribute to improving protection for their work as human rights defenders (HRDs). As a result, in 2004, NiZA undertook to assess the situation of HRDs in the Southern African region and previous or current initiatives to support and protect them. The study focussed on Mozambique, Angola and Zimbabwe and identified the potentially important role of European Union (EU) countries in contributing to the protection of local HRDs. It recommended that NiZA monitor and lobby for the implementation of the EU's policy in this area (*Ensuring Protection – European Union Guidelines on Human Rights Defenders*, hereafter referred to as "the guidelines"), since the implementation of this policy could make an important contribution to the protection of local HRDs.

During the year 2005, NiZA decided to monitor implementation of the guidelines in relation to Angola. Angola was chosen for the following reasons: (1) The critical situation of HRDs in the country; (2) Other significant NiZA activities in the country pertaining to HRDs; and (3) The possibilities for follow-up on the visit of Hina Jilani, UN Special Rapporteur on Human Rights Defenders, that took place in August 2004. NiZA is coordinating its initiative to monitor and lobby for the implementation of the guidelines in Angola with other organisations, in particular Amnesty International.

2 Introduction

This report will summarize the main provisions of the guidelines. It will then look briefly at the situation of HRDs in Angola, describing problems and difficulties they face in their work and highlighting specific individual cases. The report will then assess the progress on the implementation of the guidelines by EU missions (comprised by the delegation of the European Commission and embassies of EU member states) in Angola. The report draws a number of conclusions with respect to the situation of HRDs in Angola and the implementation of the guidelines thus far. Finally, the report makes a number of recommendations to the EU for increased and more effective implementation of the guidelines in Angola.

The fieldwork for this report took place during a visit to Luanda, Angola, from 27 September – 1 October 2005. Research focused on interviews with three EU missions and four HRDs.

3 The EU Guidelines on Human Rights Defenders

The development and consolidation of respect for human rights and fundamental freedoms is a key objective of the EU's Common Foreign and Security Policy.¹ The EU has developed sets of guidelines that "serve as a framework for protecting and promoting human rights in third countries (and) draw together the range of tools at the European Union's disposal for promoting human rights."² Adopted in June 2004, the guidelines on HRDs are the most recent set of guidelines. They are recognition of the crucial role that local HRDs play in the promotion and protection of human rights in their respective countries. Previously, other guidelines were adopted on the death penalty, torture, human rights dialogues and children and armed conflict.

The guidelines are commitments that apply to all EU institutions and member states. They provide for actions to support and protect HRDs as part of foreign policy and provide practical suggestions for enhancing EU support to HRDs. The overall objective is to bring about an environment where HRDs can operate freely.³ The guidelines "provide for interventions by the Union for HRDs at risk and suggest practical means to support and assist HRDs."⁴ The guidelines include an operational part which "is meant to identify ways and means to effectively work towards the promotion and protection of HRDs in third countries, within the context of the Common Foreign and Security Policy."⁵ The guidelines are meant to be fully and effectively implemented so that their full potential is realized.⁶

The guidelines provide for a variety of actions by the EU to support and protect HRDs. EU missions should monitor and report periodically on the situation of HRDs, both the institutional framework within which they operate, and threats or attacks against specific defenders. They should make recommendations to the Council of the EU's working group on human rights (COHOM) for possible EU actions, including condemnation of threats and attacks against HRDs, as well as for *démarches* and public statements where HRDs are at immediate or serious risk. COHOM and other relevant working parties, such as the Africa Working Group, should identify situations where EU actions are called upon and decide actions to be taken or, where appropriate, make recommendations for such action to the Council's Political and Security Committee.⁷

According to the guidelines, in many third countries, EU missions are the primary interface between EU member states and HRDs on the ground. They have an important role to play in putting into practice the EU's policy toward HRDs and should therefore adopt a pro-active policy. The guidelines provide for actions by EU missions such as

¹ *Treaty on the European Union*, Title V, Article J.1.2

² *EU Guidelines on Human Rights*, Council of the European Union, Secretariat General, May 2005, p. 3

³ *Ensuring Protection – European Union Guidelines on Human Rights Defenders*, page 6

⁴ *idem*, page 1

⁵ *idem*, page 3

⁶ *EU Guidelines on Human Rights*, p. 3

⁷ *idem*, page 4

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

coordination and sharing of information on HRDs, maintaining contact with HRDs, giving HRDs visible recognition, and observing trials.⁸

When EU officials are visiting third countries, according to the guidelines, where appropriate, they will include meetings with HRDs and raise individual cases with the local authorities. The situation of HRDs will be included in political dialogues, in which the EU will underline its support for HRDs and – again – raise individual cases of concern.

Finally, the guidelines provide for practical support to HRDs through social and economic development programmes of the EU and individual member states. This can include financial support for capacity-building and public awareness campaigns of HRDs, assisting in the establishment of international networks of HRDs, and seeking to ensure that HRDs can access financial resources from abroad.

⁸ idem, page 5

4 The Situation of Human Rights Defenders in Angola

Since independence in 1975, most of Angola's history has been characterized by civil conflict between the governing Movimento Popular para a Libertação de Angola (MPLA) and the armed rebel group União Nacional para a Independência Total de Angola (UNITA). Decades of civil conflict finally came to an end in April 2002. From 1975 to 1991, the MPLA organized Angolan society along Marxist-Leninist lines. Elections have taken place only once – in 1992 – maintaining the MPLA in power. The governance of the MPLA can be generally characterized as corrupt, arbitrary and unaccountable. Due to conflict and government mismanagement, public services in the country are very poor.

Since 1991, other political parties and independent civil society organizations have been allowed to exist in Angola. These groups form the basis of emerging movements for defending human rights. According to the UN Declaration on Human Rights Defenders, HRDs are defined broadly as people who, individually or in association with others, promote or strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.⁹ Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights.”¹⁰ “...What is most important in characterising a person as a human rights defender is not the person's title or the name of the organisation he or she works for, but rather the human rights character of the work undertaken.”¹¹

On this basis, HRDs in Angola are, for example, independent journalists who report on issues like corruption. Although most non-governmental organisations have addressed the population's lack of access to public services through programmes directly providing such services, an increasing number are now pursuing addressing these issues through raising awareness of citizens' rights and state responsibilities in relation to the provision of public services and supporting communities to defend or claim their rights to these services vis-à-vis the state. Some members of the legal profession have recently become active in the defence and promotion of human rights, especially through litigation. Political parties have been playing an important role in promoting and protecting human rights as well, mobilising around issues like corruption and the electoral process.

⁹ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (commonly known as the “UN Declaration on Human Rights Defenders”), UN General Assembly resolution 53/144 of 9 December 1998, Article 1

¹⁰ *Human Rights Defenders: Protecting the Right to Defend Human Rights*, Fact Sheet 29, Geneva, Office of the United Nations High Commissioner for Human Rights, April 2004, p. 2

¹¹ *idem*, p. 6

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

During the years of civil war, the situation of Angolan HRDs was very difficult. Intellectuals, journalists and HRDs were persecuted and even killed.¹² While in recent years there has been improvement in the situation of HRDs, progress has been slow and many serious problems remain. In 2004, both Human Rights Watch and the United Nations produced reports related to the situation of HRDs in the country.¹³ According to these reports, Angolan HRDs are in general still considered with hostility by the state. They are sometimes accused of anti-state activities, of being unpatriotic, or of being associated with the political opposition. Community radio stations and nationwide broadcasting by private radio stations are still obstructed by the government. Defamation laws are misused against journalists reporting corruption, and the national security law restricts access to information. Even international NGOs are faced with threats of expulsion or non-issuance of visas in response to statements on HR.

The UN Declaration on HRDs and other international human rights instruments such as the International Covenant on Civil and Political Rights are clear regarding the right of HRDs to form and join associations for the purpose of promoting and protecting human rights.¹⁴ However, in Angola, one of the obstacles faced by HRDs is the onerous registration requirements for their organizations.¹⁵ In fact, following her visit from 16-24 August 2004, Hina Jilani, the UN Special Representative for HRDs recommended, among other things, that the government “urgently review the process for the registration of HRDs’ associations; ensure that the registration is expedited; proceed with the registration of pending applications; significantly reduce the overall cost of registration and consider waiving registration fees for those applications that have been pending for more than one year.”¹⁶

CASE: Associação Justiça, Paz e Democracia

The Associação Justiça, Paz e Democracia (AJPD) is an Angolan NGO which, among other activities, monitors prison conditions. AJPD applied for registration on 31 August 2000. The Angolan Ministry of Justice, however, refused to issue a “certificate of registration” unless AJPD changed some articles of its statutes (related to the organisation’s objectives). AJPD objected to this and took the case to court. From August 2000 to March 2003, the authorities prevented AJPD from working in prisons

¹² *Unfinished Democracy: Media and Political Freedoms in Angola*, Human Rights Watch, 14 July 2004, p. 7

¹³ *Unfinished Democracy: Media and Political Freedoms in Angola*, and “Report Submitted by the Special Representative of the Secretary-General on the Situation of Human Rights Defenders,” Addendum, Mission to Angola, document E/CN.4/2005/101/Add.2, 21 February 2005

¹⁴ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, Article 1, and International Covenant on Civil and Political Rights, Article 22

¹⁵ This issue was covered in the reports of both HRW (*Unfinished Democracy: Media and Political Freedoms in Angola*, page 30) and the Special Representative on HRDs (“Report Submitted by the Special Representative of the Secretary-General on the Situation of Human Rights Defenders,” paragraph 72).

¹⁶ “Report Submitted by the Special Representative of the Secretary-General on the Situation of Human Rights Defenders,” paragraph 104.

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

on the basis that it was an “illegal” organisation, that only relatives were entitled to visit prisoners, and that AJPD was “only interested in criticising the government.”¹⁷

While AJPD now has access to prisons, its registration problem continues. Not only does the government continue to deny the certificate of registration, it is taking legal steps to dissolve AJPD unless its statutes are changed. In comparison with AJPD’s case to obtain its certificate of registration, which drags on, the government’s case against AJPD is being handled with greater urgency: staff of AJPD are already being heard.

The UN Declaration on HRDs makes it explicit that, “for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right...to meet or assemble peacefully”¹⁸ and “to participate in peaceful activities against violations of human rights and fundamental freedoms.”¹⁹ However, the Angolan law on freedom of assembly presents problems for HRDs. According to this law, demonstrations with any of the following characteristics are illegal and can be forcefully broken up by the police:

- involve acts or statements that affect the honour of the Angolan government or public officials
- involve the non-authorized occupation of public or private locations
- take place within 100 metres of government buildings, military installations, prisons, diplomatic posts or headquarters of political parties²⁰

According to Human Rights Watch, these regulations are too restrictive of freedom of assembly and should be repealed.²¹ The law requires that organisations inform authorities three days before a demonstration is to take place. However, no previous authorization is required, as long as the demonstration “does not violate the law, morality, public order and peace, and the rights of individuals or groups.”²² “In practice, however, the Angolan authorities use these requirements to prevent legitimate protest; organizers who go to inform the authorities of their intention to protest are frequently informed that the demonstration will be illegal.”²³ If the activity goes ahead anyway, the police are typically dispatched to forcefully break it up and detain demonstrators.

CASE: Partido de Apoio Democrático e Progresso de Angola

The Partido de Apoio Democrático e Progresso de Angola (PADEPA) has been organizing public demonstrations around issues like political and bureaucratic corruption, the scheduling of elections and the composition of the electoral commission. At least eight demonstrations have been organized in recent years. On seven occasions, these demonstrations have been either prevented or broken up by police. Demonstrators have been beaten and arrested. One recent incident occurred in June

¹⁷ Interview with Antonio Ventura, AJPD, Luanda, Angola, 29 September 2005

¹⁸ UN Declaration on HRDs, Article 5(1)

¹⁹ idem, Article 12(1)

²⁰ *Lei Sobre o Direito de Reunião e Manifestação*, Lei No. 16/91, (DR No. 20, 1ª Serie), May 11, 1991, Article 4

²¹ *Unfinished Democracy: Media and Political Freedoms in Angola*, p. 5

²² *Lei Sobre o Direito de Reunião e Manifestação*, Article 3

²³ *Unfinished Democracy: Media and Political Freedoms in Angola*, p. 17

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

2004, when police prevented approximately fifty PADEPA members from staging a demonstration against corruption at a public square in Luanda on the basis that the demonstration was “not authorized.”²⁴ In October 2004, paramilitary police dispersed a PADEPA demonstration calling on the government to make the country’s oil revenues public. In November 2004, police dispersed another peaceful gathering and briefly arrested dozens of demonstrators. Seven were taken to police cells and complained of being beaten for refusing to sign confessions. They were charged with resistance to the authorities, tried and acquitted.²⁵

CASE: Angolan Student Movement

Since April 2003, the Angolan Student Movement (MEA) has organized a number of demonstrations, marches and sit-ins. It’s main objective has been to obtain subsidized or free access to public transportation for students.²⁶ Although Angolan law does not require government authorization for a public demonstration, government authorities have nevertheless declared these demonstrations “unauthorized.” Four out of five demonstrations that the MEA has organized have been prevented or broken up by the police. The police have used dogs and students have been imprisoned and beaten. For example, a march organized in February 2005 was broken up by police and a few students were detained. It was reported that the government of the Province of Luanda had not authorized the march because “the law does not allow these kinds of activities during office hours.”²⁷ At the last demonstration, on 30 July 2005, the police intervened two hours before the demonstration was scheduled to begin.²⁸ Thirteen students were taken to the police station and held for 9 hours. The ten male students were beaten and they were all fingerprinted and photographed. The day before the event, the MEA had been contacted by the police who tried to talk them out of holding the demonstration. While acknowledging their right to demonstrate under Angolan law, the police representative advised the students not to go through with their plan since the provincial government was “against it.” Individual students who have participated in MEA demonstrations continue to be persecuted and threatened.²⁹ Finally, the Luanda Provincial government is reportedly intimidating the MEA by questioning its legal status.³⁰

²⁴ “PADEPA desafia governo,” 16 June 2004, at <http://www.voanews.com/portuguese/archive/2004-06/a-2004-06-16-7-1.cfm?CFID=6399153&CFTOKEN=85769407>, “Polícia pressiona...,” 17 June 2004, at <http://www.voanews.com/portuguese/archive/2004-06/a-2004-06-17-3-1.cfm?CFID=6398619&CFTOKEN=47914944>, and *Unfinished Democracy: Media and Political Freedoms in Angola*, p. 34

²⁵ Amnesty International 2005 Annual Report at <http://web.amnesty.org/report2005/ago-summary-eng>

²⁶ Affordable public transportation for students can be considered an important precondition for fulfilling the right to education.

²⁷ “Marcha de estudantes fracassada,” 23 February 2005, at http://www.angonoticias.com/full_headlines.php?id=4154&b

²⁸ “Polícia volta a impedir manifestações de estudantes,” 9 August 2005, at http://www.angonoticias.com/full_headlines.php?id=6548&b and “Governo Provincial de Luanda veta manifestação de estudantes,” 29 July 2005, at http://www.angonoticias.com/full_headlines.php?id=6426&b

²⁹ interview with Mfuka Fuakaka Muzemba, President of the Angolan Students Movement, Luanda, Angola, 29 September 2005

³⁰ “Polícia volta a impedir manifestações de estudantes”

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

While arrests, detention and mistreatment are a typical consequence for Angolan HRDs who try to conduct peaceful demonstrations, the same treatment is often meted out to activists as a consequence of their day-to-day work.

CASE: SOS Habitat

SOS Habitat is an NGO which works in the field of human rights awareness and defence of housing and land rights of the urban poor in and around Luanda. In recent years, Luís Araújo, an activist with the organisation, has been threatened and detained for defending the rights of residents being forcibly evicted from their homes in and around Luanda. In March 2003, Mr. Araújo was threatened with death by police and expelled at gunpoint from the area of Benfica. The police prevented him from returning to the area for a period of two months.³¹ In 2005, Mr. Araújo has encountered many difficulties in his work. In June, Mr. Araújo and two other activists were arbitrarily detained by police and mistreated.³² In September, Mr. Araújo was again threatened at gunpoint and accused by police of being an “agitator” for having advised the population to open a court case against the government.³³ Finally, in November, Mr. Araújo and other activists were detained once again when they tried to intervene to stop the demolition of houses. They were kept overnight in appalling conditions and reportedly beaten before being released without charge for lack of evidence.³⁴ Complaints to the Public Prosecutor regarding these cases have so far gone unaddressed.

While HRDs continue to face problems in and around Luanda, by all accounts the conditions faced by HRDs in Angola’s provinces are much worse. Problems have been encountered in Cabinda in particular. For example, at the time of writing, it is reported that more than 50 activists of the NGO Mpalabanda are being held without charge. They were detained on the orders of the Provincial Governor when they attempted to conduct a public meeting on human rights issues in one of the districts of the province.³⁵

³¹ *Unfinished Democracy: Media and Political Freedoms in Angola*, p. 28-29

³² see “Terreno da Igreja Católica continua a provocar tumultos,” 27 June 2005, at http://www.nexus.ao/view.cfm?m_id=14865&cat_02=VOA

³³ The UN Declaration on HRDs, article 9 (c) recognizes the right of HRDs to offer and provide legal assistance or other relevant advice to victims of human rights violations.

³⁴ see Amnesty International Urgent Action *Angola: Forced Evictions/Use of Excessive Force*, AFR 12/005/2005, 2 December 2005, at <http://web.amnesty.org/library/Index/ENGAFR120052005>

³⁵ see “Activistas de Mpalabanda detidos em Cabinda,” 12 December 2005, at http://www.angonoticias.com/full_headlines.php?id=8015

5 Progress in the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

As we have seen above, HRDs are faced with many obstacles in their legitimate work of promoting and protecting human rights in Angola. To what extent is the EU implementing the guidelines in relation to Angola, thereby helping to support and protect local HRDs?

The first step toward implementation of the guidelines would be to facilitate awareness of the guidelines within EU missions. However, the awareness of the guidelines at EU missions appears to be limited. Of the three missions visited, familiarity with the guidelines at two of the missions was restricted to the head of mission (HoM, i.e. ambassador or head of delegation) and the staff person responsible for human rights. Staff working in development cooperation, for example, were not aware of the guidelines. At the third EU mission, no one was familiar with the guidelines whatsoever. At one mission where the guidelines were already known, the Head of Mission felt that there was still room for increasing the utilisation of the guidelines for supporting and protecting HRDs. The real challenge lay in translating the guidelines into concrete objectives and activities, he said. EU missions were eagerly awaiting a handbook produced by the Dutch Government that one EU representative expected would be a “user-friendly way of reminding oneself what is required of EU missions with respect to the implementation of the guidelines.” This handbook, which arose from the EU Human Rights Discussion Forum of December 2004, is meant to provide EU diplomats with practical tools for implementing the guidelines.

A prerequisite for the full and effective implementation of the guidelines is that local HRDs defenders are aware of this policy and of the actions that EU missions can take to support and protect them. Until now, however, the EU has not taken any steps to make Angolan HRDs aware of the guidelines. This may be due to EU representatives’ own low awareness of the guidelines. Although the representative of one EU mission claimed that the mission was planning to publish the guidelines on the mission’s website,³⁶ at the time of final editing of this report (two-and-a-half months later), this still had not been done. In view of the EU’s lack of movement on the issue, it is no surprise that none of the HRDs interviewed were aware of this new EU policy.

The guidelines provide for exchange among EU missions of information on the situation of HRDs, particularly those at risk. However, the research found that neither the guidelines nor specific cases had been placed on the agenda of HoM meetings. The head of one EU mission expressed a commitment to put the guidelines on the agenda of the next meeting.

While the guidelines require EU missions to monitor and report on the situation of HRDs and specific cases, awareness of (alleged) violations against HRDs in Angola

³⁶ telephone interview, October 2005

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

was minimal. At one EU mission, there was no familiarity with any actions against HRDs or “high-profile trials” in Luanda. At the other EU missions, there was knowledge of a few of the cases of violations against HRDs but no awareness of others. Knowledge tends to be limited to difficulties faced by HRDs who have requested or received funding from the mission. Contact with HRDs who are not in a funding relationship appears to be limited.

The case of the MEA illustrates this point. In June 2005, the MEA sent letters to the EC Delegation and embassies including those of Germany, Portugal, and France, requesting meetings to inform them of their situation and to discuss the possibility of diplomatic intervention to provide support and protection for the MEA’s struggle. The Portuguese embassy was the only entity to respond positively, but after receiving the MEA, it decided not to offer its support.³⁷ In an example of positive practice, the AJPD mentioned that one EU diplomat (who was now leaving the country) had visited the AJPD’s office and attended its public events, providing an amount, however small, of visible recognition.³⁸

The guidelines require HoMs to make recommendations to EU bodies for action in relation to HRDs at risk. The research revealed, however, that no recommendations for action had yet been made. Neither had specific cases been raised with the local authorities, as the guidelines also provide for.

The case of the AJPD may illustrate weakness of EU efforts to support and protect HRDs in Angola. The AJPD raised its problems of registration with European embassies during face-to-face bilateral meetings. However, there appears to have been no visible response. “If there has been any reaction, we don’t know about it, and we don’t see any of its effects in practice,” said an AJPD staff member.³⁹

According to the guidelines, the issue of HRDs should be integrated into political dialogues between the EU and “third countries” (i.e. countries outside the EU). With relation to Angola, political dialogue takes place in the context of the Cotonou Agreement.⁴⁰ This is a cooperation agreement between the EU and the countries of the Africa, Caribbean and Pacific regions. In the context of this agreement, development aid is provided to Angola mainly through the European Development Fund (EDF). During the period 2002-2007, around € 210 million is earmarked for the country.⁴¹ Article 8 of the agreement provides for political dialogue between the EU and Angola, including on human rights issues. Under Article 96 of the agreement, the EU can intensify discussions regarding human rights concerns and if it is not satisfied with the outcomes of these discussions, can take “appropriate measures” (i.e. sanctions). It was not possible to determine whether the EU had used the dialogue provided for by the

³⁷ Interview with Mfuka Fuakaka Muzemba, 29 September 2005

³⁸ Interview with Antonio Ventura, 29 September 2005

³⁹ Interview with Antonio Ventura, 29 September 2005

⁴⁰ *Partnership Agreement Between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States, of the Other Part* (undated) at http://europa.eu.int/comm/development/body/cotonou/pdf/agr01_en.pdf#zoom=100

⁴¹ *Angola – European Community Country Strategy Paper and Indicative Programme for the period 2002-2007*, European Commission, 28 January 2003, p. 32-33, at http://europa.eu.int/comm/development/body/csp_rsp/print/ao_csp_en.pdf#zoom=100

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

Cotonou Agreement to raise, for example, the case of Luís Araújo with the Angolan authorities. One of the EU missions was asked about this, but replied that the information was confidential.

In practical terms, EU countries such as Sweden, The Netherlands and the United Kingdom sometimes provide crucial financial support for the activities of HRDs in Angola. The most important financial support to HRDs appears to come from individual EU embassies. The HRDs interviewed consider this funding more efficient than that of the EC because it can be obtained far more quickly.

A number of obstacles to implementing the guidelines in Angola can be identified: One may be the reluctance of EU governments to publicly criticize the Angolan government with regard to human rights issues. According to HRDs in Angola, this situation is influenced by the economic interests (especially in petroleum) of EU states. They wish to avoid harming their relations with the Angolan government. This is reflected by one EU official who said that human rights issues are “very touchy” and “very difficult” to raise with the Angolan government, demonstrating a sensitivity to offending the authorities. Another reason for the reluctance of the EU to take a more direct or public approach on human rights issues with the Angolan authorities may be the belief that such an approach would not be effective, as one EU representative claimed.

A similar approach has apparently been taken by the UN in Angola. According to Vegard Bye, Head of the Office of the High Commissioner for Human Rights in Angola, the UN has taken the concept of neutrality too far and has put the importance of a comfortable relationship with the government above that of defending key values (i.e. human rights, rights of HRDs).⁴²

One HRD said that instead of speaking out directly, EU governments appear to work through “persuasion” and publishing reports, which does not produce noticeable results on the ground. The HRDs interviewed believe that when human rights are violated, actions such as public statements and *démarches* can be effective and that EU countries should be more active in this respect. Collective statements are considered to be more effective than statements issued from individual EU countries.

The attitude of EU officials may be another obstacle to the implementation of the guidelines. One EU official indicated that a certain level of human rights violations could be expected since the civil war ended only three years ago. The same official questioned the idea of issuing public statements concerning human rights on the basis that he would not want the Angolan government to do the same in his country. Finally, another EU official referred to the fear on the part of some EU representatives that if the EU supports and protects Angolan HRDs, that these HRDs, in their conflicts with the Angolan government, will abuse this support by declaring that the EU is on “their side.” The official did not provide any specific examples.

⁴² Vegard Bye, “The Broader UN at the country level,” speech delivered at Human Rights Defenders Seminar, Oslo, Norway, 27 May 2005

6 Conclusions

While HRDs in Angola are no longer being killed, serious obstacles continue to hinder their work. Angolan officials have virtually institutionalized intolerance and obstruction of legitimate human rights activities including through the use and abuse of national laws and regulations (regarding NGO registration, freedom of assembly, etc.) and physical violence, threats, arbitrary detention and mistreatment. The cases described above clearly illustrate this pattern and show that Angolan HRDs are in need of support and protection.

Regarding the implementation of the guidelines, awareness of this EU instrument among EU missions is limited. At two of the three missions, only the HoM and the person responsible for human rights were familiar with the guidelines and not the staff of such departments as development cooperation. At the third mission, no knowledge of the guidelines was found among its staff. It appears that no activity has been initiated to inform local HRDs of the guidelines or of the role that EU missions/governments could play in supporting and protecting them. While there has been some informal sharing of information on the situation of HRDs/HRDs at risk, there appears to be no structured sharing of information to date. Neither the guidelines nor specific cases have been discussed at HoM meetings since their adoption. EU embassies don't appear to be fully aware of the human rights problems - not even those located in and around Luanda. As a result, they may not consider the situation to be very serious.

Since the adoption of the guidelines, specific cases of violations against HRDs have not been discussed by HoMs. There have been no recommendations made to home ministries or EU bodies, and there have been no public statements (condemnations, declarations) or *démarches* regarding violations against HRDs, as provided for in the guidelines. On the other hand, reasonably good, sometimes crucial, financial support has been given to human rights organisations, especially by individual EU member states. This points to some measure of contact among these organisations and EU missions.

Major steps must still be taken to implement the guidelines in Angola. The research carried out for this report indicates that the implementation of these guidelines in Angola is yet to begin.

7 Recommendations to the EU Regarding the Implementation of the EU Guidelines on Human Rights Defenders in Angola

The EU should increase activities to support and protect HRDs in Angola with a view to ensuring the full and effective implementation of the guidelines in the country. Specifically, the EU should,

- Train staff of EU missions (at minimum, the Head of Mission, the person handling political affairs, and the person responsible for funding civil society organisations) on the content of the guidelines.
- Discuss the guidelines on HRDs at HoM meetings at least once per EU presidency, even if there are no specific cases to consider at that time, in order to ensure that EU missions are indeed monitoring the situation of HRDs and communicating on the issue of HRDs, as provided for in the guidelines. Regular discussion of the guidelines would also help ensure awareness of them and their implementation in spite of turnover of diplomats which can effect a number of delegations at the same time.⁴³
- Improve monitoring of the situation of HRDs. Monitoring should extend beyond Luanda and into the provinces. Monitoring should also extend beyond HRDs who have requested or are receiving financial support from the EU. Monitoring should be improved through better contacts with HRDs, but also by obtaining information from sources that usually cover violations against HRDs, such as
 - international NGOs (Amnesty International, Human Rights Watch, Oxfam International, Christian Aid, etc.)
 - the private (weekly) newspapers
 - Internet news sites on Angola (such as www.angonoticias.com)
 - commercial (FM) radio and the radio of the Catholic Church (Rádio Ecclésia)

Development cooperation staff of EU missions have an important role to play in monitoring the situation of HRDs because they are in regular contact with a wide range of HRDs who request or receive financial support. They may also travel to the provinces regularly to monitor projects. They should explicitly gather information about the situation of HRDs (difficulties they are having, interference in their work, etc.) and report these to the HoM.

- Make local HRDs aware of the guidelines on Human Rights Defenders and of how they may be supported and protected by the EU. This awareness-raising should start by informing HRDs with whom EU missions already have contact about the guidelines during regular meetings and giving

⁴³ These ideas were put forward by one of the EU diplomats interviewed in Luanda during fieldwork.

them copies of the guidelines. These efforts should also include disseminating the guidelines to HRDs through e-mail, organising special meetings with HRDs to introduce and discuss the guidelines, posting the guidelines on bulletin boards at missions, posting the guidelines on mission websites⁴⁴, or through granting interviews to the private media. The guidelines call for a proactive approach towards HRDs by EU missions, and this should be demonstrated in Angola.

- Increase contact with HRDs by receiving HRDs at missions in order to hear their concerns. Accepting HRDs' requests for meetings should be made a greater priority for EU missions.
- Give visible recognition to HRDs by visiting their places of work and attending public events that they organize. A priority should be attending public demonstrations organized by HRDs for the purpose of promoting or protecting human rights, given the risks incurred by HRDs organizing these public events.
- Closely monitor and take action in relation to individual cases of HRDs at risk, starting with the HRDs mentioned in this report. EU missions should initiate and maintain contact with these HRDs, monitor their situation, consult them regarding actions that should be taken on their behalf, and provide them with visible recognition. The EU should request, through a *démarche* or similar initiative, that the Angolan authorities put an end to violations against these and other HRDs such as arbitrary detention, threats, beatings and other forms of mistreatment.
- Ensure support and protection for HRDs whose work relates to the electoral process. The EU made a public statement on 4 August 2004⁴⁵ in which it said that it stood "ready to contribute to the establishment of a proper and conducive environment for free and fair elections" in Angola. To both implement the guidelines and follow through on this statement, the EU should support and protect HRDs engaged in the following activities:
 - monitoring and observing electoral processes
 - criticising and attempting to influence the electoral laws and processes
 - carrying out electoral/voter education (i.e. informing citizens of their political rights and how to realize these)
 - investigating and reporting on the electoral processes (irregularities, biases, etc.).

⁴⁴ Many EU missions have their own websites. For example, see the websites of the Delegation of the European Commission at <http://www.delago.cec.eu.int/ao/index.htm>, the UK Embassy at <http://www.britishembassy.gov.uk>, and the Dutch Embassy at <http://www.embaixada-holanda.org>. Currently, these websites do not present any information on the human rights policies of the EU.

⁴⁵ "Declaration by the Presidency on behalf of the European Union on presidential and parliamentary elections in Angola," 4 August 2004, Brussels, Belgium, at http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/cfsp/81630.pdf

Report on the Implementation of the EU Guidelines on Human Rights Defenders in Relation to Angola

- Exert pressure on the Angolan authorities for respect for freedom of assembly. They should closely monitor the Angolan authorities' application of the existing law on freedom of assembly and pressure Angolan authorities to ensure that the exercise of this right is not illegally denied. They should pressure for reform of this law to remove the restrictions it currently places on the effective exercise of this right.
- Press the Angolan authorities to implement the recommendations made by the UN Special Representative on HRDs after her visit to the country in August 2004. Angola is one of only a handful of countries that have been visited by the Special Representative. Following her visit, she made recommendations to the Angolan government at both national and provincial (provinces of Huíla, Cabinda) levels to improve the situation of HRDs. Among other measures, she recommended that the government urgently review the process for the registration of HRDs' associations, ensure full respect for freedom of expression, and allow HRDs to independently monitor the Government's actions in preparing of the elections and to monitor the elections themselves.⁴⁶
- Take up concerns regarding the situation of HRDs and specific cases, beginning with the issues and cases highlighted in this report, within the political dialogue with Angola under Article 8 of the Cotonou Agreement. EU development aid (for example, that provided through the European Development Fund) should be conditioned on respect for human rights, including the rights of HRDs.
- Issue a public statement condemning violations against human rights defenders and expressing support for their legitimate work, making reference to relevant international human rights standards. In order to address this urgent situation, the EU should issue such a statement at the next appropriate opportunity (for example, when the next HRD is arbitrarily detained, or when the next peaceful demonstration whose objective is to promote or protect human rights is prevented or violently disrupted). In order to ensure wide dissemination, this statement should be released in a timely way to government, civil society and the national media.

⁴⁶ "Report Submitted by the Special Representative of the Secretary-General on the Situation of Human Rights Defenders," paragraph 104