

Angola (3)

PUBLIC REPORT
English/French

64

Office of the High Commissioner for Human Rights (OHCHR)

27/4



Africa region

QUARTERLY REPORTS OF FIELD OFFICES

March 2004

Africa region

	Page Nbr
1. Highlights from the Region.....	3
2. Angola (November 2003 – January 2004)	4
3. Burundi (novembre 2003 – janvier 2004).....	11
4. Ethiopia/Eritrea (UNMEE) (November 2003 – January 2004).....	19
5. Guinea-Bissau (UNOGBIS) (November 2003 – January 2004).....	24
6. Liberia (UNMIL) (October 2003 – January 2004).....	26
7. République centrafricaine (BONUCA) (novembre 2003 – janvier 2004) ...	28
8. République démocratique du Congo (novembre 2003 – janvier 2004)	34
9. Sudan (October – December 2003)	40
10. Regional Office for Eastern Africa (November 2003 – January 2004).....	45
11. Regional Office for Southern Africa (November 2003 – January 2004)	53
12. UN Sub-Regional Centre for Human Rights and Democracy in Central Africa Yaoundé (January – February 2004).....	59

Highlights from the Africa Region November 2003 to January 2004

In the period under review OHCHR's support to peacekeeping and post conflict initiatives in Africa were increased by the establishment of a presence in UNMIL, Liberia and strengthening of the human rights component in Cote d'Ivoire (MINUCI). The Office is also involved in mapping out of post-conflict peace plans in Burundi and Sudan.

At the regional level, the continued to provide support to the African Union (AU), its institutions, (such as the African Commission on Human and Peoples' Rights (ACHPR)) and its initiatives (such as NEPAD and CSSDCA) and support to the sub-regional economic communities.

- **Support for the AU:**

- Through its regional offices and participation from Geneva, OHCHR continues its support for the NEPAD process and the AU's consolidation of its human rights agenda. OHCHR contributed extensively to the development of the AU's human rights programme and plan of action for 2004/5.
- The Office participated in the 34th Session of the African Commission on Human and Peoples' Rights in November 2003. The Session provided another opportunity to review the human rights situation in Africa and to discuss future mutual collaboration between OHCHR and the ACHPR. Discussions on areas of technical support to the African human rights system are ongoing especially in light of the coming into force of the Protocol for the Establishment of the African Court on Human and Peoples' Rights in January 2004.
- As part of its support for the consolidation and implementation of NEPAD, the Office co-sponsored a regional conference on the African Peer Review Mechanism for parliamentarians and civil society representatives in December 2003.

Office of the High Commissioner for Human Rights

ANGOLA

Quarterly Report

(Period covered: November 2003 to January 2004)

1. Human rights context / Significant developments

1.1. Commitment: Human rights concerns in President's New Year speech

In his New Year speech, President Dos Santos stressed that the consolidation of peace needed social justice and respect for human rights and that peace must be built on tolerance, fraternity and solidarity. The President highlighted the importance of improving the functioning of the justice system and the conditions persons under detention are exposed to, mentioning explicitly the need to respect the legal terms of preventive detention. The President recognized the need of freedom of expression in a dispute over different ideas and opinions to rebuild the country where the churches and civil society clearly had an important contribution to make. He confirmed that the next elections would only take place after a new constitution and a new electoral law had been adopted, without indicating a date. He expressed his expectations that both laws would pass the Parliament by the end of 2004.

1.2. Legal developments / International instruments

1.2.1. Draft constitution

In mid-January, after 15 months of work, the technical working group in charge of drafting the new constitution presented the result of its efforts. Based on the structure of fundamental principles approved by the Constitutional Commission of the National Assembly, the draft has 351 articles, with detailed references to civic rights and liberties. After discussion of the draft in the Constitutional Commission, the draft will be presented to the Angolan citizens for comments and opinions.

1.2.2. Angola signed International Convention against Corruption

During a recent conference on corruption in Merida, Mexico in December, Angola signed the UN International Convention Against Corruption, as confirmed on his return by the Angolan Chief of Delegation. As the ambassador stated, Angola recognizes the disastrous effects of corruption on national economies and is ready to combat this scourge. The Convention had been adopted by the UN General Assembly on 31 October 2003.

1.2.3. New draft land law

On 28 November, the Council of Ministers adopted the new draft law on the right of property and use of and access to land, after about a year of public discussion. With the return of millions of people to their traditional areas, arguments over land ownership and access to

land have been on the rise. In the opinion of the NGO-coalition "Rede Terra", based on a series of case studies, agricultural ground is gradually being taken away from the poor by Government and military dignitaries, particularly in the southern Huila province (see IRIN, 27 November 2003). The fear of the NGOs is that the new law will be more inclined to support commercial interests than the needs of traditional communities and the majority of poor urban dwellers. The NGOs have been asking for more time for discussion.

1.2.4. Children's rights

A recent comprehensive study, the Multiple Indicator Cluster Survey, co-sponsored by the National Institute of Statistics, UNICEF and USAID, once again draws the attention to the plight of children growing up in Angola: After nearly three decades of war, Angola presents one of the world's worst child and maternal mortality rates, although most of these deaths are due to diseases that can be treated easily and at low cost. About half of the population does not have access to safe water, health services, and education. The survey showed as well that about a third of the women aged between 15 and 49 had never heard about HIV/AIDS.

The results of this survey shall build the basis for the definition of a common program of the Government and the international community towards rigorous redress, so as to enable Angola to reach the Millennium Development Goals. As about 50% of Angolans are aged under 15 years and about 60% under 18 years, the head of UNICEF in Angola stressed that investment into the youth is in imperative strategic component of sustainable social and economic development in Angola.

1.2.5. Cabinda

Beginning November 2003, a group composed of catholic clerics, journalists and other civil society representatives that signed as "Ad-Hoc Commission on Human Rights in Cabinda" published its second report on the human rights situation in Cabinda "Cabinda 2003: A year of pain". The report provides a detailed list of human rights violations allegedly committed by the Angolan Army and FLEC (Liberation Front of the Enclave of Cabinda) and comes up with a number of recommendations to the Angolan Army, to the Angolan Government, to the National Assembly, to FLEC, and to the international community aiming at ending human rights violations and violent conflict.

End-January, a new civil society organization, Associação Cívica Mpalabanda, was prevented from proclaiming its foundation and public presentation in a stadium in Cabinda. According to the provincial Government, the association had not met the legal requirements.

2. Highlights of human rights activities and events

2.1. State institutions

2.1.1. HR Commission of the National Assembly

Human Rights Day 2003

The celebrations of last year's HR Day, 10th December, comprised several activities organized by the Angolan National Assembly and various non-governmental organizations and associations, supported by the HR Office. The activities started on 8th December with a lecture and debate for and with detainees at the Central Prison of Luanda. At the National

Assembly, the chairperson of the Angolan Bar Association's Human Rights Commission, made a presentation on "National and International HR Protection Mechanisms", followed the next day by two lectures with subsequent discussion on "HR and the exercise of citizenship" and "Human Rights and National Reconciliation" given respectively by the President of the ABA and Rev. Ntoni-Nzinga, Executive Secretary of the Inter-Church Committee for Peace in Angola (COIEPA). A delegation composed of MPs, the ABA, and churches visited the state-run home for abandoned elderly persons "Beiral". In Malange, a group of MPs and the provincial Government organized a workshop on "Positive law versus customary law and the implications for human rights violations", with participants from among traditional authorities, state institutions, political parties, police, churches, and various civil society organizations.

MPs, members from the diplomatic community, and representatives of the organized civil society participated at the main act on 10th December at the National Assembly. In his speech, the UN Resident Coordinator highlighted that Angola had submitted its first report under the Convention on the Elimination of All Forms of Discrimination Against Women and was about to do so under the Convention on the Rights of the Child, encouraging the Government to adhere to all the basic international conventions on human rights. He stressed that all conventions had little meaning if they are not translated into daily practice by the public administrations.

The Angolan state media ensured an extensive coverage of most of these events and contributed with special features allusive of the International HR Day.

2.1.2. Visit of international HR consultant in support of the NHRAP

The recent visit of an international human rights consultant, Vera Duarte, president of the Capeverdean National Human Rights Committee, upon an invitation by the Angolan Government, has given a major boost to one of the Human Rights Office's most important tasks: to give the Angolan Government support in the process of the elaboration of a National Human Rights Action Plan. During the two-week's visit, the consultant met with several Government ministers, the Prosecutor General, the President of the Angolan Supreme Court, the Vice-Chief of Staff of the Angolan Armed Forces, and with civil society organizations, including the Angolan Bar Association and a trade union of journalists, and visited the Viana prison, the premises of the National Children's Institute and a hospital. Ms. Duarte recognized that the end of the war brought notable improvements in the human rights situation, but that there were still many areas of deep concern, particularly in the field of economic and social rights. The visit received an extraordinarily wide coverage in the Angolan press, including some foreign media, and was taken by Government authorities as an occasion to express their full commitment to this task. Based on a review and analysis of the country's human rights situation, the National Human Rights Action Plan will propose concrete measures to improve the protection and promotion of human rights, in a cooperation of the state and civil society. The participation of civil society and the broad discussion of the Plan by all stakeholders, including in the provinces, during the whole process is an essential element of this project. The consultant will come again to Angola this year in order to accompany and advise on progresses made. The Government's commitment to the plan and the warm reception given to the consultant have been encouraging signs.

The creation of a National HR Commission is already included in the project for a new constitution for Angola that is currently being debated.

2.2. Empowering civil society

2.2.1. Envisaged visit of the Special Rapporteur on Human Rights Defenders

In pursuance of a possible visit of the Special Rapporteur on Human Rights Defenders the Office took further contacts with the Ministry of Foreign Affairs. Expressing the Government's readiness in principle, the Ministry confirmed that initial action had been taken, but that additional information was needed.

2.2.2. Human rights counselors

2.2.2.1. Methodist Church

The Methodist Church implemented a two-week human rights training project in Caxito, Bengo province, directed at 60 church leaders. The training was part of a vaster plan of the Methodists to include human rights awareness into the programmes and activities of their ecumenical work in all parishes, with special attention for women and internally displaced people. The HR Office supported the project substantively and financially.

2.2.2.2. Goal Paralegals project

In order to cover the human rights protection side, the Irish NGO GOAL decided to include a paralegal pilot project in its humanitarian assistance programs, requesting assistance from the HR Office, the Angolan Bar Association, and UNICEF. During a first training workshop in December, a group of 30 persons received basic knowledge about human rights and the initial mechanisms how to access them. The Office has been providing training material and its technical knowledge on interview techniques and data collection and analysis.

2.2.3. Peace monitors

In December, the Office participated in a training workshop of the Catholic Church for peace-builders with an introductory lecture on "Human Rights - what they are, where they come from, and how to exercise them". A comprehensive set of informative documentation was handed out to the 25 participants who had come from parishes from several provinces.

3. Cooperation with partners

3.1. Police

In November, a team from the police and the Human Rights Office in Luanda held another 2-day training of police trainers in human rights and civic education in Mbanza Congo, capital of the northern Zaire province. This was the third such activity in a joint program started under UNMA's Human Rights Office in 2003 and the first under the new Human Rights Office - inspired by a similar program carried out by the Angolan Army. Main subjects are an introduction on what human rights are and on what they are based, international norms guiding police work and responsibilities, and national laws, such as the law on preventive detention. Women's and children's rights and the rights and needs of other vulnerable groups, particularly IDPs and refugees, and related national and international norms are part of the themes regularly debated.

The cooperation with international NGOs permitted to cover supplementary provinces within this program, like Moxico province in December where the Lutheran World Federation took the initiative, including financial, supported with the relevant documentation and substantive guidance by the Office. Earlier this year in Lubango, the Dutch NGO SNV held a similar police training in Lubango/Huila province, with more regional police workshops envisaged in Cunene and Namibe provinces.

3.1.1.1. Case-tracking system

The case-tracking project, involving a computerized system that enables the Prosecutor General's Office (PGO) to control the observance of the legal pre-trial detention periods, had been initiated under UNMA. During its latest phase, the project had been technically implemented by the Canadian NGO "Development Workshop", including the installation of the database system and the training of its users with funding from the Netherlands. End November, representatives of Development Workshop and the Prosecutor General's Office presented the software and its impact on the human rights situation to the human rights focal points of the donor embassies. The PGO stressed their strong commitment to the project and the need of its consolidation. During working sessions at the PGO with DW's technical consultant, officials of the PGO and magistrates equally expressed their satisfaction and their desire to have the project extended to the police stations at municipal level.

Development Workshop submitted a proposal for the conclusion of the project that provides solutions for a number of still existing difficulties.

3.1.2. NGOs and INGOs

3.1.2.1. Documentary assistance to partner NGOs

Human rights work relies on the availability of information material and documentary support. The Office has so far been able to satisfy the requests of several NGOs to receive information material about human rights so as to enable them to include human rights concerns into their work. This service has been possible thanks to stocks of documents received from UNMA's HRD, thanks to OHCHR documents in Portuguese language donated from Portugal, and thanks particularly to a sufficient reproduction capacity which it is crucial to maintain.

3.1.2.2. SOS Habitat

In December, the Angolan NGO SOS Habitat started the implementation of its project on the urban land tenure and the right to a housing. During the initial phase of the project a group of activists is to be trained in human rights with special focus on the housing issue, national and international norms and legislation, dissemination and promotion techniques, field work methods, and participative and interactive community development. The training is scheduled to associate the theoretical and the practical side, responding to concrete situations in the field and to the needs of the communities with which SOS Habitat is working.

3.2. United Nations

3.2.1. CAT 2004/Angola launched

The 2004 Consolidated Appeal for Transition in Angola was launched on 1st December 2003 in Luanda, on the premises of the Ministry of Foreign Affairs. The different UN agencies, including the HR Office, were present with illustrative stands. The Appeal asks for an amount of US\$ 263 million destined to assist more than one million of vulnerable people to regain self-sufficiency and to enable humanitarian partners to contribute to an increased delivery of basic social services to more than 2,5 million people. The Appeal shall ensure the transition from the partially still ruling phase of emergency to the incipient phase of recovery. The Appeal is been guided by basic human rights principles as expressed in the Millennium Declaration and the Angolan Constitution.

3.2.2. UN Development Assistance Framework (UNDAF)

Beginning February 2004, a third draft of the UNDAF was sent out for further comments and revision. From 2005 on, with the end of the operational period of the CAT 2004, country programs of the UN Agencies are required to be drawn up within this Framework. The latest draft is now expected to be presented to the Government. NGOs have started to comment. The Human Rights Office has participated actively in the UNDAF process in order to ensure full integration of a human rights perspective in all areas. In terms of programs, specific OHCHR activities envisaged for the UNDAF period have been included under general outcomes and outputs of other agencies, in particular UNDP, with the intention of ensuring as high a degree of joint programming as possible in the area of human rights.

3.2.3. Strengthening human-rights related United Nations actions at the country level

In response to a letter dated 1 December 2003 from Mark Malloch Brown, Chair of the United Nations Development Group, Jan Egeland, USG for Humanitarian Affairs and Emergency Relief Coordination, and Bertrand Ramcharan, Acting High Commissioner for Human Rights, the HR Office coordinated the UN Country Team's input to the Plan of Action "Strengthening human rights-related United Nations actions at the country level", developed pursuant to Action 2 of the Secretary-General's reform program. In the letter, the UNCT identified the perceived achievements to integrate human rights into the work of the UN in Angola, the opportunities provided by the Plan of Action, its gaps, and a list of particular opportunities for joint programming. In addition, a consolidated matrix was produced summarizing all ongoing and planned activities by the UN in Angola in the area of human rights.

4. Impact and/or concrete achievements resulting from our work

4.1. Reaction from civil society

In a recent interview with the Voice of America, jurist Fernando Macedo, head of the Angolan human rights association "Associação Justiça, Paz e Democracia", noted that there has been a rise in the consciousness in Angolan society about the need to respect human rights. He particularly insisted on the urgency to realize basic social and economic rights of those most affected by the consequences of the war, like IDPs, refugees, and disabled persons. Considering a transparent management of public resources as imperative, he also called on the Government to take a more moral stance by vigorously acting against

corruption, embezzlement of public funds, and abuse of power, and underlined the need to pay dignified and stimulating salaries so as to ensure a better distribution of national wealth, Macedo particularly insisted on the modernization and fundamentally improved funding of the Angolan justice system, a precondition for any positive change, for effective democracy, and for the end of impunity of the powerful and the rich.

4.2. Reinforcement of the institutional capacity of INGOs and NGOs

Through its technical assistance role, the Human Rights Office continues to work closely with some INGOs and NGOs towards reinforcing their institutional capacities in the area of human rights, through the participation in strategy planning exercises or training activities.

4.3. Donor coordination

4.3.1. Monthly meeting of human rights focal points

In November, during the meeting with human rights focal points in embassies and aid agencies the Prosecutor-General's Office and Development Workshop presented a review on the current state of the aforementioned case-tracking project. It was an occasion as well to exchange views on two recent human rights reports concerning Angola. The following meeting in January was wholly dedicated to the visit of human rights consultant Vera Duarte who briefed the group on her contribution to the elaboration process of a National Human Rights Action Plan.

The monthly meetings with the network of human rights focal points have become a valuable instrument for the Office to regularly and informally discuss the Office's activities and human rights concerns and allow a better coordination of projects by avoiding overlapping or lack of attention in areas deemed important. A similar exercise is to be conducted with NGOs and INGOs.

4.4. Mainstreaming human rights

The Office has been contributing actively in the elaboration process of the UNDAF and in the CAT process. It has taken important initiatives in the implementation of the action plan "Strengthening human rights-related United Nations actions at the country level".
