



Republic of Angola

Joint Submission to the UN Universal Periodic Review
34th Session of the UPR Working Group

Submitted 28 March 2019

**Submission by CIVICUS: World Alliance for Citizen Participation
NGO in General Consultative Status with ECOSOC**

**CIVICUS: World Alliance for Citizen
Participation**

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 190 countries throughout the world.
- 1.2 In this document, CIVICUS examines the Government of Angola's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Angola's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in October 2014. To this end, we assess Angola's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.3 During the 2nd UPR cycle, the Government of Angola received 20 recommendations relating to the space for civil society (civic space). Of these recommendations, 15 were accepted and five were noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Angola has not implemented 19 recommendations relating to civil society space. While the government, under the administration of president João Lourenço, has made some progress in some areas, the government has failed to address restrictions on civic space since its last UPR examination.
- 1.4 CIVICUS is deeply concerned by the use of several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State against journalists and HRDs.
- 1.5 CIVICUS is further alarmed by the restrictions on freedom of peaceful assembly, notably the frequent banning of protests, although no prior authorisation is legally required, and the arbitrary arrests of protesters.
- 1.6 As a result of these issues, civic space in Angola is currently rated as 'repressed' by the CIVICUS Monitor, indicating the existence of major constraints on civil society's fundamental rights.¹

¹ CIVICUS Monitor: Angola, <https://monitor.civicus.org/country/angola>.

2. Freedom of association

- 2.1** During Angola's examination under the 2nd UPR cycle, the government received eight recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Of the recommendations received, the government accepted seven and noted one. However, as evidenced below, the government has failed to take adequate measures to realise seven of these recommendations, and has only partially implemented one recommendation.
- 2.2** Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Angola is a state party, guarantees the freedom of association. Article 48 of the 2010 Constitution of the Republic of Angola also guarantees the right to the freedom of association.)² However, despite these commitments, in law and practice, administrative and legal barriers have been used to suppress the work of human rights organisations, although there have been, recently, positive steps under the administration of President Lourenço, including the legal registration of the first LGBTQI organisation and the start of a dialogue with civil society organisations on human rights in Angola.
- 2.3** The freedom of association is regulated through Law 6/12 of 8 January 2012 on Private Associations.³ Some of the law's provisions are vague and open to broad interpretation. For example, article 12 allows the registry and notary services to deny the registration of associations whose constitution or statutes are not in line with this law, without referring to an appeal process for associations denied registration.⁴ Article 13 of the law gives the magistrates of the Public Ministry the power to dictate the legality of associations, which can result in the de-registration of an association when its statutes are found to not conform to the law or public morality.
- 2.4** Presidential Decree 74/15 of 23 March 2015 on the Regulation of Non-Governmental Organisations⁵ placed additional restrictions on the freedom of association of national and international CSOs, including the need to register with several ministries, burdensome registration requirements, excessive discretion and

² The following associations or groupings are prohibited in article 48(4): those whose activities and purpose are against constitutional order, incite and practise violence, or promote tribalism, racism, dictatorship, fascism and xenophobia, in addition to military, paramilitary or militarised associations.

³ Lei das associações privadas, lei nº 6/12, de 18 de janeiro

⁴ According to Law 6/12, in order for an association to acquire legal personality, the association needs to register at the register or notary services available in the area of the association's headquarters. Within 15 days, the local notary services must inform the "national organ responsible for the registration of association" and publish notice of the association's creation in the Official Gazette. See also: 'Angola. "They want to keep us vulnerable" - Human rights defenders under pressure', March 2015, The Observatory for the Protection of Human Rights Defenders, AJPD, <https://www.fidh.org/en/region/Africa/angola/angola-they-want-to-keep-us-vulnerable-human-rights-defenders-under>

⁵ Decreto Presidencial nº 74/15 de 23 março - Regulamento das organizações não governamentais.

oversight by the authorities, restrictions on receiving funding and vague grounds to suspend CSOs.⁶ On 5 July 2017, the Constitutional Court ruled the Decree to be unconstitutional, on the grounds that such a regulation needs to be approved by the National Assembly as opposed to the executive.⁷ The decree, which came into effect in March 2015, created serious challenges for human rights CSOs, including the freezing of bank accounts and rendering them incapable of receiving foreign funds without the approval of the executive branch. For example, on 1 October 2015, the Banco de Fomento de Angola blocked the accounts of OMUNGA and another human rights organisation, SOS Habitat, on the grounds that the organisations could not present a certificate of registration from the Ministry of Justice.⁸

2.5 CIVICUS welcomes the first legal registration in Angola of an LGBTQI rights association – Associação Iris Angola – by the Ministry of Justice in June 2018,⁹ years after the organisation was formed in 2015.¹⁰ CIVICUS further welcomes the recent dialogue on human rights between the current administration under President João Lourenço and civil society actors. On 4 December 2018, President Lourenço received several civil society groups and activists, including the human rights organisations AJPD, Associação Mãos Livres, and OMUNGA, to discuss human rights and the fight against poverty and corruption.¹¹

⁶ For a deeper analysis of the Presidential Decree, see ‘Comments on Angola’s Presidential Decree No. 74/15 on the Regulation of Non-Governmental Organizations’, International Center for Not-for-Profit Law, 4 September 2015, <http://fatfplatform.org/wp-content/uploads/2015/10/ICNL-Comments-on-Angolas-Presidential-Decree-No-74-15-4-Sept-15.pdf>; ‘Putin-style Presidential Decree ends NGO independence in Angola’, Maka Angola, 2 July 2015, <https://www.makaangola.org/2015/07/putin-style-presidential-decree-ends-ngo-independence-in-angola>.

⁷ ‘Tribunal Constitucional de Angola chumba decreto presidencial’, RFI, 17 July 2017, <http://pt.rfi.fr/angola/20170717-angola-tribunal-constitucional-chumba-decreto-presidencial>.

⁸ ‘Banco angolano congela contas de organizações não governamentais’, VOA, 25 November 2015, <https://www.voaportugues.com/a/banco-angolano-congela-contas-da-ongs/3073564.html>; ‘ONG angolana enfrenta dificuldades financeiras’, Deutsche Welle, 6 November 2015, <https://www.dw.com/pt-002/ong-angolana-sos-habitat-enfrenta-dificuldades-financeiras/a-18831760>.

⁹ ‘Angola legaliza associação LGBT’, Diário de Notícias, 26 June 2018, <https://www.dn.pt/mundo/interior/angola-legaliza-associacao-lgbt-9514322.html>.

¹⁰ ‘Primeira associação LGBT em Angola espera mudanças’, Deutsche Welle, 6 August 2018, <https://www.dw.com/pt-002/primeira-associa%C3%A7%C3%A3o-lgbt-em-angola-espera-mudan%C3%A7as/a-44964234>. In a further positive move, on 23 January 2019, with the adoption of Angola’s new Penal Code, the provision of “vices against nature” was removed, while discrimination against people based on their sexual orientation is now forbidden. ‘Angola despenaliza homossexualidade’, Diário de Notícias, 24 January 2019, <https://www.dn.pt/mundo/interior/novo-codigo-penal-angolano-despenaliza-homossexualidade-10484193.html>

¹¹ ‘Presidente angolano reúne-se com ativistas, Rafael Marques será recebido quarta-feira’, Deutsche Welle, 4 December 2018, <https://www.dw.com/pt-002/presidente-angolano-re%C3%BAne-se-com-ativistas-rafael-marques-ser%C3%A1-recebido-quarta-feira/a-46584045>; ‘Angolan president holds unprecedented talks with civic groups’, News24, 5 December 2018, <https://www.news24.com/Africa/News/angola-president-holds-unprecedented-talks-with-civic-groups-20181205>.

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** Under Angola's previous UPR examination, the government received three recommendations on the protection of HRDs, journalists and civil society representatives. Of the three recommendations, two were accepted and one was noted. However, as examined in this section, none of these recommendations were implemented.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs. However, in spite of these protections, HRDs and journalists have often been subjected to judicial harassment, intimidation and threats, particularly those working on issues such as good governance, corruption, land rights, exploitation of natural resources and forced evictions, and HRDs working in Cabinda and other areas, where civic space is more restricted.
- 3.3** Law 23/10 of 3 December 2010 on Crimes against the Security of the State¹² contains many restrictive provisions. Under article 25 (1) a prison sentence of between six months and three years or a fine is foreseen for maliciously insulting the president or any other sovereign body. Insults directed at members of the National Assembly or the executive and magistrates can lead to prison sentences up to two years (article 25 (3)). Rebellion, which includes "incitement of inhabitants of the Angolan territory to civil war or rebellion" is penalised under article 21 of Law 23/10 with a prison sentence of three to 12 years.
- 3.4** On 28 March 2016, the Court of Luanda sentenced a group of 17 HRDs and youth activists, known as the '15+2', to prison sentences of between two years and three months and eight years and six months for the charges of preparatory acts of rebellion and criminal conspiracy.¹³ A few days earlier, on 21 March 2016, the Public Prosecutor dropped the charge of preparatory acts of a coup against the president, while adding the charge of criminal conspiracy. Fifteen of the 17 activists were arrested between 20 and 24 June 2015 for having organised and participated in a conference on 'Philosophy of peaceful revolution', at which they discussed peaceful

¹² Lei nº 23/10 de 3 Dezembro – Lei dos Crimes contra a Segurança do Estado, <http://www.tribunalconstitucional.ao/uploads/%7Bba5a9a35-5652-4e00-ba36-89281ab1b7a6%7D.pdf>.

¹³ 'Ativistas angolanos condenados a penas entre 2 e 8 anos de prisão', Deutsche Welle, 28 March 2016, <https://www.dw.com/pt-002/ativistas-angolanos-condenados-a-penas-entre-2-e-8-anos-de-pris%C3%A3o/a-19146663>; 'Angola jails 17 activists for rebellion after public reading of political book', The Guardian, 28 March 2016, <https://www.theguardian.com/world/2016/mar/28/angola-jails-17-activists-rebellion-public-book-reading>.

protest and non-violent resistance, organised by Domingos da Cruz, who was given the heaviest sentence of eight-and-a-half years.¹⁴

3.5 Investigative journalist Rafael Marques de Morais has been judicially harassed for years for his reporting on corruption. On 28 May 2015, Marques was given a six-month suspended prison sentence by the Provincial Court of Luanda after being found guilty of charges of slanderous denunciation, of mining companies and seven army generals, under article 245 of the Penal Code.¹⁵ The charges stemmed from the publication, in 2011, of his book, 'Blood Diamonds: Corruption and Torture in Angola'. The book alleges serious human rights violations, such as torture and murder, perpetrated by security guards, soldiers, private security and mining companies, in the diamond-rich Lundas region. The Court sentenced Marques despite an out-of-court deal with the army generals, who co-own a private security company whose employees allegedly perpetrated human rights abuses.¹⁶ He was initially indicted in January 2013 on nine defamation charges, while he was informed of 15 additional charges in March 2015, when his trial opened.¹⁷

3.6 Previously, on 15 March 2015, HRD José Marcos Mavungo was arrested and detained in Cabinda, for his involvement in organising a peaceful protest denouncing poor governance and human rights abuses in Cabinda (see 5.6). Mavungo was initially charged with sedition and tried on 19 March 2015. The Provincial Court of Cabinda ordered further investigations, as no sufficient evidence was presented. On 27 May 2015, Mavungo was charged with rebellion, although he was only informed of the charges against him on 22 June 2015, and on 14 September 2015 was sentenced to six years in prison by the Cabinda Provincial Court.¹⁸ On 20 May 2016, the Supreme Court acquitted Mavungo due to insufficient evidence.¹⁹ Mavungo was a member of Mpalabanda Associação Civica de Cabinda, a human rights organisation established

¹⁴ Responding to a habeas corpus petition, the Supreme Court of Angola ordered the conditional release of the 17 activists on 29 June 2016. They were later given a pardon through the Amnesty Law, approved by the National Assembly on 20 July 2016. 'Supremo angolano arrasa juiz que condonou 17 ativistas', Diário de Notícias, 8 July 2016, <https://www.dn.pt/lusa/interior/ativista-angolano-do-processo-152-detido-por-reclamar-com-juiza-em-tribunal-de-luanda-8917113.html>

'Amnestia abrange 17 ativistas angolanos', Diário de Notícias, 21 July 2016,

<https://www.dn.pt/mundo/interior/amnestia-abrange-ativistas-17-ativistas-angolanos-5297378.html>

¹⁵ 'Jornalista Rafael Marques condenado a seis meses de prisão com pena suspensa', Deutsche Welle, 28 May 2015, <https://www.dw.com/pt-002/jornalista-rafael-marques-condenado-a-seis-meses-de-pris%C3%A3o-com-pena-suspensa/a-18480832>.

¹⁶ 'Angolan journalist settles defamation case over blood diamonds book', 21 May 2015, The Guardian, <https://www.theguardian.com/world/2015/may/21/angolan-journalist-settles-defamation-case-blood-diamonds>.

¹⁷ 'Angolan journalist slapped with 15 new criminal defamation charges', CPJ, 25 March 2015, <https://cpj.org/2015/03/angolan-journalist-slapped-with-15-new-criminal-de.php>.

¹⁸ 'Marcos Mavungo condenado a 6 anos de prisão maior', RFI, 14 September 2015,

<http://pt.rfi.fr/angola/20150914-marcos-mavungo-condenado-6-anos-de-prisao-maior>

¹⁹ 'Angola: José Marcos Mavungo acquitted and released!', Worldwide Movement for Human Rights, 27 May 2016, <https://www.fidh.org/en/issues/human-rights-defenders/angola-jose-marcos-mavungo-acquitted-and-released;>

in 2003 that documented human rights abuses, and which had been banned by the Provincial Court of Cabinda on the grounds of alleged involvement in politics and incitement to violence in 2006.²⁰

4. Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the government received 15 recommendations relating to the freedom of expression and access to information. Of the recommendations received, 10 were accepted and five were noted. However, as discussed below, the government did not take effective measures to implement these recommendations.

4.2 Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 40 of the Constitution also guarantees the right to the freedom of expression, albeit with limitations.²¹

4.3 On 23 January 2017, a ‘social communication legislative package’ (‘pacote legislativo da comunicação social’), consisting of five laws,²² was published in the official Gazette (Diário da República),²³ contains restrictions on the freedom of the press. Law 2/17 establishes a new regulatory entity, the Entidade Reguladora da Comunicação Social Angolana, which has the power to guarantee “effective editorial responsibility in case of violation of the law or principles” (article 3).²⁴

²⁰ Angola. “They want to keep us vulnerable” - Human rights defenders under pressure’, March 2015, The Observatory for the Protection of Human Rights Defenders, AJPD, <https://www.fidh.org/en/region/Africa/angola/angola-they-want-to-keep-us-vulnerable-human-rights-defenders-under>

²¹ Article 40 (3) outlines that the freedoms of expression and information are limited by “rights of all to good name, honour and reputation, image and reputation image and reservation of the intimacy of private and family life, the protection of children and youth, State secret, the secret of justice, professional confidentiality and other guarantees of those rights, under the terms established by law.” Article 40 (4) states that “offenses committed in the exercise of freedom of expression and information shall incur its author in disciplinary, civil and criminal liability under the law.”

²² The five laws are: Lei nº 1/17 – Lei da Imprensa (Press Law); Lei nº 2/17 – Lei Orgânica da Entidade Reguladora da Comunicação Social (Organic Law of the Social Media Regulatory Entity); Lei nº 3/17 – Lei sobre o Exercício da Actividade de Televisão (Law on the Exercise of Activities of Television); Lei nº 4/17 – Lei sobre o Exercício da Actividade de Radiodifusão (Law on the Exercise of Broadcasting Activities) and Lei 5/17 – Lei sobre o Estatuto do Jornalista (Law on the Statute of Journalists). See ‘Pacote Legislativo da Comunicação Social, Government of Angola, 14 September 2018, <http://www.mcs.gov.ao/verlegislacao.aspx?id=1192>; ‘Diário de República’, 23 January 2017, <http://www.governo.gov.ao/download.aspx?id=1192&tipo=legislacao>.

²³ The social communication legislative package was initially approved by Angola’s Parliament on 18 November 2016. On 26 June 2017, the Constitutional Court rejected a petition to declare articles 7 and 10 of the Press Law as unconstitutional. See ‘Tribunal rejeita pedido de inconstitucionalidade sobre Lei de Imprensa em Angola’, Diário de Notícias, 11 July 2017, <https://www.dn.pt/lusa/interior/tribunal-rejeita-pedido-de-inconstitucionalidade-sobre-lei-de-imprensa-em-angola-8628699.html>.

²⁴ ‘Parlamento angolano aprova polémico pacote para comunicação’, Deutsche Welle, 18 November 2016, <https://www.dw.com/pt-002/parlamento-angolano-aprova-pol%C3%A9mico-pacote-para-comunica%C3%A7%C3%A3o/a-36445520>.

4.4 Article 7 of the Press Law (Law 1/17) outlines the limitations on press freedom, including in relation to the “the principles, values and norms of the Constitution” as set out above (see 4.2). Article 29 (6) of the Press Law (Law 1/17) gives the ministry responsible for social communication the discretion to oversee the periodic compliance of the media’s editorial status and to sanction those in default. Article 29 (7) foresees as sanctions “the suspension of activity or circulation for a period of three to nine months, with the cancellation of the activity of the company, body or circulation of the publication in case of recidivism.” This could also lead to a fine of 100,000 to 500,000 kwanzas (approx. US\$316 to US\$1,581) under article 83 (g).

5. Freedom of peaceful assembly

5.1 During Angola’s examination under the 2nd UPR cycle, the government received seven recommendations on the right to the freedom of peaceful assembly. Of the recommendations received, Angola accepted five and noted two. However, as evidenced below, the government has failed to adequately realise these recommendations.

5.2 Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 47 of the Constitution also guarantees the right to the freedom of assembly, peacefully and unarmed, without prior authorisation. However, in practice, protests have often not been allowed by the authorities but there has been an improvement when people assemble in Luanda since president João Lourenço took over power. However intimidation, arbitrary arrests and judicial harassment are systematically used to prevent protests from taking place in some areas, such as Cabinda.

5.3 Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies²⁵, in practice protests have often been banned by the authorities. On 14 August 2017, in the run-up to the general elections on 23 August 2017, the Minister of Interior distributed a communiqué to provincial governments recommending them to ban any protests of organisations and activists not affiliated with political parties competing in the elections.”²⁶

5.4 In some of Angola’s provinces, in particular Cabinda, protests are systematically banned. Provincial authorities also deploy methods of intimidation, harassment, arbitrary arrests and judicial prosecution to prevent protests from taking place. As set above (see 3.8), HRDs José Marcos Mavungo and Arão Bula Tempo were arrested

²⁵ Article 3 of Law 16/91 on the Right of Meeting and Manifestations / Assemblies of 1991²⁵ also confirms that citizens have the right to “meet and protest peacefully, in public places, open to the public and individuals, irrespective of any authorisation, for purposes not contrary of law, morality, public order, public security and the rights of individual and collective persons.” Organisers of peaceful assemblies and meetings in public places only need to notify the Governor of their Province or the Commissioner three working days in advance of the protest (article 6(1)).

²⁶ ‘Governo angolano recomenda proibição de manifestações de organizações não concorrentes às eleições’, VOA, 14 August 2017, <https://www.voaportugues.com/a/governo-angolano-proibe-manifestacoes--nao-concorrentes-eleicoes/3984587.html>.

and prosecuted for crimes against state security after organising a protest in March 2015 against poor governance and human rights abuses in Cabinda.

- 5.5** Prior to a planned protest on 16 December 2017, police officers arrested 29 activists of the human rights organisation the human rights organisation Associação para o Desenvolvimento da Cultura dos Direitos Humanos (ADCDH) in Cabinda while they were on their way to a protest to denounce human rights violations in Cabinda.²⁷ The activists claim that they notified the Governor of the protest, as required by law, and that the protest had not been banned as they had not received a response.²⁸ The activists were later released but were reportedly required to present themselves to the police the next day. On 15 December 2018, seven ADCDH activists²⁹ and two other people who were taking photos were detained shortly after the start of their protest in Cabinda to commemorate 70 years of the Universal Declaration of Human Rights. They were released late the same day.³⁰
- 5.6** On 9 April 2018, the District Court of Malanje sentenced three student protesters - Afonso Simão Muatxipululu, Justino Horácio António Valente and António José Fernando - to prison sentences of five to six months on charges of insult of public authorities and disturbance of the functioning of sovereign bodies, the latter a crime against state security. Two other students were acquitted, while another student was sent to juvenile court.³¹ The National Police of Malanje subsequently banned two planned protests, on 21 and 22 April 2018, to demand that the three students be freed.

²⁷ 'Detenções em Cabinda: Ativista diz que João Lourenço é "cúmplice da degradação social"', Deutsche Welle, 17 December 2017, <https://www.dw.com/pt-002/deten%C3%A7%C3%B5es-em-cabinda-ativista-diz-que-jo%C3%A3o-louren%C3%A7o-%C3%A9-c%C3%BAmplice-da-degrada%C3%A7%C3%A3o-social/a-41828508>.

²⁸ 'Cabinda: Governo mantém silêncio sobre marcha de activistas marcado para sábado', VOA, 14 December 2017, <https://www.voaportugues.com/a/cabinda-activistas-convocam-manifestao-para-sabado/4164058.html>.

²⁹ The seven were Alexandre Kwanga Nsito, Félix Ngonda Baveca, Celestino Manhito, João Muanda, José Hilário Gime, Marcos Lúbuca and Pedro Bumba.

³⁰ 'Ativistas voltam a denunciar "detenções arbitrárias" em Cabinda', Deutsche Welle, 16 December 2018, <https://www.dw.com/pt-002/angola-ativistas-voltam-a-denunciar-deten%C3%A7%C3%B5es-arbitr%C3%A1rias-em-cabinda/a-46763471>.

³¹ 'Três manifestantes de Malanje condenados por injúria às autoridades', Angola24horas.com, 11 April 2018, <https://angola24horas.com/index.php/lifestyle/item/10080-manifestantes-de-malanje-condenados-a-sete-meses-de-prisao>; 'Jovens condenados a prisão por distúrbios na presença do vice-PR angolano', Diário de Notícias, 12 April 2018, <https://www.dn.pt/mundo/interior/tres-jovens-condenados-a-prisao-por-disturbios-na-presenca-do-vice-pr-angolano-9252955.html>. According to OMUNGA, two of the three were not part of the protest, but were there for other reasons. See 'Tribunal Suprema liberta os três jovens de Malanje', Folha8, 17 July 2018, <https://jornalf8.net/2018/tribunal-supremo-liberta-os-tres-jovens-malanje>.

6. (F) Recommendations to the Government of Angola

6.1 Regarding the freedom of association

- Amend Law 6/12 of 8 January 2012 on Private Associations, and remove any vague and restrictive provisions, to bring its provisions into compliance with ICCPR articles 21 and 22.
- Ensure that all CSOs are able to duly register and remove any administrative barrier against the registration of associations.
- Continue to hold meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.

6.2 Regarding the protection of human rights defenders

- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Initiate a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Specifically, suitably amend Law 23/10 of 3 December 2010 on Crimes against State Security law, in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Review and amend the social communication legislative package, and in particular the Press Law, in order to ensure that it is in line with international standards.
- Repeal all criminal defamation provisions in the Penal Code and other laws.
- Ensure that the new regulatory media entity, the Entidade Reguladora da Comunicação Social Angolana, is in practice autonomous and independent.

- Organise inclusive consultations with journalists and media in order to resolve disputes that exist concerning the new social communication legislative package.
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.

6.4 Regarding the freedom of peaceful assembly

- Amend Law 16/91 on the Right of Meeting and Manifestations / Assemblies of 1991 in order to guarantee fully the right to the freedom of peaceful assembly.
- Repeal article 26 of Law 23/10 of 3 December 2010 on Crimes against the Security of the State.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.
- Ensure that all peaceful assemblies are allowed on the whole territory, including Cabinda and Lunda Norte. Refrain from arbitrary arrests, intimidation and judicial harassment in relation to peaceful assemblies.

Annex: Assessment of implementation of civic space recommendations under the 2nd cycle

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.64 Continue to involve Angolan civil society actors, notably those working in the field of human rights, in the implementation of the policy already defined by the Government (Senegal)</p>	Accepted	Freedom of association	<p><u>Partially implemented</u> Recently, the administration of President Lourenço started a dialogue with civil society actors On 4 December 2018, the President received several civil society groups and activists, including independent human rights organisations to discuss human rights and the fight against poverty and corruption (see 2.4)</p>
<p>A – 134.65 Invite the Special Rapporteur on Freedom of Expression to visit Angola in order to demonstrate your commitment to foster an environment where journalists, civil society and opposition members can operate freely and independently (United States of America)</p>	Accepted	Freedom of expression	<p><u>Not implemented</u></p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.123 Fully respect freedom of expression, opinion, association and peaceful assembly in accordance with Angola’s obligations under the International Covenant on Civil and Political Rights (Belgium)</p>	<p>Accepted</p>	<p>Expression Association Peaceful Assembly</p>	<p><u>Not implemented</u></p> <p>Since Angola’s last UPR review, there have been several violations of the freedoms of expression, peaceful assembly and association. Several restrictions remain, especially in areas such as Cabinda, where civic space is more restricted.</p> <p><u>Association:</u> some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration (see 2.3)</p> <p><u>Expression:</u> The ‘social communication legislative package’ (‘pacote legislativa da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4), while several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p> <p><u>Peaceful Assembly:</u> Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies, in practice protests have been often banned by the authorities (see 5.3-5.4) and protesters arbitrarily arrested (see for example 5.4-5.6).</p>
<p>A – 134.124 Amend its legislation to protect freedom of expression, including freedom of the press (Slovenia)</p>	<p>Accepted</p>	<p>Expression</p>	<p><u>Not implemented</u></p> <p>The ‘social communication legislative package’ (‘pacote legislativa da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.125 Ensure the protection of the rights of individuals – including members of civil society organisations, the media and the political opposition – to assemble and speak free from intimidation and harassment (Canada)</p>	Accepted	<p>Expression</p> <p>Peaceful Assembly</p> <p>HRDs and journalists</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> - Several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6). - Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies, in practice protests have been often banned by the authorities (see 5.3-5.4) and protesters arbitrarily arrested (see for example 5.4-5.6).
<p>A – 134.126 Improve the space of free operation of independent media, including state media, reinforce monitoring and sanctioning of abuses of media legislation and create an enabling working environment for journalists (Czech Republic)</p>	Accepted	Expression	<p><u>Not implemented</u></p> <p>The ‘social communication legislative package’ (‘pacote legislativo da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4), while several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.127 Take measures to fully guarantee the respect of freedom of expression and of freedom of association and assembly (France)</p>	<p>Accepted</p>	<p>Expression Peaceful Assembly Association</p>	<p><u>Not implemented</u></p> <p>Since Angola’s last UPR review, there have been several violations of the freedoms of expression, peaceful assembly and association. Several restrictions remain, especially in areas such as Cabinda, where civic space is more restricted.</p> <p><u>Association:</u> some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration (see 2.3)</p> <p><u>Expression:</u> The ‘social communication legislative package’ (‘pacote legislativa da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4), while several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p> <p><u>Peaceful Assembly:</u> Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies, in practice protests have been often banned by the authorities (see 5.3-5.4) and protesters arbitrarily arrested (see for example 5.4-5.6).</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.128 Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders, journalists and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6, 27/5 and 27/31 (Ireland)</p>	<p>Accepted</p>	<p>HRDs and journalists</p>	<p><u>Not implemented</u></p> <p>Several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.129 Further promote freedom of expression, association and the press (Senegal)</p>	<p>Accepted</p>	<p>Expression Association</p>	<p><u>Not implemented</u></p> <p><u>Expression:</u> The ‘social communication legislative package’ (‘pacote legislativa da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4), while several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p> <p><u>Association:</u> some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration (see 2.3). There have been some positive steps under the administration of President Lourenço, such as the first legal registration of a LGBTQI rights organisation (see 2.5) and the start of a dialogue of with civil society actors, including independent human rights organisations on human rights, the fight against poverty and corruption (see 2.5)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.130 Respect, protect and promote freedom of expression of journalists, in particular with regard to the well-established international human rights principle that public officials should tolerate more, rather than less, criticism than private individuals (Sweden);</p>	Accepted	Expression	<p><u>Not implemented</u></p> <p>The ‘social communication legislative package’ (‘pacote legislative da comunicação social’), contains restrictions on media freedoms (see 4.3-4.4), while several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p>
<p>A – 134.131 Respect the right of peaceful association according to its domestic law and international human rights law (Costa Rica)</p>	Accepted	Association	<p><u>Not implemented</u></p> <p>Some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration (see 2.3). There have been some positive steps under the new administration, such as the first legal registration of a LGBTQI rights organisation and the start of a dialogue of with civil society actors, including independent human rights organisations on human rights, the fight against poverty and corruption (see 2.5)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.132 Make procedures for registration of civil society organisations transparent, non-discriminatory and expeditious (Norway)</p>	<p>Accepted</p>	<p>Association</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> - Some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration. Registry and notary services can deny the re1gistration of associations whose constitution or statutes are not in line with this law, without referring to an appeal process for associations denied registration (see 2.3) - Additionally, Presidential Decree 74/15 of 23 March 2015 on the Regulation of Non-Governmental Organisations placed additional restrictions on the freedom of association of national and international CSOs, including the need to register with several ministries, burdensome registration requirements, excessive discretion and oversight by the authorities, restrictions on receiving funding and vague grounds to suspend CSOs. The Decree was struck down by the Constitutional Court in July 2017 (see 2.4)

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.133 Take the necessary measures to create a safe and favourable environment for civil society by respecting the human rights of all individuals, in particular the rights to freedom of expression and association (Switzerland)</p>	<p>Accepted</p>	<p>Expression Association</p>	<p><u>Not implemented</u> Association</p> <ul style="list-style-type: none"> - Some of the provisions of Law 6/12 on Private Associations are vague and open to interpretation, while giving the magistrates of the Public Ministry the power to dictate the legality of associations, which can lead to de-registration. Registry and notary services can deny the re1gistration of associations whose constitution or statutes are not in line with this law, without referring to an appeal process for associations denied registration (see 2.3) - Additionally, Presidential Decree 74/15 of 23 March 2015 on the Regulation of Non-Governmental Organisations placed additional restrictions on the freedom of association of national and international CSOs, including the need to register with several ministries, burdensome registration requirements, excessive discretion and oversight by the authorities, restrictions on receiving funding and vague grounds to suspend CSOs. The Decree was struck down by the Constitutional Court in July 2017 (see 2.4) <p><u>Expression:</u> several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)</p>

Recommendation	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p>A – 134.134 Fully respect peaceful assembly in accordance with Angolan and international human right law (United Kingdom of Great Britain and Northern Ireland)</p>	Accepted	Peaceful Assembly	<p><u>Peaceful assembly</u>: Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies, in practice protests have been often banned by the authorities (see 5.3-5.4) and protesters arbitrarily arrested (see for example 5.4-5.6).</p>
<p>N – 135.31 End the practice of using criminal defamation laws to restrict freedom of expression and peaceful assembly and association in accordance with international obligations (United States of America)</p>	Noted	<p>Freedom of expression</p> <p>Freedom of peaceful assembly</p> <p>Freedom of association</p>	<p><u>Not implemented</u></p> <p>Several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6) Defamation is a criminal offence.</p>
<p>– 135.34 Respect the right to peaceful assembly in accordance with Angolan and international human rights law; take steps to decriminalise press offences, in line with international standards; and ensure journalists and human rights defenders are not intimidated (Australia)</p>	Noted	<p>Freedom of peaceful assembly</p> <p>Freedom of expression</p> <p>HRDs and journalists</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> - Peaceful Assembly: Despite the legal guarantees that no authorisation is needed to hold peaceful assemblies, in practice protests have been often banned by the authorities (see 5.3-5.4) and protesters arbitrarily arrested (see for example 5.4-5.6). - Several pieces of restrictive legislation, including provisions on criminal defamation in the Penal Code and several restrictions under Law 23/10 of 3 December 2010 on Crimes against the Security of the State, have been used against HRDs and journalists critical of the government (see 3.3-3.6)