

SUBMISSION TO THE 34th SESSION OF THE UNIVERSAL PERIODIC REVIEW

ANGOLA

1. This submission was drafted in March 2019 on the basis of the latest information available to IFOR at that time. It may be noted that the deadline for submission fell one day before the Human Rights Committee was due to publish its concluding observations on Angola's second periodic report under the International Covenant for Civil and Political Rights, and that it has not therefore been possible to refer to these.

2. It might also be noted that Angola's mid-term report after the second UPR cycle was submitted late, and in Spanish. A Portuguese version was not made available – therefore it was inaccessible to most of the population.

1) Military Service and Conscientious Objection

3. The Military Service Law (*Lei Geral do Serviço Militar*), No. 1/93, of 26th March 1993, stipulates that all male citizens are required, in the year of their eighteenth birthday, to register for military service. Liability to perform military service (Article 2, Paragraph 1 of Law 1/93) applies from 1st January of the year of the 20th birthday until 31st December of the year of the 45th birthday. Women with academic qualifications in certain fields are also required to register for military service (Article 24 of Law 1/93).

4. Article 10, Paragraphs 5-7 (paragraphs 1-4 do not seem to exist) of Law 1/93 states that persons liable for military service who are conscientious objectors will perform an appropriate civilian service, to be the subject of specific implementing regulations.¹

5. As far as is known, however, such regulations have never been promulgated, and no Angolan conscientious objectors have performed an alternative civilian service. Angolan antimilitarist organisations insist that conscientious objectors are not in practice released from military service, exemptions being given only to persons with disabilities or severe illness, and to students for the duration of their studies, provided that they have registered for military service.

6. The duration of obligatory military service is two years, but this may as necessary be extended or reduced by one year on the authority of the National Assembly if “conditions of service permit”.²

7. Each January the Ministry of Defence issues a decree calling on male citizens entering their eighteenth year, whether or not resident in Angola, to register. From November 1998 until the end of 2001,

¹ *5.Os cidadãos nacionais do sexo masculino com idade compreendida entre os 20 e 45 anos. objectores de consciência, nos termos da lei, prestarão Serviço Militar na modalidade do serviço cívico adequado a essa situação.*

6 As disposições do número anterior são aplicáveis aos cidadãos do sexo feminino objectores de consciência, na situação a que se refere o artigo 24.º da presente Lei.

7 O serviço cívico tem âmbito nacional e será objecto de regulamentação própria.

² Coalition to Stop the Use of Child Soldiers (London), *Child Soldiers Global Report 2008*, p. 46.

registration was extended to those entering their seventeenth year, so that the Law did briefly allow for the conscription of some 17-year-olds.³

8. Following the end of the war against UNITA, no such decrees were issued in 2002 or 2003. In January 2004, however, they resumed, and in 2005 the summons to register was also addressed to all those born between 1981 and 1986 who had not previously registered. Those born between 1970 and 1974 (i.e. approaching the upper age limit) were also called upon to “regularize their military situation”.⁴

9. In the longer term, the Committee on the Rights of the Child, in examining Angola's Initial Report under the Optional Protocol to the CRC, recorded its concern “about the low birth registration rate, with a considerable divide between urban and rural areas, and (...) that the legal requirement for all children to obtain an identification card by the age of 10 is not always implemented in practice, which may lead to under-age recruitment into the armed forces.”⁵

10. The procedure leading from registration to call-up and actual incorporation in the armed forces is much less clearly documented.

11. It is known that during the civil war both sides relied heavily on forced recruitment raids, known locally as *rusgas*. The typical pattern is of house-to-house searches in the early morning, often backed up by a ban on anyone of military age leaving the country and restrictions on movement within the country. In the course of *rusgas* doors were broken down, and it is alleged that the inhabitants of the searched houses were frequently assaulted; occasionally with sexual assaults on the females. Potential recruits who attempted to flee were sometimes summarily shot. This practice reportedly continued even after the 1993 law had supposedly to regularise the process, but it is believed that it has now ceased.

12. Under article 29 of the Military Penal Code (*Lei dos Crimes Militares*), No. 4/94, of 28th January 1994, those who fail to report for military service – including conscientious objectors - are liable to a sentence of two years imprisonment followed by military service of twice the normal length, i.e.. four years.

13. Deserters may be sentenced to between two and eight years of imprisonment in times of peace and eight to twelve years in time of war. In practice it is alleged that during the civil war deserters were either summarily executed or posted to the front line.

14. As can be seen from the figures quoted under “basic information”, however, the actual proportion of males who proceed from registration to actually performing military service is small. This does not however mean that all military service is effectively voluntary. Persons who are deemed to have particularly useful skills may be summoned for call-up; given the non-existence in practice of conscientious objection provisions, there remains an incentive for potential conscientious objectors not to register

15. Under Article 1, Paragraph 3 of Law 93/1 no person may obtain employment nor enrol in any

³ Coalition to Stop the Use of Child Soldiers (London), *Child Soldiers Global Report 2001*, p. 65.

⁴ Matondo, E. (*Iniciativa Angolana Antimilitarista para os Direitos Humanos*), “Conscientious objection in context of war and militarised society – facing punishment, extra-legal executions, forced disappearances, repression and discrimination”, Unpublished paper delivered at side-event to the 61st Session of the Commission on Human Rights, 30th March 2005.

⁵ CRC/CO/OPAC/AGO/CO/1, para 18.

educational establishment who has not registered for or performed any military service required of him. Access to public services is also restricted. Together, these lead to lifelong educational and economic disadvantage, compounded by social exclusion. Angolans outside the country who do not register may find that they are denied consular assistance and may have difficulty in renewing their passports. All these disadvantages are compounded by the persecution suffered particularly by “non-traditional” churches (see below), an unknown number of whose members might be potential conscientious objectors.

2) FREEDOM OF RELIGION⁶

16. Between independence in 1975 and 1992, the Angolan Government attempted to suppress all churches.

17. Since 1992, there has on paper been religious freedom, but the Government has sought to intervene in detail in the organisation of religious denominations, and a strongly anti-religious bias has persisted. Those churches which were established before 1975 are now considered “traditional” and are given some grudging acceptance. Even they, however, are not immune from obstruction and persecution. It was only in January 2018, after decades of applications, that the Catholic Church's Radio Ecclesia received a licence to broadcast. In August 2017, Government soldiers had demolished three Catholic churches in Zango.

18. An anti-religious ethos still prevails. Angola is the one country in the world which does not recognise Islam as a religion; official sources sometimes refer to the “Islamic church”, and to traditional witch doctors as “pastors”. There seems to be a deliberate attempt to stigmatise all religion by reference to its more violently extremist manifestations.

19. In April 2015 there was a confrontation between the authorities and the “Light of the World” church, whose leader, Jose Kalupeteka, was prophesying the imminent end of the world. Nine policemen and at least 13 church members were killed in the clashes, but according to the opposition UNITA party more than a thousand civilians were killed in the “Massacre of Monte Sumo.”- Kalupeteka and some of his supporters were convicted after trials which failed to meet any standards of due process or legal norms, calling into question the independence of the judicial system. Meanwhile, a call from the Human Rights Office for an independent enquiry has gone unheeded, and government agents implicated in the event continue to walk freely, causing members of evangelical sects to live in a constant atmosphere of fear.

20. After 1992, new churches were allowed to register, but in 2004 it was stipulated that they must produce the signatures of 100,000 adult Angolan citizens, resident in at least 12 of the 18 provinces, to do so. No church has managed to cross this bar. Evangelical churches grouped themselves into four alliances in order to meet this requirement, but on 4th October 2018, a Presidential decree disavowed these groupings, requiring instead each individual church to register within 30 days. None was able to do so. Recent suggestions that the “barrier” might be reduced to 60,000 signatures do not make it significantly more attainable.

21. Government forces have since sealed up more than a thousand of the estimated four thousand places of worship concerned, pasting notices saying “cerrado” (closed), and within smaller print

⁶ The bulk of the information in this section is taken from www.friendsofangola.org/archives/11020, with some additional input from personal sources.

threats of legal action against anyone who attempts to reopen them. Pastors' houses have also been targeted, lest worship should take place there, and there have been official reminders that there is a prohibition on worship in public spaces.

3 RESTRICTIONS ON CIVIL SOCIETY AND THE MEDIA

22. Countrywide protests against the new restrictions on religious organisations had been planned for Saturday 1st December, 2018. These were not banned, but permission was delayed for so long that they were blocked administratively, because the necessary police presence could not be organised at such short notice.

23. This restriction on the freedom of assembly is however mirrored in other areas.

24. A Law restricting the operation of NGOs was in July 2017 deemed unconstitutional by the Supreme Court. However, it still remains in force.

25. Moreover, it has now been reinforced by a new media law of 2018.

4 DEPORTATIONS TO DRC

26. More than 250,000 refugees and other migrants from DRC (some sources suggest almost twice as many) were summarily refouled in 2018. Many of these were fleeing cruel or degrading treatment. Some of the returnees have died; the rest are now living in appalling conditions.

5 THE SITUATION IN CABINDA

27. Our local contacts also draw attention to the “permanent situation of brutal repression in the oil-rich province of Cabinda against Human Rights Defenders and social activists”, parallel to events in the diamond-rich provinces of Luanda Norte and Sul, with in Cabinda also the perpetuation of the “low-intensity war“ against the separatist movement.

5. RECOMMENDATIONS

26. That Angola refrains from further deportations of refugees or other migrants to the DRC, an undisputably unsafe environment.

27. That Angola promulgate without further delay the implementing regulations concerning alternative service for conscientious objectors envisaged in Article 10, paragraphs 5 – 7 of the 1993 Law on Military Service.

28. That Angola abolish the prohibitions on foreign travel, enrolment in educational establishments and employment in public service of male citizens who have not registered for military service.

29. That Angola take urgent action to ensure universal birth registration, and that

meanwhile it introduces effective measures to verify the age of military recruits so as to ensure compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

- 30. That the criteria for registration of churches be significantly relaxed to make them more attainable, and that Islam be recognised as a religion.**
- 31. That as a matter of urgency an independent inquiry be launched into the events known as the “massacre of Monte Sumo”, followed by prosecutions, if appropriate.**
- 32. That Angola repeal the law restricting the operation of non-governmental organisations, which was in July 2017 deemed unconstitutional by the Supreme Court. And the 2018 Media Law.**

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