

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

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(Please use this reference in your reply)

10 July 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 44/3, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of intimidation and harassment of human rights defender and trade union leader Mr. **Eduardo Peres Alberto** and his family, as well as the alarming attack on his daughter, Ms. [REDACTED]. It is believed these violations are in connection with Mr. Peres Alberto's work in defence of human rights, in particular in his capacity as Secretary General of the Union of Higher Education Teachers (SINPES).

Mr. **Eduardo Peres Alberto** is a human rights defender, university professor and political scientist, with an education in politics and a Masters in African History. Mr. Peres Alberto is the leader of SINPES, a role which has seen him take a leadership stance in the industrial action of recent months, in Angola. Under his watch, educators across the country have rallied to protest the allegedly poor working conditions faced by teachers.

According to the information received:

Since 2022, teachers and higher education professors have been on strike in Angola, in protest against the allegedly unsatisfactory state of education in the country. Among the reasons for the teachers' strike were the precarity and financial instability of jobs in this sector, as well as the insufficient and ill-equipped facilities afforded to institutions by the state. Reportedly, due to lack of resources, teachers often have to teach large classes of over 90 pupils. Teachers have also protested against the low wages that employees earn. SINPES has been one of the organizations driving this industrial action.

On 1 November 2022, the second phase of the strike was lifted at the request of the Bishops of the Catholic Church. This temporary agreement was reached on the basis that, should the government not adhere to the teachers' demands, the strikes would resume in February of 2023.

On 27 February 2023, SINPES resumed their strike, as they considered the response to teachers' demand was insufficient. Although a 6% salary increase was proposed to the teachers by the President of Angola, in accordance with

SINPES' wishes, this was subsequently rejected by the government, where a salary proposal of only 2.6 million kwanzas for full-time professors and 1.5 million kwanzas for trainee assistant professors was approved. This proposed salary increase did not meet the organization's demands.

On 5 April, the strike action was again postponed for 30 days.

However, on 9 May 2023, strikes resumed, reportedly due to lack of political will on behalf of the government to engage with the trade unions

*The case of Mr. Eduardo Peres Alberto & [REDACTED]:*

Since 28 March 2023, Mr. Eduardo Peres Alberto has been allegedly subjected to threats, received from unknown perpetrators via his mobile phone. These threats were allegedly in connection to his work in defence of human rights and as the leader of the trade union SINPES. One of the text messages allegedly stated, "You better stop the strike, otherwise what will happen to you, you will see". Text messages of similar threatening nature have also been delivered to the mobile phone of his eldest daughter, Ms. [REDACTED]

On 10 April 2023, between 10 am and 11am, the residence of Mr. Eduardo Peres Alberto and his family in Luanda was vandalized by unknown assailants. The perpetrators trespassed on the property of Mr. Eduardo Peres Alberto and his family and forcibly gained entry to the house by breaking a glass door.

On the same day, following the incident, the human rights defender filed a complaint against the perpetrators at his local police station in Zango. In relation to this complaint, case number 3500/023-02 was opened. In addition to this, Mr. Peres Alberto contacted the KUTAKESA, a non-governmental organisation, in Luanda, to monitor the case in question.

One week later, Mr. Eduardo Peres Alberto discovered an edited photograph of his daughter, Ms. [REDACTED], which had been deposited under the door of his house. The photo was inscribed with words to the effect of "we'll be back" and "next time we will come back to kill", inferring an intention to do harm to the daughter of Mr. Peres Alberto.

On 25 April 2023, the daughter of the union leader, Ms. [REDACTED] was walking along a public road in Luanda, when she was approached by two men on a motorcycle who assaulted her by spraying tear gas into her face at close range. She was subsequently taken to a private hospital in Luanda due to her critical condition where she remained under close supervision for 17 days.

On 15 May 2023, at around 8 pm, unknown perpetrators again broke into the family home of Mr. Eduardo Peres Alberto. The unidentified individuals broke in through the windows, reportedly filled the house with an unknown smoke and attempted to access the room where his wife was at the time. As soon as he realized that the windows were being broken by the perpetrators, the union leader and his family evacuated the house through the back door and

immediately fled in search of safety.

Without prejudging the accuracy of the allegations, we wish to express our deep concern at the serious threats and intimidation perpetrated against the Union leader Mr. Eduardo Peres Alberto, which appear to be in connection with this work in defence of human rights and the expression of his right to freedom of assembly and association, exercised in his capacity as leader of SINPES.

We are also deeply concerned for the wellbeing and safety of Mr. Eduardo Peres Alberto's daughter, Ms. [REDACTED], who, as a result of the tear gas attack against her, sustains physical and psychological harm.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the full details of the protective measures put in place to ensure the physical and psychological security and integrity of Mr. Peres Alberto and his family, notably Ms. [REDACTED].
3. Please provide details, and where available the results of any investigations, prosecutions or criminal charges, and other inquiries conducted in relation to the above mentioned allegations
4. Please explain what measures have been taken to ensure that all human rights defenders in Angola, in particular those working to exercise their right to freedom of expression, peaceful assembly and association, and academic freedom, can carry out their peaceful and legitimate activities without fear of violence and harassment, or other restrictions.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Farida Shaheed  
Special Rapporteur on the right to education

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR) ratified by Angola on 10 April 1992. In particular we would like to draw your Excellency's attention to articles 6, 9, 19 and 21 which enshrine the rights to life, liberty and security of the person, freedom of expression and freedom of association.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would similarly like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to remind your Excellency's Government of the following articles of the Declaration:

- article 5(b) and (c), which guarantee the right to form, join and participate in non-governmental organizations, associations or groups and to communicate with non-governmental or intergovernmental organisations
- article 12(2) and (3), which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Furthermore, we would like to recall that the Special Rapporteur on the situation of human rights defenders noted in her report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR. These provisions require the interference in question to be pursuant to 'legitimate aims', such as in the interests of national security or public safety; public order (*ordre public*); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law, and in the context of the activities of NGOs, the Special Rapporteur has argued that

“difficulties in the formation and registration of human rights associations; criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22, paragraph 2, of the International Covenant on Civil and Political Rights in order to be admissible.” (A/64/226, para. 58.)

We note that article 21 of the ICCPR recognises that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs and human rights defenders (A/HRC/26/29, para 22.).

Moreover, we would like to further refer to articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Angola acceded to on 10 January, that protects the right to work and to assemble freely.

- article 7(a) which ensures the enjoyment of just and favourable conditions of work which ensure, in particular:
- article 8(a) which enshrines the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. It notes that no restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.

In addition, in accordance with article 13 of the International Covenant on Economic, Social and Cultural Rights, everyone has the right to education. As noted by the Committee on Economic, Social and Cultural Rights, the right to education can only be enjoyed if accompanied by the academic freedom of staff and students. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds (general comment 13, para. 39).

Finally, we wish to reiterate that it is the obligation of States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely,

online as well as offline (A/HRC/RES/24/5, op. 2).

Finally, we wish to recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and article 7 of the International Covenant on Civil and Political Rights (ICCPR). We would also like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment." We underline that when a State detains an individual, it is obliged to maintain a heightened level of diligence in regard to the protection of his or her rights.