



# International Covenant on Civil and Political Rights

Distr.: General  
5 December 2022

Original: English

## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

#### Addendum

#### Evaluation of the information on follow-up to the concluding observations on Angola

*Concluding observations (125th session):* [CCPR/C/AGO/CO/2](#), 22 March 2019

*Follow-up paragraphs:* 22, 26 and 46

*Information received from State party:* [CCPR/C/AGO/FCO/2](#), 29 March 2021

*Committee's evaluation:* 22 [C][B], 26 [B][A][C] and 46 [C]

#### Paragraph 22: Voluntary termination of pregnancy and maternal mortality

The State party should review its laws so as to ensure that they do not regulate pregnancy or abortion in a manner that runs contrary to its duty to ensure that women and girls do not have to undertake unsafe abortions and should remove any existing barriers that compel women to resort to clandestine abortions that may endanger their lives and health. It should, in particular:

- (a) Ensure that criminal sanctions are not applied against women undergoing abortion or against medical service providers who assist them in doing so;
- (b) Ensure effective access to quality prenatal and post-abortion health care for women and girls throughout the territory of the State party;
- (c) Ensure access for all persons, especially young persons, to quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods.

#### Summary of the information received from the State party

(a) Abortion is an issue pertaining to the protection of the right to life, which is enshrined in the Constitution. While the Criminal Code (Act No. 38/20 of 11 November 2020) prioritizes the protection of the right to life, it provides for certain exceptions to take account of international human rights practices. After much public consultation and discussion, abortion was considered to be an offence carrying a prison sentence of between two and eight years, except for under the following circumstances, as provided for in article 156 of the Criminal Code: (a) when a woman's life is in danger or she is at risk of suffering serious and

\* Adopted by the Committee at its 136th session (10 October–4 November 2022).



irreversible bodily or mental harm, on the condition that the termination is performed at the request, or with the consent, of the pregnant woman; (b) when the fetus is medically certified to be non-viable; and (c) when the pregnancy is the result of an offence against sexual freedom and self-determination and the termination takes place during the first 16 weeks of pregnancy.

(b) Health facilities and infrastructure are being expanded to ensure effective access to quality antenatal and abortion-related health care. To decentralize the provision of health services, bring them closer to people and ensure the availability of quality health services, funds earmarked for primary health care are directly allocated to the municipalities. Maternal and child mortality have been reduced through the implementation of programmes such as a comprehensive package of maternal and child health care. Presidential Order No. 59/19 of 14 May 2019 provided for the signing of an agreement with the World Bank to fund a project to strengthen the national health system. The project will improve the performance of 300 primary health-care establishments located in 21 municipalities, benefiting women of childbearing age and children under 5 years of age.

(c) A strategic plan exists to raise adolescents' awareness of sexual and reproductive health, helping decrease the rate of pregnancy among girls under 18 years of age. A strategy for comprehensive action for adolescent and child health, which aims to raise awareness and provide information on sexual and reproductive health, was adopted in collaboration with international and national stakeholders.

#### **Committee's evaluation**

[C]: (a)

While taking note of the information provided, the Committee regrets that the State party maintains criminal sanctions for abortion for circumstances outside of those covered under article 156 of the Criminal Code. It reiterates its recommendation.

[B]: (b) and (c)

The Committee welcomes the information on the expansion of health facilities and infrastructure, the direct allocation of funds earmarked for primary health care to municipalities, and the reduction of maternal and child mortality. It requests further information on: (a) measures taken to improve access to quality antenatal and abortion-related health care; (b) the implementation and impact of the programmes, such as the comprehensive package of maternal and child health care, aimed at reducing maternal and child mortality, along with updated statistical data in this respect; and (c) the implementation and impact of the project funded by the World Bank to strengthen the national health system.

The Committee welcomes the information on the adoption of the strategy for comprehensive action for adolescent and child health. It requests further information on: (a) when the strategy was adopted and the activities and actions that have been carried out; (b) the existing strategic plan to raise awareness and provide information on sexual and reproductive health for all persons, especially young persons, and the concrete measures and actions taken; and (c) updated statistical data on the rate of pregnancy among girls under 18 years of age.

#### **Paragraph 26: Excessive use of force and conduct of law enforcement officers**

**The State party should:**

(a) **Ensure that the principles of necessity and proportionality in the use of force are adequately reflected in legislation and policies and complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Intensify the provision of training on international standards on the use of force to law enforcement personnel and raise awareness of those standards among judges, prosecutors and lawyers;**

(c) **Ensure that all instances of excessive use of force by security forces are promptly, impartially and effectively investigated, that those responsible are brought to justice and punished with appropriate penalties and that victims are provided with effective remedies.**

**Summary of the information received from the State party**

(a) The Framework Act on the Organization and Functioning of the Police (No. 6/20 of 24 March 2020) established the principles governing police conduct, notably those of legality, integrity, responsibility, courtesy and privacy. The national police are governed by the Regulations on the Staff Disciplinary Code, adopted pursuant to Presidential Decree No. 38/14 of 19 February 2014, which establish the disciplinary sanctions applicable to various offences. They are also subject to the Organic Statute of the National Police and the Military Crimes Act. All of this legislation is in conformity with international standards, including the Code of Conduct for Law Enforcement Officials. Significant progress has been made on the drafting of a bill on the use of firearms and restraint measures by police forces. Angolan police forces currently observe international principles relating to the use of firearms by law enforcement agencies.

(b) Human rights form part of the national police training curriculum at the National Institute of Forensic Sciences. Within the framework of the 2018 memorandum of cooperation between the Ministry of Justice and Human Rights, the Ministry of the Interior and the National Police, four training courses were organized, which have since been replicated in the provinces, training more than 1,000 members of the security forces, including on the use of force. Cooperation between the Ministry of the Interior and the United Nations Development Programme has resulted in nine training activities in 2020 for staff within the Ministry of the Interior on interacting with the public in a manner that respects human dignity, upholds human rights and observes the principles of equality, dignity and respect in the tasks assigned to them. A total of 375 police officers were trained in human rights standards during the state of emergency/disaster; mechanisms for the defence of human rights; the psychological impact of coronavirus disease (COVID-19); human rights standards relating to detention; human rights standards relating to the use of force; and the responsibilities of the police in the response to COVID-19. A number of non-governmental organizations provide training for officials, offering workshops on citizenship and public security, and the Centre for Human Rights and Citizenship at the Catholic University of Angola conducted training on human rights for 86 prison officers and 55 prosecutors. Human rights have also been included in the curriculum of the National Institute of Judicial Studies to raise awareness among and train judges and prosecutors.

(c) In accordance with the Regulations on the Staff Disciplinary Code, whenever the conduct of an officer constitutes an offence committed in the line of duty or undermines social harmony, an official notice is issued and forwarded to the Public Prosecution Service or the Military Prosecutor's Office to initiate criminal proceedings. The Department of Investigation and Complaints has a specific mandate for cases involving improper conduct by police officers and others who, in the exercise of their duties, violate the rights of individuals. The Department of Investigation and Criminal Prosecution of the Attorney General's Office penalizes such excesses, especially when committed by high-ranking officials. The Department conducts investigations and pretrial proceedings and brings the perpetrators to court. Between 2016 and 2018, 30 per cent of cases in which officers were penalized were related to the ill-treatment of citizens or improper conduct towards them. National police personnel have received more sanctions than the staff of other services, while fire brigade personnel have received the fewest. The national police registered 79 cases in 2017, 186 in 2018 and 7 in 2019. The disciplinary and criminal sanctions applied to the offending agents included prison sentences, resignation or dismissal, fines and written warnings. As a result of the COVID-19 pandemic, in 2020, pursuant to Presidential Decree No. 81/20 of 25 March 2020, on the basis of articles 57 and 58 of the Constitution, State of Emergency Act No. 17/91 of 11 May 1991 and article 4 of the Covenant, a state of emergency and lockdown were declared, restricting the exercise of certain fundamental rights for 60 days. During that time, a number of cases of excessive use of force were recorded, all involving individual actions for which the perpetrators were held accountable. Of the 185 recorded proceedings, 157 consisted of investigations; 26 were disciplinary in nature, 10 were

referred to the military judicial police and 9 are being processed by the Criminal Investigation Service of the Ministry of the Interior. Some of the cases were publicly condemned.

#### **Committee's evaluation**

[B]: (a)

The Committee welcomes the adoption of the Framework Act on the Organization and Functioning of the Police, establishing the principles governing police conduct. It requests further information on the measures taken to ensure the framework's effective application of the established principles.

While welcoming the information that a bill is being drafted which will set out the rules governing the use of firearms and restraint measures by police forces, the Committee requests further information on progress in the development of the bill, including on the expected timeline for its completion and adoption.

[A]: (b)

The Committee welcomes the information on the provision of training for security forces and police officers on the use of force and on the respect of human rights, including during the state of emergency/disaster. It requests further information on measures taken to ensure the sustainability of training activities and further outreach.

[C]: (c)

While taking note of the information on the regulations and procedures put in place whenever an officer's conduct constitutes an offence committed in the line of duty or undermines social harmony, the Committee regrets the lack of any information on steps taken to ensure that victims are provided with effective remedies or specific information on investigations and their results throughout the entire reporting period. It reiterates its recommendation and requests further information on the total number of complaints of excessive use of force received during the reporting period, the number of investigations conducted and the results of those investigations, including any prosecutions of perpetrators and any reparations provided to victims.

### **Paragraph 46: Freedom of assembly**

#### **The State party should:**

(a) **Ensure that all restrictions on peaceful demonstrations that are not strictly necessary and proportional within the meaning of article 21 of the Covenant are lifted;**

(b) **Investigate all allegations of the use of excessive force, intimidation and arbitrary detention against peaceful protesters, and ensure that perpetrators are duly prosecuted and convicted, and that victims are adequately compensated.**

#### **Summary of the information received from the State party**

(a) Freedom of assembly and demonstration is enshrined in article 47 of the Constitution and provided for in Act No. 16/91 of 11 May 1991 on the Right of Assembly and Demonstration. In accordance with article 21 of the Covenant, citizens may demonstrate freely, provided that their actions do not violate the rights of others and are peaceful and respectful of public order and peace. Several demonstrations have taken place; they are generally directed at government authorities or society. In 2018, there were 43 demonstrations with 14,828 participants, and in 2019, there were 63 peaceful demonstrations, all peacefully monitored by the national police.

(b) The means and number of officers deployed by the national police during demonstrations depend on the situation or the problems encountered, observing the principle of proportionality. Mechanisms are in place for investigating possible cases of excessive use of force and holding the perpetrators accountable. All detentions carried out by the police authorities are in compliance with the rule of law, and all detained persons are referred to the

Public Prosecution Service within the legal time limits. Anyone responsible for arbitrary detention is held accountable through disciplinary or criminal proceedings. Some violent acts may be mistaken for demonstrations, including acts of vandalism and violence by citizens, especially in the provinces of Cabinda, Luanda, Lunda Norte and Lunda Sul. These acts are contrary to the principles of human rights as they violate or restrict the rights of other citizens. In such cases, criminal proceedings are initiated. The State party highlights the importance of the adoption and implementation of the National Human Rights Strategy 2020–2022 and its action plan, which are in line with the international treaties monitored by the various treaty bodies.

#### **Committee's evaluation**

[C]

While noting the information provided on demonstrations in 2018 and 2019, the Committee regrets the lack of specific information on measures taken after the adoption of the concluding observations. It reiterates its recommendation and requests further information on: (a) measures taken to ensure that all restrictions on peaceful demonstrations that are not strictly necessary and proportional within the meaning of article 21 of the Covenant are lifted; and (b) the number of complaints received of excessive use of force, intimidation and arbitrary detention of peaceful protesters, the number of investigations conducted and their results, and any prosecutions of perpetrators and reparation provided to victims, including adequate compensation.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

**Next periodic report due:** 2028 (country review in 2029, in accordance with the predictable review cycle).

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