



International Covenant on Civil and Political Rights

Distr.: General
6 August 2014
English
Original: French

Human Rights Committee

Concluding observations on the initial report of Angola

Addendum

Information received from Angola on follow-up to the concluding observations*

[Date received: 24 June 2014]

I. Question: Activities, mandate and functions of the Office of the Ombudsman and compliance with the Paris Principles, including information on the cases received

Reply

1. Article 192 of the Constitution of the Republic of Angola and Act No. 4/06 of 28 April on the Statute of the Office of the Ombudsman determine the activities, mandate and functions of the Office of the Ombudsman.
2. Under article 192 (1) of the Constitution of the Republic of Angola, the Office of the Ombudsman is an independent public body, which defends the rights, freedoms and safeguards of the country's citizens, by ensuring, through informal means, justice and legality in respect of the public administration.
3. Under paragraph 2 of this article, citizens can file complaints with the Office of the Ombudsman regarding the actions or omissions of the public authorities. The Office of the Ombudsman is a purely advisory institution, which examines such complaints and makes the necessary recommendations to the competent bodies to prevent and remedy any potential injustice.
4. The Office of the Ombudsman deals with cases involving, inter alia, central and local public administrative services, public bodies, public enterprises or enterprises with predominantly public share capital and holders of franchises to run public services or assets (article 2 of Act No. 4/06 of 28 April on the Statute of the Office of the Ombudsman).

* The present document is being issued without formal editing.



5. Chapter III of Act No. 4/06 of 28 April concerns the functions of the Office of the Ombudsman: mandate, powers, restrictions regarding intervention and the duty to submit reports and cooperate with the National Assembly (arts. 18, 19, 20 and 21, respectively).
6. The mandate of the Office of the Ombudsman includes:
 - (a) The issuing of recommendations to the competent bodies, in order to remedy illegal acts committed by public administrative bodies and officials or to improve their services;
 - (b) The issuing, on request by the National Assembly, of opinions regarding all matters relating to its activities;
 - (c) Encouraging the dissemination of information on all fundamental rights and freedoms and on its own aims, operating methods and complaints procedure;
 - (d) Intervening, under the relevant legislation, to protect collective or diverse interests in cases involving public administrative bodies or officials;
 - (e) Visiting detainees and assessing their conditions of detention. Whenever the Office of the Ombudsman finds that detainees are being held in inhuman, life-threatening conditions, it has a duty to recommend that the institution visited should immediately improve the conditions in question and to notify the relevant protection body;
 - (f) Examining complaints filed by citizens regarding the acts of public administrative officials;
 - (g) Monitoring the application of recommendations (art. 18).
7. As part of its mandate, on a weekly basis, the Office of the Ombudsman submits a report to the National Assembly containing information on any measures taken, complaints received, steps implemented and outcomes achieved, subject to an annual report that must contain a summary (art. 21).

Compliance with the Paris Principles

8. During the International Workshop on the Establishment of National Human Rights Institutions (NHRIs) in Accordance with the Paris Principles, held on 23 and 24 October 2013 in Luanda by the Office of the Ombudsman of the Republic of Angola, the Ministry of Justice and Human Rights and the Office of the United Nations High Commissioner for Human Rights held in-depth discussions on the Office of the Ombudsman in the light of the Paris Principles. High-ranking Angolan public officials and international experts and consultants from the United Nations system and elsewhere took part in the workshop.
9. The participants concluded that the Angolan Office of the Ombudsman complied in part with the Paris Principles, above all because of the elements listed under article 192 of the Constitution of the Republic of Angola and in Act No. 4/06 of 28 April on the Statute of the Office of the Ombudsman:
 - Independence (vis-à-vis the public authorities, particularly the executive branch of government);
 - The democratic nature of the process by which the Ombudsman is elected (by an absolute majority of the parliamentary representatives serving in the National Assembly);
 - The informal complaints/claims procedure: (for example complaints/claims can be filed with the Office of the Ombudsman through a telephone call, e-mail, fax or by accessing the body's web portal, rather than on headed notepaper; complaints/claims can be made verbally, etc.);

- The fact that the Office of the Ombudsman provides its services free of charge to citizens, including postal correspondence;
- Timeliness;
- Impartiality and confidentiality.

10. In the light of the overriding constitutional requirement, the Office of the Ombudsman focuses on defending the rights, freedoms and safeguards of citizens and, more broadly, human rights. Citizens and legal persons can file complaints or claims with the Office regarding the actions or omissions of the public authorities. As indicated above, the Office of the Ombudsman, which is a purely advisory institution, examines those complaints/claims and makes the necessary recommendations to the competent bodies regarding the prevention and remedy of possible injustices or any illegal acts committed.

11. An overall analysis of the mandates of national human rights institutions set forth in the Paris Principles shows that the Office of the Ombudsman is in almost complete conformity in terms of its functions and characteristics, except in certain cases; for example, as pointed out above, the Office cannot intervene in disputes between private individuals or natural persons.

12. In support of this conclusion, we draw attention, for example, to the mandate of the national human rights institution, the guarantees of independence and pluralism regarding the appointment of its members, its infrastructure, which is suited to the smooth conduct of its activities, in particular adequate funding and its modus operandi in the form of the power to hear any person and obtain any information and any documents necessary for assessing situations falling within its competence.

Cases received in 2013

13. Under article 21 of Act No. 4/06 of 28 April on the Statute of the Office of the Ombudsman, the Office must submit a weekly report on its activities to the National Assembly. This legal requirement is consistently met.

14. The report contains cases or statements registered by category, nature or type of claim or complaint, geographic origin and body cited, as well as any cases that have been resolved, referred or shelved.

15. In 2013, 412 claims made against various public bodies were examined and dealt with; with a number of others being postponed until 2014.

16. As to the nature or type of claims, in general, the majority involve employment law issues (including unlawful dismissals) and issues relating to the judicial system (either the lack of timeliness regarding rulings issued by tribunals and property law claims, or disputes between the State and private individuals over land property titles and the amount of compensation due).

17. The Office of the Ombudsman has intervened in a number of cases of rehousing of citizens as part of urban renewal projects and the relocation of populations previously living in hazardous areas. In such cases, the Office of the Ombudsman keeps in constant touch with the authorities, in order to safeguard the legitimate interests of the private individuals concerned.

Table 1
Cases brought before the Office of the Ombudsman over the last few years

<i>Year</i>	<i>Complaints</i>
2010	291
2011	469
2012	378
2013	412*

* The number of communications received, inter alia, through telephone calls, e-mails, letters or hearings, is actually higher than the reported figure; there are perhaps 20 cases a day but the data presented above only refer to those cases which led to further action.

18. The Office of the Ombudsman has branches in the provinces of Bengo, Cabinda, Cunene, Huambo and Cuanza Sul, and plans to replicate this approach in the provinces of Benguela, Lunda Norte, Lunda Sul, Moxico and Uíge. The aim is to establish a presence in every province of the country.

19. The provincial branches give citizens greater access to the services of the Office of the Ombudsman, meaning that they can discuss their problems on a face-to-face basis.

20. These provincial branches, which are assisted by a legal expert and work closely with the central services, including the technical and legal department, regularly prepare activity reports detailing the cases received and any follow-up.

21. The Office of the Ombudsman of Angola currently chairs the African Ombudsmen and Mediators Association (AOMA), a body that has observer status before the African Union (AU).

22. The main challenges facing the Office of the Ombudsman of Angola are the extension of its services to cover all the country's provinces and the recruitment of qualified staff to increase effectiveness, including in terms of the production of statistics on the number of cases received and processed.

II. Question: Measures to combat domestic violence, effective application of the law and prevention strategies – Statistical data on cases

Reply

23. Angola submitted its sixth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/AGO/6) during the fifty-fourth session of the Committee on the Elimination of Discrimination against Women, in February 2013, in Geneva.

24. On that occasion, the Government of Angola outlined the progress made in terms of the promotion and protection of human rights in the country over the course of the past decade of peace and political stability. The Government focused in particular on the rights of women and pointed to the legislative reforms made and the adoption of specific measures, including strategic gender equality policies.

25. In the view of the Government of Angola, violence against women exists in all societies. However, the executive branch has adopted measures to prevent and combat such practices, in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Legislative reform

26. Over the past few years, the Angolan State has adopted a series of laws safeguarding and strengthening the promotion and protection of the rights of women, including efforts to combat all forms of violence against women.

27. Subsequent to the adoption of Act No. 25/11 of 14 July to Combat Domestic Violence, the following instruments were adopted to ensure the effective implementation of the Act:

- Presidential Decree 26/13 of 8 May approving the Executive Plan to combat domestic violence and the corresponding action plan;
- Presidential Decree 124/13 of 28 August governing the Act to Combat Domestic Violence, setting out a series of measures on support and protection for victims of domestic violence and offender rehabilitation, and harmonizing the operational methods of shelters and family advice bureaux;
- Presidential Decree 222/13 of 24 December approving the national gender equality policy, an instrument designed to bridge the gender gap and gradually change the mentality and conduct of men and women.

28. Through the adoption of these regulations, the Government seeks to enforce the Act to Combat Domestic Violence, in order to reduce the incidence of such violence and to ensure compliance with the international instruments to which Angola is a party.

29. The Act to Combat Domestic Violence applies to victims and perpetrators of the crime, both Angolans and foreign nationals, residing in or transiting through Angola, sharing an emotional bond based on love, family ties, affinity, common-law union, marriage, adoption or a caregiving relationship, subject to the international treaties to which Angola is a party.

Other measures adopted

30. The aim of the Executive Plan to Combat Domestic Violence 2013/17 is to prevent acts of domestic violence, protect victims and adopt and improve multisectoral actions regarding comprehensive care for victims of violence.

31. In taking this approach, the Government is further mobilizing civil society, with the aim of improving the living conditions of families and women through policies and programmes to combat domestic violence and promoting integrity within the family and wider society.

32. The statutory mandate of the Ministry of the Family and for the Advancement of Women, the executive body responsible for implementing the strategy on the promotion and protection of women, has been strengthened through the National Directorate for Gender Equality and the National Directorate for the Rights of Women, which coordinates the family advice bureaux present in each of the country's provinces and works with centres run by NGOs and a unit set up within the Ministry of the Interior to combat violence.

33. As a part of its work, the Ministry of the Family and for the Advancement of Women has created an integrated system of gender equality indicators and is working with the United Nations Population Fund (UNPFA) to coordinate the UNiTE to End Violence against Women campaign.

34. Programmes and initiatives have also been launched to make women (particularly women living in rural areas, women heads of household and women with disabilities) more

independent by providing them with access to health, education, land, safe drinking water, food, accommodation, subsidized loans and income-generating projects.

35. Although the principle of equality is enshrined in the Constitution, misogynistic, culture-based stereotypes and harmful practices persist, particularly in rural areas. However, the Constitution establishes a duty to address such demeaning conduct.

36. In response to this situation, the Ministry of the Family and for the Advancement of Women and the social partners have launched information and awareness-raising campaigns involving workshops held at the provincial, municipal and communal levels to stamp out these practices.

37. By late 2013, 27 advice bureaux, 7 shelters and several drop-in centres had been opened. Draft regulations governing the operation, staff and budget of those facilities are currently being prepared.

38. The shelters are open to victims lacking a social support network able to offer protection and accommodation and to victims involved in life-threatening cases where the perpetrator is not under the supervision of the authorities.

39. Other initiatives include training for journalists on how to approach cases of violence and gender equality, the harmonization of registration procedures and the creation of multisectoral specialized support units in police stations and hospitals.

40. Work has also been carried out to reintegrate victims into society, rehabilitate perpetrators and expand the coverage of hotlines and awareness-raising campaigns on human rights and the dangers of alcohol abuse.

41. A multisectoral team is currently analysing and identifying cultural, religious and social factors and values that fuel the cycle of violence. This work is being supervised by the Ministry of the Family and for the Advancement of Women, together with the Ministries of Culture, Social Communication, the Interior, Justice and Human Rights, Education, Youth and Sports, Higher Education and Science and Technology, the Prosecution Service, NGOs and civil society as a whole.

42. The National Directorate for Criminal Investigations has set up a domestic violence unit staffed by specially-trained officials. The Ministry of the Family and for the Advancement of Women also runs refresher courses on family and legal advice throughout the country (see Table 2).

Table 2

Cases of violence recorded between 2010 and 2012

<i>Type of violence</i>	<i>2010</i>			<i>2011</i>			<i>2012</i>		
	<i>M</i>	<i>W</i>	<i>MW</i>	<i>M</i>	<i>W</i>	<i>MW</i>	<i>M</i>	<i>W</i>	<i>MW</i>
Economic	296	4 456	4 752	401	2 473	3 058	362	2 676	3 394
Physical	423	1 629	2 052	85	409	562	137	754	985
Work-related	46	98	144	5	4	9	4	25	29
Psychological	594	1 728	2 322	442	765	1 271	583	1 180	1 848
Sexual	16	43	59	5	13	18	7	33	40
Total	1 375	7 954	9 329	938	3 664	4 918	1 093	4 668	6 296

Source: National Directorate for the Rights of Women (DNNDM) and provincial Directorates.

Table 3
Types of domestic violence in Angola

Type of violence	2010 MW (%)	2011 MW (%)	2012 MW (%)
Economic	50.9	62.2	53.9
Physical	22.0	11.4	15.6
Work-related	1.5	0.2	0.5
Psychological	24.9	25.8	29.4
Sexual	0.6	0.4	0.6

Table 4
Drop-in centres and shelters

Provinces	Communes	Drop-in centres	Advice bureaux	Shelters	Occupational training centres for women
Bengo	6	6	0	0	0
Bié	9	9	2	1	1
Benguela	9	10	1	0	1
Lunda Norte	10	11	0	0	0
Zaire	6	7	1	0	1
Cabinda	4	1	4	1	2
Cuanza Sul	12	12	0	0	0
Uíge	16	17	0	6	3
Cunene	6	6	1	0	0
Huambo	11	12	0	0	0
Malanje	14	5	0	0	0
Luanda	7	13	1	0	0
Cuanza Norte	9	8	1	0	0
Total	119	117	11	8	8

Table 5
Cases reported in 2013

2013 Type of violence	1st quarter		2nd quarter		3rd quarter		4th quarter		Total		
	M	W	M	W	M	W	M	W	M	W	MW
Physical	34	187	200	464	125	279	40	260	399	1 190	1 589
Economic	108	1 079	416	1 463	228	1 147	127	809	879	4 498	5 377
Psychological	123	350	277	447	219	366	99	303	718	1 466	2 184
Work-related		2	49	49	6	30	0	10	55	91	146
Sexual	2	10	8	89	6	6	3	3	19	108	127
Total	267	1 628	950	2 512	584	1 828	269	1 385	2 070	7 353	9 423

43. The number of cases of domestic violence in Angola has risen over the past few years for the following reasons:

- The opening across the country of more drop-in centres where domestic violence can be reported;
- The strengthening of information campaigns to combat domestic violence;
- The bodies and institutions dealing with cases of domestic violence now cover more of the national territory;
- Women have greater freedom to report domestic violence;
- Increased public confidence in the judicial and human rights system.

44. The gender equality process in Angola is a reality, not just a political slogan. Public, private, civil society and other bodies are involved in the decision-making process regarding the application of all the human rights conventions to which Angola is a party, including the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

45. However, despite the Government's efforts to ensure that women fully enjoy their rights, several challenges remain, including the elimination of all forms of discrimination against women.

III. Question: Concrete measures adopted to speed up the registration of children and adults, including statistical data

Reply

46. Civil registration is a priority for the Government of Angola. However, given the difficulties involved in the ordinary civil registration procedure, several special civil registration campaigns have been carried out in the past few years (1998, 2001 to 2003 and 2005). Those campaigns failed to meet expectations owing to a number of factors, including inadequate infrastructure, a lack of technical and human resources and limited access to isolated areas. As a result, a large number of citizens still do not have national identity documents.

47. In addition to practical concerns and the limited nature of civil registration services across the national territory, other factors of a cultural nature have hampered the civil registration procedure, particularly regarding children. For example, in certain areas, children cannot be given a name until both sides of the extended family have come together to reach a consensus; a process that can take years. Elsewhere in Angola, there exists a long-held cultural belief that children should not be registered before they are five years old.

48. Given the restrictions arising from cultural and other factors, the Government has intensified information and awareness-raising campaigns, distributing leaflets on civil registration to parents in maternity wards as a matter of course.

49. Faced with a lack of reliable data on the number of Angolans not having completed the civil registration procedure, His Excellency the President of the Republic of Angola has adopted a number of temporary implementing measures introduced by Presidential Order 80/13, of 5 September, and Executive Decree 309/13, of 23 September; these involve exemption from the payment of fees relating to birth registration and identity card procedures until 31 December 2016. The authorities estimate that 8 million citizens will be registered across the country as a result of the measures.

50. The following figures are estimates for the number of registrations per year throughout the national territory:

- 1,140,480 registrations carried out by units operating from fixed locations;

- 1,574,400 registrations carried out by mobile units.

51. Added together, these figures amount to 2,714,880 registrations per year, or 8,144,640 registrations for the period in question (100 per cent of the target set). The fact that this mass registration project, which is coordinated by the Ministry of Justice and Human Rights, has been approved is proof of just how important civil registration is to the Government of Angola. The project has had a major impact in terms of dramatically reducing the number of citizens without identity documents.

52. The Government of Angola carried out an exhaustive study of registry offices, according to which there are 198 units operating from fixed locations (77 of which are computerized) and approximately 46 registration booths, 35 of which are fully operational and 11 of which will be open by June 2014 at integrated public Service centres.

53. In order to extend the coverage of this service, the public opening hours of registry offices and identification services were revised in August 2012.

54. The Ministry of Justice and Human Rights, the body responsible for civil registration, expects this measure to reduce waiting times.

55. Offices are open from Monday to Friday, from 7.30 a.m. to 8.30 p.m., unlike most public service departments, which are open from 8.00 a.m. to 3.30 p.m.

56. The number of registrations has increased, owing to the extended opening hours of registration posts and offices.

57. Thanks to the adoption of the above-mentioned measures, the number of new registrations has risen significantly. For example, between September 2013 and January 2014, a total of 700,000 citizens (adults and children) were registered across the country under the Presidential Decree on exemption from fees.

58. The number of foreign nationals applying for Angolan citizenship has increased as a result of the exemption from registration fees. Consequently, there are plans to introduce new technology that can capture biometric data in the form of facial images, iris patterns and complete sets of the finger and thumb prints of both hands. The aim is to prevent infiltration by foreign nationals and illegal registration. The Government of Angola is currently drafting amendments to the Civil Status Code making provision for these new techniques.

59. The mass civil registration programme also covers the Angolan Diaspora. The Government of Angola has set up a unit to register Angolan citizens residing abroad, starting with those living in other Southern African countries. Civil registration campaigns have already been carried out in South Africa, Zambia and Namibia. The following are the results achieved so far:

South Africa

- 809 birth certificates;
- 809 affidavits.

Zambia

- 1,319 birth certificates;
- 1,319 affidavits.

Namibia

- 2,400 birth certificates;
- 1,319 affidavits.

60. With the support of several international bodies and organizations, the Ministry of Justice and Human Rights is working to increase the number of citizens with birth certificates. In January 2014, the European Union (EU) and the United Nations Children's Fund (UNICEF) signed an agreement under which €17 million of funding will be provided for the implementation of a programme on birth registration and access to justice for children.

Final remarks

61. The Republic of Angola is working to remove any obstacles to its citizens' enjoyment of their rights, freedoms and safeguards. During a year-long evaluation period, government bodies worked to implement the recommendations and to meet all the country's commitments.

62. The Angolan authorities are currently strengthening the dialogue on human rights with civil society, foreign governments and regional and international bodies.

63. A national education strategy on a human rights culture is being prepared. This strategy will involve the integration of human rights into the formal education systems and school and informal curricula, through work with grass-roots organizations and the media.

64. The Government of Angola wishes to gain International Coordinating Committee of National Institutions for the Promotion and Advancement of Human Rights (ICC) accreditation for the Office of the Ombudsman and will continue to improve information on and the protection of victims of domestic violence in general and women and children in particular.

65. Lastly, the Government undertakes to improve birth registration infrastructure and services, in order to reach out to all Angolan citizens.
