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Civil and Political Rights**

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Item 7 of the provisional agenda

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

**List of issues in relation to the second periodic report of
Angola**

Addendum

Replies of Angola to the list of issues*

[Date received: 30 October 2018]

* The present document is being issued without formal editing.



Introduction

1. In response to the Committee's request, the Government of the Republic of Angola has the honour to submit the following clarifications and additional information, in keeping with the dialogue it maintains in all areas with the United Nations system.
2. These replies to the list of issues have been produced by the Intersectoral Committee for the Preparation of National Human Rights Reports.

Clarifications concerning the list of issues

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Implementation and dissemination of the Covenant and its first Optional Protocol

3. In recent years, there have been a number of cases in which the Covenant has been referred to by the courts:

(a) Judgment No. 123/2010 refers to the principles of equality before the law, the right of appeal and the right not to be subjected to arbitrary arrest (articles 9, 10 and 14 of the Covenant);

(b) Judgment No. 121/2010 on special remedies, in a case brought by one of the parties, refers to the right to equality before the courts (article 14 of the Covenant);

(c) Judgment No. 130/2011 on a posteriori review, in a case brought by the Angolan Bar Association, refers to the Universal Declaration of Human Rights (arts. 11, 18, 19 and 20), the African Charter on Human and Peoples' Rights (arts. 9, 10 and 11) and the Covenant (art. 14);

(d) Judgment No. 467/2017 on a posteriori abstract review, in a case brought by the Angolan Bar Association on the application of certain articles of Act No. 25/15 of 18 September 2015 (Interim Measures in Criminal Proceedings Act), refers to article 9 of the Covenant;

(e) Constitutional Court judgment No. 486/2017 and Supreme Court judgment No. 1773/2011 refer to the right to life (article 6 of the Covenant);

(f) Constitutional Court judgment No. 488/2018 refers to the principle of the presumption of innocence and the principle of legality (articles 14 (2), 15 and 26 of the Covenant);

(g) Constitutional Court judgment No. 489/2018 refers to the principle of child protection and children's rights (article 24 of the Covenant);

(h) Constitutional Court judgment No. 502/2018 refers to the right to life and to liberty and security of person (article 9 of the Covenant).

4. With regard to measures taken to raise awareness of the Covenant, in addition to those referred to in the report, the following should be noted:

(a) The curriculum of the National Institute for Judicial Studies, which is responsible for the training of judges and magistrates, includes a semester-long module on human rights that covers the specific topic of the Covenant and its Optional Protocols;

(b) A human rights module has been included in the curriculum of the Higher Institute of Police and Criminal Sciences;

(c) In July 2018 the Ministry of Justice and Human Rights and the Ministry of the Interior signed a protocol of cooperation on human rights; one of the actions to be taken under the protocol is human rights training for law enforcement officials, including on the

topic of the Covenant. The first training-of-trainers workshop was conducted in September 2018;

(d) A book entitled *Sistemas Internacionais e Nacionais de Direitos Humanos* (International and National Human Rights Systems), which includes information on the Covenant, has been produced and distributed (750 copies);

(e) A handbook on basic training in human rights, *Conhece e Defende os teus Direitos* (Know and Defend Your Rights), has been published (Ministry of Justice and Human Rights, 750 copies);

(f) Information has been made available on the website of the Ministry of Justice and Human Rights: <http://servicos.minjusdh.gov.ao>.

2. Measures taken to revise the Ombudsman Act to ensure that it fully complies with the Paris Principles

5. The revision of the Act establishing the Office of the Ombudsman (Provedoria de Justiça) to ensure that it is aligned with the Paris Principles is currently ongoing, notably since the election of the new Ombudsman, and is being carried out in collaboration with other institutions such as the Ministry of Justice and Human Rights.

6. Meanwhile, it should be noted that the Office of the Ombudsman is an independent public entity whose objective is to defend the rights, liberties and safeguards of the country's citizens, using informal means to ensure justice and legality in public administration.

7. In general, the regulations governing the Office of the Ombudsman of Angola are considered to be in accordance with the Paris Principles with regard to competence, responsibilities and constitutional mandate. Thus, as in other countries, the Ombudsman acts as the national human rights institution.

8. Recently, the Ombudsman of Angola joined the Alliance of National Human Rights Institutions of the Southern African Development Community (SADC), and a new team was chosen for the Ombudsman.

9. The Ministry of Justice and Human Rights coordinates a working group on the constitution and/or identification of the national human rights institution of Angola in accordance with the Paris Principles.

3. Implementation of the Committee's Views

10. With regard to the follow-up and implementation of the Committee's recommendations, see the second periodic report submitted by Angola: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAGO%2f2&Lang=en.

11. With regard to communication No. 1128/2002, *Rafael Marques de Morais v. Angola*, the applicant sought compensation from the Ministry of Justice and Human Rights. As is well known, the Angolan justice system, like other justice systems, provides that compensation should be calculated/specified by a court, and the applicant was advised accordingly.

12. The same is expected of the applicant Carlos Dias (communication No. 711/1996).

Equality between men and women (arts. 2, 3, 25 and 26)

4. Measures taken to increase women's participation in public life

13. The Political Parties Act ensures that women account for at least 30 per cent of the persons included in political parties' lists of candidates standing for office in general elections. In addition, Angola is a party to the SADC Protocol on Gender and Development, which provides for a quota of 50 per cent.

14. The Ministry for Social Action, the Family and the Advancement of Women, together with other ministries, is conducting awareness-raising campaigns, lectures and other activities to ensure that the quotas are observed, primarily in the context of the local elections to be conducted in 2010.

15. The current situation in terms of women's representation is as follows: Government, 37.5 per cent; secretaries of State, 16.32 per cent; provincial governors, 2 out of 18; Parliament, 30.5 per cent; procurators of the Public Prosecution Service, 34.4 per cent; judges, 38 per cent; officials of the Ministry of Justice and Human Rights, 49 per cent.

Non-discrimination (arts. 2, 25 and 26)

5. Equality and Non-Discrimination Act and ratification of the International Convention on the Elimination of All Forms of Racial Discrimination

16. Article 23 (1) of the Constitution of Angola enshrines the principle that all citizens are equal before the Constitution and the law, and article 23 (2) provides that no one may be discriminated against on the grounds of ancestry, sex, race, ethnicity, colour, disability, language, place of birth, religion, political, ideological or philosophical beliefs, level of education, economic or social status, or profession. Acts of discrimination can be tried before the Angolan courts through the submission of a complaint.

17. The draft Criminal Code (currently in the final phase of discussion in the National Assembly), in its chapter IV on offences against human dignity, includes a section on discrimination that provides as follows: "A penalty of up to 2 years' imprisonment or a fine of up to 240 days shall be incurred by any person who, on the basis of race, colour, ethnicity, place of birth, sex, sexual orientation, non-disqualifying illness or physical or mental disability, belief or religion, political or ideological opinion, social origin or status or any other ground of discrimination: (a) refuses to contract or employ another person; declines to provide or restricts the provision of goods or services; prevents or restricts another person's exercise of economic activity; or penalizes or dismisses a worker".

18. Accordingly, as the Constitution, the Family Code, the Criminal Code and other laws in Angola include regulations on equality between men and women, there is no need for a specific law, since this provision is contained in all legislation, including the HIV/AIDS Act (No. 8/04), article 5, the Domestic Violence Act and the National Policy for Gender Equality.

19. With regard to measures taken to eliminate stereotypes that discriminate against children with disabilities, Act No. 21/12 on persons with disabilities has had a direct impact on the promotion and protection of the rights of persons with disabilities, including children. This law focuses on recognizing new rights for persons with disabilities and the inclusion of such persons in social life, working life and many other areas. Other legislation designed to strengthen this law has been adopted since then, including the Accessibility Act (No. 10/16 of 27 July 2016) and a national special education policy for inclusion in the school system (Presidential Decree No. 187/17 of 16 August 2017).

20. The international treaties that Angola signed in 2013 (the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention for the Protection of All Persons from Enforced Disappearance) are in the process of being ratified in accordance with the Treaties Act (No. 4/11). The process includes a public consultation, endorsement by the executive branch and ratification by the National Assembly.

6. Measures taken to combat discrimination against migrants and counter negative perceptions

21. Angola is a hospitable country where local populations live in peace and harmony with foreign nationals, without any discrimination or xenophobia. Although border management and migration represent a significant challenge, not only in Angola but also in

many other countries, the Government has never erected physical barriers or obstacles to prevent the entry of immigrants.

22. Migrants, asylum seekers and refugees are treated with dignity and their rights are respected. The State has adopted a number of measures in this regard, including a revised version of the regulations applicable to aliens in Angola (Act No. 2/07 of 31 August 2007) and the Refugees and Asylum Seekers Act and the regulations pertaining thereto.

23. With technical assistance from the International Organization for Migration (IOM), the authorities are currently developing a national migration policy. It is estimated that some 161,345 aliens with regular status and 65,777 refugees and asylum seekers are currently living in Angola.

24. Any incidents in which aliens are victimized are investigated, and those responsible are sentenced in accordance with the law. For example, in the case of a woman who suffered physical abuse in Cabinda in 2016, the officers responsible were sentenced to 4 years' imprisonment; in 2017, the Migration and Aliens Service reported seven cases; in the Province of Zaire, three officers were sentenced to 3 years; and in Cabinda, one officer was sentenced to 7 years.

25. The Ministry of the Interior, the Migration and Aliens Service and other authorities have taken various steps to raise awareness of migrants' rights. The Ministry of Justice and Human Rights, in cooperation with the International Catholic Migration Commission, conducted a series of workshops on the rights of migrants in all provinces of the country, with support from IOM.

Violence against women (arts. 2, 3, 6, 7 and 26)

7. Combating domestic violence

26. Combating domestic violence continues to be one of the Government's strategic objectives and one of the key programmes of the Ministry for Social Action, the Family and the Advancement of Women. This is reflected in the National Development Plan for 2018–2022, in particular under theme 1 on human development and well-being, policy 5 on social assistance and protection (programme 1.5.1 on support for victims of violence).

27. Regarding investigations and prosecutions in domestic violence cases, section 9 of the Provincial Court of Luanda heard 58 cases in 2013, 82 in 2014 and 60 in 2015.

28. In order to encourage and empower women victims of violence to report incidents to the police, the Ministry for Social Action, the Family and the Advancement of Women has conducted training workshops on domestic violence and on Act No. 25/11 and its regulations, and has produced public service advertisements.

29. Under Act No. 25/11, the definition of domestic violence includes any type of sexual violence, that is, "any conduct whereby a person is compelled to witness, maintain or participate in sexual relations, where such conduct involves violence, coercion or threats or where the person is rendered unconscious or otherwise incapacitated". This definition includes sexual harassment.

30. Under the National Development Plan for 2018–2022, one of the goals of programme 1.5.1, on victim support, is to expand the network of shelters and specialized units for the care of victims of domestic violence ("Improving and expanding support for victims of violence, ensuring more humane and professional care through the continuous training of public and community actors and the establishment/strengthening of the care and accommodation network"). The aim is to have at least one shelter in each province by 2020.

8. Measures taken to protect asylum-seeking and migrant women from all forms of violence

31. All women in Angolan territory are protected by law. Women migrants and asylum seekers enjoy the same rights as women who are Angolan citizens.

32. Concerning reports claiming that persons alleged to be members of the security forces have committed acts of violence and human rights violations, including alleged sexual violence, it should be noted that these allegations have not been confirmed and that senior officials and authorities of the United Nations system, such as Ms. Navi Pillay, High Commissioner for Human Rights, the representative of the Secretary-General and even the Special Rapporteur on the human rights of migrants, made several visits to Angola during which they had the opportunity to travel to the locations where the events were alleged to have taken place, in order to ascertain the reality on the ground. In this connection, see the State's replies (CCPR-C-AGO-1 add_1- 14347).

33. As another means of protecting asylum-seeking, refugee and migrant women from all forms of violence, the Ministry for Social Action, the Family and the Advancement of Women, together with civil society organizations (Red Mujer), has offered training in eastern and northern Angola for Angolan refugees who have returned from Zambia and the Democratic Republic of the Congo in order to improve their social integration.

34. Whenever cases of violence are detected, investigations are carried out and the persons responsible are brought to justice.

9. Polygamy and early marriage

35. The Family Code and the Domestic Violence Act prohibit polygamy and early marriage. Polygamy is prohibited by law in Angola; those cases of polygamy that do occur are found in the context of traditional practices.

36. Under article 24 of the Family Code, only persons who are 18 years of age or older may marry.

37. Regarding the exceptions in relation to underage marriage provided for in article 24 (2) and (3) of the Family Code, under which boys may marry at 16 and girls at 15, such marriages may be authorized once the circumstances of the case have been considered in accordance with the principle of the best interests of the child.

38. The Commission for Judicial and Legal Reform is reviewing the Family Code, and matters relating to marriage are among the aspects being studied.

39. In the Province of Malanje, only one underage marriage was recorded in 2017 and none were recorded in 2018; in the Province of Huambo, five were recorded in 2015 and none in the years since then; in Lunda Sul, one was recorded in 2017 and none in 2018; and no underage marriages have been recorded in Moxico or Bié. This information illustrates the rarity of underage marriage.

40. With regard to early pregnancy, on 29 July 2015 the Ministry for Social Action, the Family and the Advancement of Women launched the nationwide campaign *Juntos Contra a Gravidez e Casamento Precoces en Angola* (Joining Forces against Early Pregnancy and Early Marriage in Angola). Awareness-raising talks have been given in schools, training sessions have been held, and leaflets on the causes and consequences of early pregnancy have been distributed at youth festivals held in collaboration with the Ministry of Justice and Human Rights and civil society organizations.

41. A proposed national strategy for preventing early pregnancy and early marriage for the period 2018–2022 is in the process of being adopted. Steps are being taken to identify priority actions to be implemented by State institutions, civil society, the private sector, churches and other stakeholders in order to protect the rights of children and adolescents and to help prevent these practices.

Voluntary termination of pregnancy (arts. 6, 7 and 17)

10. Voluntary termination of pregnancy, maternal mortality, teenage pregnancy and sexual and reproductive health

42. Under the draft Criminal Code, which is now in the final phase of discussion in the National Assembly, the voluntary termination of pregnancy is punishable by 1 to 5 years'

imprisonment, except in the following cases: if it is the only way to save a woman from death or from serious and irreversible bodily harm; if the fetus is medically certified to be non-viable; or if the pregnancy is the result of incest or of an offence against sexual freedom and self-determination, and the termination is performed in the first 16 weeks of pregnancy.

43. Currently, article 359 of the Criminal Code prohibits abortion, in the interest of protecting and preserving life from gestation onward. However, in clinical and therapeutic circumstances in which the mother's life is in danger or when there are anomalies that may jeopardize the normal development of the child, a local medical board is formed for the purpose of deciding whether the pregnancy may be terminated prior to the twenty-second week of gestation.

44. The implementation of programmes such as the Comprehensive Package of Maternal and Child Health Care, which includes family planning, antenatal consultations, vaccination, childbirth assistance, postnatal consultations, newborn care, emergency obstetric and neonatal care and check-ups to monitor children's growth and development, has helped to reduce maternal and child mortality.

45. In the area of sexual and reproductive health, there is a strategic plan designed to raise adolescents' awareness of matters relating to sexual and reproductive health. It has played a part in bringing about a drop in the rate of pregnancy among girls under 15 years of age from 1.6 per cent in 2014 to 1.3 per cent in 2015. The authorities have adopted a comprehensive health strategy for adolescents and youth, in collaboration with the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the United States Agency for International Development (USAID), the Ministry of Education, the Ministry for Social Action, the Family and the Advancement of Women and the Ministry of Social Communication. The aim of the strategy is to promote quality health care for adolescents and young people, with a view to ensuring gender equality and with an emphasis on sexual and reproductive health and rights, taking account of cultural, geographical, economic and social factors and the principle of people-centred health care.

46. Recently, the Government of Angola signed an agreement with the World Bank under which US\$ 110 million will be provided for the project to strengthen the national health system. This project will make it possible to improve the performance of approximately 300 primary health-care establishments, including health units, health centres and municipal hospitals, located in 21 municipalities of the country. The project will benefit women of childbearing age and children under 5 years of age in 21 municipalities located in 7 Angolan provinces: Luanda, Bengo, Lunda-Norte, Moxico, Uíge and Cuando Cubango.

11. Measures to combat HIV/AIDS

47. In Angola, the HIV/AIDS prevalence rate is estimated at 2 per cent, one of the lowest in southern Africa.

48. The National Institute for Combating AIDS has taken steps, with an emphasis on universal access, prevention, diagnosis and the treatment of persons living with HIV/AIDS, to help ensure that the targets set out in the National Health Policy are reached. Priority has been given to such measures as adding antiretroviral therapy and the treatment of sexually transmitted infections to the list of decentralized health services offered at the municipal level, developing a national plan for the elimination of mother-to-child transmission of HIV, producing a handbook for nurses on antiretroviral therapy as part of a new approach to AIDS prevention and treatment for expectant mothers, and the surveillance of antiretroviral drug resistance.

49. In Angola, there are two laws governing the issue of HIV/AIDS: Act No. 8/04 on HIV/AIDS and Decree No. 43/03 on HIV/AIDS, employment and vocational training. The Angolan Government is well aware that HIV/AIDS is one of the greatest health challenges of modern times and is making every effort to implement these laws, especially with a view to upholding legally protected social rights such as the right to work and the right to vocational training.

50. The prevention campaign has been conducted primarily by means of television and radio programmes, training for peer trainers, talks, workshops, forums, debates, the distribution of condoms and of information, education and communication materials, face-to-face interaction with a range of stakeholders in order to promote safe behaviour, voluntary testing and free antiretroviral therapy.

51. Angola attaches great importance to internationally agreed recommendations such as those of the Joint United Nations Programme on HIV/AIDS (UNAIDS), which establish, identify and regulate the means, methods and behaviours through which people living with HIV/AIDS can be protected.

52. Angola is also pursuing the “90-90-90 by 2020” target, which is intended to ensure that by 2020, 90 per cent of all people living with HIV will know their HIV status, 90 per cent of all people with diagnosed HIV infection will receive sustained antiretroviral therapy and 90 per cent of all people receiving antiretroviral therapy will have viral suppression.

12. Alleged violations committed by the security forces in Huambo Province in 2010 and in the enclave of Cabinda in 2010

53. These cases referred to by the Committee are not mentioned in the report submitted by the State, which does not know where these allegations came from.

13. Ratification of the Second Optional Protocol to the Covenant

54. As mentioned in paragraph 20 above, the State of Angola has signed the Second Optional Protocol and the relevant process is under way in accordance with the Treaties Act (No. 4/11); the process involves a public consultation, after which the text is endorsed by the executive branch and, finally, approved by the National Assembly.

14. Collection of small arms and demining

55. As noted in the report, the National Commission for Civilian Disarmament, coordinated by the Ministry of the Interior, was established under Presidential Decree No. 7/08.

56. The demining programme is implemented by the National Demining Institute and is intended to clear all mined areas, thereby supporting the reconstruction and development of the country.

57. In addition to assisting victims and educating the public about risks, the intensive detection and clearance operations carried out by the National Demining Institute in collaboration with the non-governmental organization HALO Trust, the Security and Demining Society of Angola, members of the Angolan Armed Forces and the Border Guard, with the assistance of members of the general public in terms of reporting mined areas or suspected mined areas in various localities to the authorities, have resulted in the removal of more than 5 million explosives through the work of some 4,000 people.

Corruption (arts. 2 and 25)

15. Combating corruption

58. Combating corruption is one of the pillars of the governance plan and the National Development Plan (2018–2022), and was identified as such by the current President of the Republic in his inaugural address.

59. The authorities have established a Directorate on Crimes of Corruption, in which all investigations of such cases will eventually be centralized (Presidential Decree No. 78/18 of 15 March 2018). This new agency will operate as a new central executive arm of the Criminal Investigation Service, which is part of the Ministry of the Interior.

60. Steps have been taken to promote the enactment of laws to address new types of crime. Examples include Act No. 34/11 of 12 December 2011 on combating money-laundering and the financing of terrorism; Act No. 85/VI/2005 of 26 December 2005 on

offences committed by senior officials; Act No. 4/10 of 29 March 2010 on public probity; Act No. 3/14 on the criminalization of predicate offences for money-laundering; and Act No. 9/18 of 26 June 2018 on the repatriation of financial resources. Under these laws, public officials who are involved in acts of corruption or fail to manage public property in a transparent manner are held accountable. The laws are important tools for ensuring justice, as provided for in the United Nations Convention on the subject.

61. A number of cases have been brought to trial or are under investigation.

62. The Ministry of Justice and Human Rights has launched an ethics campaign for persons working in the justice sector, under the Government's programme to combat corruption and impunity in the country.

63. Regarding the general elections held on 23 August 2017, the Constitutional Court and election observers were of the view that the process was free and fair. The corruption allegations referred to by the Committee in relation to the election campaign are not mentioned in the report submitted by the State, which does not know where these allegations came from.

Trafficking in persons (art. 8)

16. Measures to combat human trafficking

64. Over the past four years, there have been nearly 40 investigations into suspected cases of human trafficking. The victims have been reunited with their families or accommodated in centres. None of the cases investigated have involved law enforcement officers. Victims in need of protection are accommodated in shelters and social support centres and receive psychological, social, medical and legal support, among other services.

65. A law on the protection of victims, witnesses and defendants is currently being drafted.

66. In addition, a plan of action to combat human trafficking is being drawn up. Both are initiatives of the Interministerial Commission to Combat Human Trafficking.

67. This Commission operates on a regular basis, with periodic meetings of its Technical Group. In recent years it has carried out the following activities: joining the United Nations Office on Drugs and Crime (UNODC) Blue Heart Campaign against Human Trafficking (July 2018); conducting workshops (four in 2018) on various topics such as the protection of victims of human trafficking; holding 18 provincial workshops; training 40 trainers on combating human trafficking; participating in various national and international training initiatives; producing handbooks and brochures; case monitoring; and starting the process of joining the SADC database on trafficking in persons.

Torture, ill-treatment and deprivation of liberty (arts. 7, 9 and 10)

17. Definition of torture, measures taken to investigate allegations of torture and ratification of the Convention against Torture

68. In follow-up to the Committee's recommendations, a provision on torture specifying a penalty of 1 to 6 years' imprisonment for this offence has been introduced into the draft Criminal Code.

69. Since torture and degrading treatment are prohibited under the Angolan Constitution, this is a cross-cutting issue in all laws on the treatment of human beings, particularly laws concerning deprivation of liberty.

70. Torture is categorically prohibited by a number of Angolan laws, ranging from the Constitution to ordinary legislation. These provisions apply not only to State officials as such, but also to every individual, organized group and member of civil society in general.

71. Under the Angolan Criminal Code, physical abuse and acts of torture and cruelty are punishable by penalties ranging from several months' imprisonment and a fine to a prison term of up to 8 years.

72. When torture and cruelty are used as a means of killing someone, they amount to the offence of aggravated homicide, for which the penalty is increased from 16–20 years to 20–24 years (articles 360 and 351 of the Criminal Code).

73. Article 6 (2) (c) of Act No. 8/08 of 29 August 2008 (Prisons Act) prohibits the torture of detainees in penitentiary establishments by members of any branch of the National Police. Prisoners have a fundamental right not to be subjected to torture, ill-treatment or degrading measures.

74. If situations of torture occur, the victims have the constitutional right to bring civil or criminal proceedings against those responsible.

75. In general, all officials, like all other persons, are subject to criminal prosecution if they engage in acts of torture or cruelty. Their status as agents of the State is an aggravating factor that entails more severe penalties.

76. According to the records of the Ministry of the Interior, in recent years a total of 1,341 disciplinary sanctions have been imposed, including 759 dismissals, 470 demotions, 323 fines, 208 censures and 355 reprimands. Of these, 30 per cent were related to ill-treatment or dishonourable acts against private citizens. The service whose personnel have received the most sanctions is the National Police, and the Civil Protection and Fire Brigade has received the fewest.

77. With regard to avenues for reporting, it should be noted that in Luanda, in the Criminal Investigation Service, there is a Department of Investigation and Complaints in the Attorney General's Office with a specific mandate to deal with cases involving improper conduct by officers of the National Police and others who, in the exercise of their functions, overstep the mark and violate the lawful rights of individuals.

78. In addition, the Department of Investigation and Criminal Prosecution of the Attorney General's Office was established to penalize such excesses, especially when they are attributable to high-level authorities. This Department conducts investigations and pretrial proceedings and brings the perpetrators to court.

79. In addition, prosecutors, the Secretary of State for Human Rights and Citizenship, the Ombudsman and non-governmental organizations (NGOs) conduct inspection visits to prisons, enabling prisoners to report any situations of torture or other issues.

80. As noted in paragraph 20 above, the Angolan State intends to ratify the Convention against Torture.

18. Situation of detention centres

81. The rate of prison overcrowding in Angola is 3 per cent, particularly in Luanda, where about 30 per cent of the country's prison population is located.

82. The prison system consists of 44 prison facilities in operation, including 1 prison hospital, 1 prison psychiatric hospital and 1 prison for juveniles. Eleven new prisons are being completed and fitted out, including 3 prisons for juveniles in the provinces of Luanda, Huambo and Malanje.

83. At the same time, the authorities are taking crime prevention measures such as the implementation of social programmes aimed at enhancing and ensuring social amenities in sectors such as health, education, employment, culture, sports and leisure.

84. Furthermore, in order to avoid overcrowding in prisons in the pretrial phase, judges frequently apply non-custodial preventive measures under which the accused remains free on supervised release; this keeps the prison population from increasing.

85. Act No. 25/15 of 18 September 2015 (Interim Measures in Criminal Proceedings Act) is quite clear and establishes time frames beyond which accused persons must be released. From the time of arrest, the time frames are as follows:

- (a) 4 months until indictment;
- (b) 6 months until committal for trial by the judge;
- (c) 12 months until the trial.

86. Exceptionally, in highly complex proceedings, these periods may be extended by two months in each of the three phases mentioned above, provided that such extensions are duly justified.

87. Because these time frames are better defined than they were under the previous law, compliance with them has improved in practice, and excessively long pretrial detention is now rare. When it does occur, the Public Prosecution Service and judges give priority to the cases concerned, with the result that, in most cases, the accused is released.

88. In accordance with Act No. 8/08 of 29 August 2008 (Prisons Act), the Angolan prison system is being modernized and developed with a view to resocializing persons deprived of their liberty. The State pays particular attention to the provision of health care, psychosocial and religious support, education, work, and vocational training to prisoners as essential components of the rehabilitation and social reintegration process. Each prison has a health centre, and there is one prison hospital.

89. The classification of prisoners at different levels or in different categories is in line with the rules on separation by sex, age, legal situation, nationality and health status under the United Nations Standard Minimum Rules for the Treatment of Prisoners, the International Covenant on Civil and Political Rights and the Prisons Act. These categories are also used to determine where persons should be held in custody and should serve their sentences. For young prisoners aged 16 to 18 and 18 to 21, priority is given to rehabilitation activities and programmes such as education, vocational training and socially useful work. The prison system currently has one facility for juveniles, and three more are being completed and fitted out in the Provinces of Luanda, Huambo and Malanje.

19. Front for the Liberation of Cabinda in the Province of Cabinda

90. Concerning the investigations carried out in relation to events that took place between 2007 and 2009 in connection with sympathizers of the Front for the Liberation of Cabinda in the Province of Cabinda, as reported to the Committee in the dialogue on the second periodic report, criminal proceedings were instituted against the rebels and agents of the State were held accountable for their actions. The justice system provides that persons who believe they are victims of arbitrary acts can sue the State or its organs; in this case, the persons concerned did not do so.

Protection of children (arts. 6, 7, 8, 10, 16 and 24)

20. Birth registration

91. The President of Angola issued Order No. 80/13 of 5 September 2013 and Executive Decree No. 309/13 of 23 September 2013, which do away with fees for birth certificates and identity documents.

92. From September 2013 to December 2017, the nationwide registration of a total of 6,599,897 persons, including both minors and adults, was conducted under the terms of this presidential order; 3,010,058 of these persons were male and 3,589,779, or 54.3 per cent, were female.

93. In 2017 and 2018, 1,846,954 persons were registered.

94. Following are figures on the birth registration of children under 5 years of age in border areas between 2013 and August 2018: Cabinda: 34,384; Cuando Cubango: 80,394;

Zaire: 29,129; Moxico: 136,718; Uíge: 131,262; Lunda Norte: 46,333; and Lunda-Sul: 28,183.

95. Between September 2016 and October 2018, 268 members of the Khoisan community (118 male and 142 female) were registered in the Province of Cuando Cubango. The main obstacle to the registration of births in this community is that the Khoisan are a nomadic people and many of them are in hard-to-reach areas; this poses a challenge for mobile registration units.

96. Projects on birth registration and the expansion of registration are being carried out and have had the following results:

(a) A total of 55 registration posts have been installed in maternity wards and health units, where 119,000 persons have already been registered under a project carried out in cooperation with UNICEF and the European Union;

(b) A total of 147 registration staff and 1,055 traditional birth attendants have been trained in social mobilization and communication, with a view to the registration of children born outside health units and maternity wards;

(c) A birth registration programme has been launched in schools in order to reduce the number of children in the school system whose birth has not been registered;

(d) An information-sharing and awareness-raising campaign has been carried out involving the distribution of booklets on the importance of civil registration;

(e) Greater use is being made of mass media and community-based campaigns to raise awareness of the importance of civil registration, especially in isolated regions around the country, through the use of mobile registration units and other means.

21. Children accused of witchcraft

97. The procedure adopted to deal with reports of children accused of witchcraft is based on complaints received through the offices of the National Institute for Children, which initiates the process and refers it to the Attorney General's Office.

98. When children accused of witchcraft are victims of violence, usually consisting of voluntary manslaughter, assault causing serious bodily injury, harmful traditional interventions or treatments (use of substances, exorcisms, etc.) or abuse, among other forms of violence, the perpetrators are punished in accordance with the criminal law in force. When such cases come before the courts, they always result in heavy penalties for the parties involved.

99. The number of cases (311) has been declining as a result of the preventive measures undertaken, consisting mainly of awareness-raising, and the impact of the implementation of the poverty reduction policy and the improvement of social conditions, such as greater access to basic sanitation, education and information. The increase in the number of vocational and technical training courses offered in areas such as crafts and trades in the various provinces of the country has also had a positive impact.

100. The phenomenon of children accused of witchcraft was also the subject of a study conducted by UNICEF in Angola that identified the causes of the accusations, their impact on child victims and their social impact. These factors led to the adoption of specific and immediate measures to address the problem in situ, together with other ongoing measures under the national strategy for preventing and combating violence against children.

22. Children in conflict with the law

101. Various legal safeguards are available to persons below the age of 18 who find themselves in conflict with the law: the international conventions ratified by Angola; Act No. 9/96 of 19 April 1996 (Juvenile Courts Act); the Code of Juvenile Court Procedure; Act No. 25/12 of 22 August 2012 (Protection and Comprehensive Development of the Child Act); the draft Criminal Code, which will govern juvenile justice; the Family Code, which is currently being revised; and Act No. 25/11 of 14 July 2011 (Domestic Violence Act).

102. Regarding the availability of rehabilitation centres for juvenile offenders, there are currently three: the Zango III observation centre, the Calumbo semi-open facility and the Waku Kungo semi-open facility for juvenile offenders.

103. The central component of the juvenile justice system is the juvenile court system, which is assisted by various central executive bodies and services in all provincial courts under the direct supervision of the presiding judge, except in Luanda.

104. There are also alternatives to custodial measures for children in conflict with the law and for those over 16 years of age who are not being prosecuted:

(a) Regulations governing community service measures, article 17 (d) of Act No. 9/96 of April 1996, Juvenile Courts Act;

(b) Regulations governing probation, article 17 (e) of the same Act.

105. To support the implementation of these measures, the Government has established by law a Commission for the Protection of Minors, which also has its own regulations to ensure its proper functioning. The department of the Criminal Investigation Service that is responsible for juvenile affairs monitors the implementation of probation and semi-open detention measures ordered by juvenile court judges, through police supervision by specialized officers of that department.

106. With regard to the prohibition of corporal punishment of children, the Constitution enshrines the rights of the child as fundamental rights. In order to safeguard them, the State, the family and society are constitutionally obligated to create conditions for the comprehensive and harmonious education of children, the protection of their physical and mental health and their full development (art. 35 (6) and art. 80). Any punishment inflicted on a child is regarded as an act of violence against him or her.

107. Article 7 (prohibited treatment) of the Protection and Comprehensive Development of the Child Act (No. 25/12 of 22 August 2012) states that children must not be subjected to neglectful, discriminatory, violent or cruel treatment or any form of exploitation or oppression and that all acts that result in violations of those prohibitions are punishable by law.

108. In Angola, the corporal punishment of a child by any person in any setting is considered an offence which, depending on how it is characterized, can be classified as simple assault or negligent assault causing serious bodily injury. As such, it is punishable by imprisonment or a fine, depending on the specific case.

Freedom of expression, demonstration and association (arts. 6, 7, 9, 19, 21 and 22)

23. Freedom to demonstrate

109. The right of assembly and demonstration is guaranteed under article 47 of the Constitution and under Act No. 16/91 of 11 May 1991 on the right of assembly and demonstration, which establishes conditions for the exercise of this right by all citizens. In Angola, demonstrations and assemblies are held by various political, religious and civil society groups. However, some demonstrations have been limited because they did not comply with the procedures required in order to hold them. Acts of aggression have been perpetrated both by and against demonstrators, and even against law enforcement officers. Individuals can report incidents involving the excessive use of force by the authorities in the event of intimidation and/or arbitrary detention. Meetings and discussions on these issues have been held among different sectors in order to elucidate and analyse the actions taken, both by demonstrators and by police officers. Perpetrators are tried by the courts.

110. With regard to the cases concerning the enforced disappearance of António Alves Kamulingue and Isais Cassule, a trial was held (case No. 187/14-B) and the State agents involved in the killing and the perpetrators of the offence were convicted, both in first instance and by the Supreme Court. They are now serving prison sentences in closed facilities.

111. The Angolan State also took responsibility for the payment of compensation to the victims' families. These sums were paid to the widows and other relatives at a public ceremony held at the Provincial Court of Luanda in the presence of the media.

112. In addition, since proof of the victims' deaths had come to light in the criminal trial, the State issued death certificates to the widows, in accordance with the rules of the Angolan Civil Registration Code. It also awarded housing to the widows so that they could live in dignity with the victims' children, who were also registered.

113. Since 2014 the State has engaged in dialogue with the Working Group on Enforced or Involuntary Disappearances and has given all of the explanations requested.

114. The most recent meeting with the Working Group took place on 11 September 2018, at the 116th regular session, at which the delegation provided the most recent information on the efforts being made by the State to locate the bodies. It is in the Working Group, which has a mandate to monitor the situation, that the matter has been addressed in a timely manner. The Working Group explained that because the State has shown that every effort has been made to shed light on what happened, the Group will apply the six-month rule, under which, after that time period, if the source provides no further information or if it confirms all the actions that the State has taken, the case will be considered to have been clarified and will be closed.

24. Control of the mass media and package of legislation on the press

115. The State regards freedom of expression as a fundamental right. This right is enshrined in article 40 of the Constitution and in the new package of legislation on the media, which includes the Act establishing the Regulatory Body for Angolan Mass Media, the Broadcasting Act, the Journalism Statute Act, the General Act on Advertising and the Television Act (Acts Nos. 1/17, 2/17, 3/17, 4/17 and 5/17 of 23 January 2017). Moreover, this right is also recognized under international legal instruments that Angola has ratified, in particular the African Charter on Human and Peoples' Rights and article 19 (3) of the International Covenant on Civil and Political Rights, provided that it is exercised in a manner that respects the honour, good name, reputation and privacy of others.

116. Under article 6 of the Press Act (No. 1/17), press freedom is protected by measures preventing the concentration of media ownership in a manner that jeopardizes pluralism of information; publication of the editorial policies of media companies and outlets and recognition of the rights of response and rectification; truth in advertising and identification of advertising as such; access to the Regulatory Body for Angolan Mass Media for purposes of safeguarding the impartiality and accuracy of information; observance of professional ethics in the exercise of journalistic activities; and free access to information sources and public places.

117. Under the restrictions provided for in both Angolan legislation and article 19 of the Covenant, criminal proceedings, and possibly disciplinary or civil proceedings, may be brought against any journalist or other person who commits an offence of defamation, slander or libel as defined in article 40 (3) and (4) of the Constitution and articles 407 and 410 of the Criminal Code.

118. In the Government's view, this restriction is intended to protect the individual rights of persons against whom such offences are committed, and thus should not be understood to imply that the State has any interest in violating or restricting the right to freedom of expression.

119. In recent years, there have been no recorded cases in which journalists have been arrested for exercising freedom of expression or have been killed in the exercise of their profession.

120. Regarding the adoption of the legislative package, all the procedures required by law were followed, including the conduct of a public consultation.

121. Since the adoption of the new law and the inauguration of the new Government, reports and surveys have indicated that the mass media are one of the most open sectors in the country.

122. The claim referred to by the Committee to the effect that the media are controlled by the People's Movement for the Liberation of Angola is not mentioned in the report submitted by the State, which does not know where this allegation came from or the motives behind it.

25. Protection of non-governmental organizations

123. Since the presidential decree on the regulations pertaining to non-governmental organizations was declared unconstitutional by Constitutional Court judgment No. 447/17 of 13 July 2017, the legislation in force is the Private Associations Act (No. 6/12) and the previous regulations on non-governmental organizations (Decree No. 84/02 of 31 December 2002). The number of organizations and associations in Angola has grown. There are currently 252 national organizations, 60 international organizations, 10 national foundations and 5 international foundations. It is expected that new legislation in this regard may be adopted.

Foreigners, refugees and asylum seekers (arts. 2, 6–7 and 13)

26. Asylum Act (No. 10/15)

124. The right of asylum and the related procedures are established in the Constitution and in the Right of Asylum and Refugee Status Act (No. 10/15) of 15 June 2015.

125. The body responsible for recognizing the right of asylum is the National Council for Refugees, an interministerial body that, together with the Angola office of the Office of the United Nations High Commissioner for Refugees (UNHCR), is responsible for determining whether the criteria for granting that status have been met, in accordance with international and regional instruments on this matter. The Council's regulations were adopted by Presidential Decree No. 200/16 of 27 August 2016, and the reception centres for refugees and asylum seekers were established by Presidential Decree No. 204/18 of 3 September 2018.

126. Refugees and asylum seekers in Angola have access to employment under Presidential Decrees Nos. 43/17 and 44/17, article 11, and foreigners have the right to equal access to employment on the same footing as Angolan nationals. Foreigners in Angola can obtain trade licences through companies, as can be seen in the directory of companies and enterprises (dse.minjusdh.gov.ao). In terms of education, there are no provisions in Angolan law that bar foreigners' or refugees' access to education. For example, there are schools in the Lóvua settlement.

27. Treatment of asylum seekers and migrants

127. The Right of Asylum and Refugee Status Act (No. 10/15) does not provide for the mandatory detention of asylum seekers. On the contrary, article 14 provides that, following the interview and the issuance of the declaration certifying that an asylum application has been submitted, the immigration authorities must refer the asylum seeker to the nearest reception centre for refugees and asylum seekers, not to a detention centre. That article also indicates that asylum seekers who have sufficient means of subsistence may, with permission from the authorities, opt not to stay at a reception centre.

128. Under article 24 of this law, asylum seekers are provided with interpreters, whenever the need arises, to assist them in preparing the asylum application and during immigration and social assistance procedures. They are also afforded legal aid. UNHCR can likewise provide such legal and/or social assistance throughout the investigation of the case.

129. Persons seeking asylum and/or refugee status are given documents as soon as they cross the border. Detention is one of the measures that may be applied to migrants in an irregular situation who are found within the national territory, but it is not applied to refugees. Awareness-raising campaigns have been conducted, particularly in border provinces, to encourage the voluntary return and/or regularization of irregular migrants.

130. The duration of detention is governed by the above-mentioned Interim Measures Act, i.e. the same time frames apply to both nationals and foreigners.

131. With respect to the allegations referred to by the Committee concerning harsh and unsanitary prison conditions, no such cases are mentioned in the report submitted by the State, which does not know where these allegations came from.

28. Refugees from the Kasai region

132. The thousands of Congolese nationals who have fled the armed conflict in the Kasai region have been taken in by the Republic of Angola, voluntarily and in accordance with international refugee law, and have been given decent treatment in accordance with the country's circumstances. Angola has accommodated 31,241 nationals of the Democratic Republic of the Congo who entered Angola between March and June 2017 and were accepted by the local authorities. As a result of voluntary returns, as of April 2018 about 20,211 refugees were living at the Lóvua site, and their number has continued to decrease because of voluntary returns.

133. Concerning alleged reports of violence and human rights violations, including allegations of sexual violence, in connection with collective expulsions of irregular migrants by alleged members of the security forces, several visits conducted by senior officials and entities of the United Nations system have failed to confirm these allegations.

134. It should also be clarified that there are no refugee camps in Angola. The Lóvua site is a settlement, not a detention centre.

135. Regarding refugees' rights, refugees enjoy, by law, the same safeguards as nationals in areas such as access to justice, health-care services, freedom of movement and birth registration of children who are not Angolan nationals.

136. With respect to the Committee's reference to allegations of ill-treatment and restriction of the rights of refugees from the Kasai conflict, the State is unaware of any such reports. No cases of this kind are referred to in the report submitted by the State, which does not know where these allegations came from.

Administration of justice (art. 14)

29. Operation of the justice system

137. The claim that there is widespread corruption in the judiciary is not true, given that the problem of corruption in Angola cannot be described as widespread, much less as involving the judiciary.

138. Judicial authority is exercised by the courts, which are competent to administer justice on behalf of the people. They are independent and impartial and are subject to the Constitution and the law (article 175 of the Constitution). Judicial authority also extends to bodies such as the Attorney General's Office, the Criminal Investigation Service and other bodies that play a role in the administration of justice. It is inaccurate to speak of widespread corruption.

139. Regarding a lack of independence and impartiality, the authorities are unaware of any cases involving interference with the work of the courts. The courts of Angola discharge their functions independently and impartially, as they are subject only to the Constitution and the law. Moreover, on the basis of the Constitution, article 15 of Act No. 2/15 of 2 February 2015 also provides for the courts' autonomy with the aim of safeguarding the independence of the judiciary, according to the principle of the separation of powers.

140. Judges and prosecutors hold law degrees, and many have specialized training in the fields in which they work. They are required to undertake professional development and specialized training in areas such as compliance, combating money-laundering and the financing of terrorism, financial markets, maritime law, combating corruption (in cooperation with the project to support the strengthening of the rule of law), etc.

141. As to the number of ordinary courts and tribunals, the country has:

(a) The Supreme Court, which has 20 active judges;

(b) Nineteen provincial courts, which have 327 active judges and 11 active municipal judges. With the gradual implementation of Act No. 2/15 of 2 February 2015, currently in force (Organic Act on the Organization and Operation of the Ordinary Courts), these courts are being abolished and replaced with a total of 60 district courts, which are courts of first instance with jurisdiction over the geographical area of the respective districts. The courts are designated by the names of the municipalities in which they are located and can be subdivided into divisions with specialized jurisdiction or divisions dealing with minor criminal matters, if the number, nature and complexity of cases so warrant;

(c) Five courts of appeal, which are courts of second instance located in each judicial region.

142. Regarding the number of lawyers, the Bar Association of Angola has carried out training initiatives for student lawyers on work experience contracts; these are among the requirements for the full professional qualification. In addition, lawyers receive continuous training in their areas of specialization. Act No. 2/15 provides for public defenders, who are legal professionals forming part of the public system of access to justice.

143. Legal fees are established by law in the Code of Legal Costs, and are calculated on the basis of the value of the action, interlocutory matter or appeal.

144. In criminal cases, individuals who have served their sentence are released even if they do not have the means to pay legal fees. In civil cases in which a lawyer is required, individuals without sufficient financial means are allowed, by law, to apply to the Bar Association for free legal aid.

145. It should be emphasized that the report submitted by the State makes no mention of this information referred to by the Committee. The State does not know where this claim came from or the intentions behind it.

Rights of minorities (art. 25)

30. Special protection of minority communities

146. As indicated in the report, one of the Government's current aims is to gradually eliminate imbalances between urban and rural areas, particularly those in the least developed regions of the country, with a particular focus on areas where ethnic minority communities live.

147. The National Development Plan, adopted by Presidential Decree No. 158/18 of 29 June 2018, includes priority actions in the field of cultural policy: "Supporting traditional communities, especially the Khoisan and the minority ethnic groups of the Provinces of Namibe, Huíla and Cuando Cubango".

148. The strategic plan for territorial administration includes a programme for the study of traditional communities and the provision of support to those communities. Under this programme, a comprehensive study will be carried out on the country's ethnic and linguistic groups, with the collection of statistical data.

149. Khoisan communities are among the nomadic peoples of Angola, who live in groups and are found primarily in the Provinces of Huíla, Cuando Cubango and Namibe. In these provinces, support has been provided by the local authorities, in particular the provincial governments, and by the Ministry of Territorial Administration and State Reform, the Ministry of Health, the Ministry of Education and the Ministry for Social Action, the Family and the Advancement of Women.

150. For the past several years, the State has implemented specific policies in support of San communities, particularly with regard to nutrition, health and education. Recently it has also provided support in connection with situations related to conflicts over land, which arise from time to time.

151. For the first time, comprehensive public policies for ethnic communities, particularly the Khoisan, have been drawn up and will be implemented, thanks to the establishment, within the Ministry of Culture, of the National Directorate for Traditional Authorities and Communities. In addition, there are national NGOs that are involved in studying minority communities and providing support to them.

Final considerations

152. The Government notes that a number of the issues raised are outside the scope of the report submitted by Angola and may come from sources that could be considered dubious, given that they do not reflect the information provided in the State's report with regard to alleged violations of the Covenant, in accordance with the rules of the Committee.

153. The Government expresses its intention to engage in dialogue with the Committee for the purpose of strengthening civil and political rights in Angola.
