



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from Angola on follow-up to the
concluding observations on its second periodic report***

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* The present document is being issued without formal editing.



Introduction

1. Following the ratification of the Covenant by Angola, which entailed the assumption of a number of obligations, the Angolan State presented its second periodic report at the 125th session of the Human Rights Committee, held in Geneva, Switzerland, on 7 and 8 March 2019, so that the State's implementation of the Covenant and performance in promoting and protecting civil and political rights could be assessed, in accordance with article 40 of the Covenant. As a result, it had the opportunity to engage in an interactive dialogue with the Committee, which resulted in 26 recommendations.

2. The present report is submitted in compliance with the decision adopted by the Committee at its 125th session, in which Angola was requested to submit information that would enable the Committee to assess the progress made by public institutions and civil society in implementing the Covenant.

3. The report was prepared by the National Mechanism for Reporting and Follow-up on Recommendations and the Intersectoral Committee for the Preparation of National Human Rights Reports. Its purpose is to report on the measures taken to implement the Covenant by addressing the issues raised in paragraphs 22, 26 and 46 of the Committee's concluding observations on Angola (CCPR/C/AGO/CO/2), in accordance with rule 75 (1) of the Committee's rules of procedure.

4. Before answering the follow-up questions, we would like to list some of the most significant actions taken to promote and protect human rights through the implementation of the Covenant:

(a) The approval of the National Human Rights Strategy and its Action Plan (Presidential Decree No. 100/20 of 14 April);

(b) The establishment of the National Action Plan to Combat Trafficking in Human Beings (Presidential Decree No. 21/20 of 14 February);

(c) The publication of the new Criminal Code (Act No. 38/20 of 11 November) and the Code of Criminal Procedure (Act No. 39/20 of 11 November), in which a number of provisions have been aligned with international human rights instruments, including provisions relating to torture, all forms of discrimination and the criminalization of female genital mutilation;

(d) The publication of a manual (1,000 copies) containing the main Angolan documents relating to the implementation of the Covenant in Angola.

Abortion and maternal mortality (para. 22)

5. In Angola, abortion is treated as an issue pertaining to the protection of the right to life, which is enshrined in the Constitution.

6. Although the Criminal Code (Act No. 38/20 of 11 November) prioritizes the protection of the right to life, it also provides for certain exceptions to take account of international human rights practices. The issue of abortion was much discussed during the public consultations on the Criminal Code, with two groups playing predominant roles: on the one hand, Christians and, on the other, feminist groups who argued that women had the right to take decisions concerning their own bodies. After both positions had been considered, a solution was reached that upholds the principle of the protection of life, whereby abortion, or the voluntary interruption of pregnancy, is considered to be an offence carrying a prison sentence of between 2 and 8 years, in defence of intrauterine life and in conformity with all legal provisions relating to the protection of life. Despite this prohibition, article 156 of the Criminal Code provides for exceptions that allow abortions to be carried out in the following circumstances: where it constitutes the only means of protecting a woman against the danger of death or serious and irreversible bodily or mental harm, on condition that the termination is performed at the request, or with the consent, of the pregnant woman (abortion undertaken to save the life of the mother); where the fetus is medically certified to be non-viable; and where the pregnancy results from an offence against sexual freedom and self-determination

and the termination takes place during the first 16 weeks of pregnancy (abortion for reasons of sentiment).

7. Some health facilities and infrastructure are being expanded in order to ensure effective access to quality antenatal and abortion-related health care throughout the country. These efforts have been accompanied by the direct allocation of funds earmarked for primary health care to the country's municipalities as part of the process of decentralizing the provision of health services. This process is intended to bring health services closer to the people and to ensure the availability of quality health services for the promotion of good health and the prevention and treatment of the most widespread illnesses.

8. The implementation of programmes such as the Comprehensive Package of Maternal and Child Health Care, which includes family planning, antenatal consultations, vaccination, medical attention at childbirth, 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.

9. Presidential Order No. 59/19 of 14 May provided for the signing of an agreement between the Government of Angola and the World Bank, under which US\$ 110 million will be provided for a 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 posts, health centres and municipal hospitals, located in 21 municipalities. The project benefits women of childbearing age and children under 5 years of age in 21 municipalities located in seven Angolan provinces: Luanda, Bengo, Lunda-Norte, Moxico, Malanje, Uíge and Cuando Cubango.

10. There is a strategic plan designed to raise adolescents' awareness of matters relating to sexual and reproductive health. This plan has played a part in bringing about a drop in the rate of pregnancy among girls under 18 years of age.

11. The strategy of comprehensive action for adolescent and child health, which raises awareness of, and provides information on, sexual and reproductive health, was adopted in collaboration with the United Nations Population Fund, the United Nations Children's Fund, the United States Agency for International Development, the Ministry of Education, the Ministry for Social Action, the Family and the Advancement of Women, and the Ministry of Social Communication.

Excessive use of force and conduct of the police (para. 26)

12. The Framework Act on the Organization and Functioning of the Police (No. 6/20 of 24 March) has been adopted. The Act establishes 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, which establish the disciplinary sanctions applicable to various offences. The police 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.

13. Significant progress has already been made on the drafting of a bill on the use of firearms and restraint measures by police forces. This legislation will set out the specific rules governing the use of firearms and the situations in which their use is permitted. Angolan police forces currently observe international principles relating to the use of firearms by law enforcement agencies.

14. With regard to training and awareness-raising for police officers, it should be noted that the subject of human rights forms part of the curriculum of the National Institute of Forensic Sciences, where the national police are trained. Within the framework of the 2018 memorandum of cooperation between the Ministry of Justice and Human Rights and the Ministry of the Interior/National Police, four training-for-trainers courses have been organized and were attended by over 300 participants. These participants have already gone on to replicate the courses in the provinces, providing training to more than 1,000 members of the security forces. The use of force by the security forces was covered in the training

sessions, at which one of the trainers was the Special Rapporteur on Prisons and Conditions of Detention in Africa of the African Commission on Human and Peoples' Rights.

15. As part of the implementation of the protocol on cooperation between the Ministry of the Interior and the United Nations Development Programme, nine training activities were carried out in 2020 for the staff of the various agencies of the Ministry of the Interior, who learned how to interact 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 the following areas: human rights standards during the state of emergency/disaster imposed in response to the coronavirus (COVID-19) pandemic; mechanisms for the defence of human rights; the psychological impact of COVID-19 on the staff of the Ministry of the Interior; human rights standards related to detention; human rights standards related to the use of force; and the responsibilities of the police in the response to COVID-19.

16. The High Command of the National Police has agreements with a number of non-governmental organizations to provide training for officials; these include the Associação Justiça, Paz e Democracia and the Centro de Estudos para a Boa Governação (UFOLO), which offer workshops on citizenship and public security, and the Centre for Human Rights and Citizenship of the Catholic University of Angola, which has conducted training sessions on human rights for 86 prison officers and 55 prosecutors.

17. The subject of human rights has been included in the curriculum of the National Institute of Judicial Studies in order to sensitize and train judges and prosecutors.

18. In order to ensure that all cases of excessive use of force by the security forces are immediately, impartially and effectively investigated, that the persons responsible are brought to justice and suitably punished and that the victims receive effective compensation, the above-mentioned disciplinary regulations provide that, whenever the conduct of an officer constitutes an offence that is committed in the line of duty, or that undermines social harmony, an official notice is issued and forwarded to the Public Prosecution Service or the Military Prosecutor's Office so that criminal proceedings may be initiated.

19. The Criminal Investigation Service contains a Department of Investigation and Complaints, attached to 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 duties, overstep the mark and thereby violate the lawful rights of individuals.

20. The Department of Investigation and Criminal Prosecution of the Attorney General's Office was set up to penalize such excesses, especially when they are attributable to high-ranking officials. The Department conducts investigations and pretrial proceedings and brings the perpetrators to court.

21. From 2016 to 2018, 30 per cent of cases in which officers were penalized were related to the ill-treatment of citizens or improper conduct towards them. The service whose personnel have received the most sanctions is the national police, while the fire brigade has received the fewest.

22. 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.

23. In 2020, national life was dominated by the COVID-19 pandemic. Against this backdrop, Angola, like most countries affected by the pandemic, declared a state of emergency and a lockdown. This declaration was issued pursuant to Presidential Decree No. 81/20 of 25 March on the basis of articles 57 and 58 of the Constitution, State of Emergency Act No. 17/91 of 11 May and article 4 of the Covenant. The Decree restricted the exercise of certain fundamental rights for 60 days. At the end of this period, a national disaster was declared on the basis of Act No. 14/20 of 22 May, amending the Framework Act on Civil Protection and providing for the maintenance of certain restrictions and measures to combat the pandemic.

24. During the 60 days that the state of emergency lasted, 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 proceedings that were recorded, 157 consisted of investigations and 26 were disciplinary in nature. Of the latter, 10 were referred to the military judicial police and 9 are being processed by the Criminal Investigation Service/Ministry of the Interior. These data were made public by the Ministry of Interior following the state of emergency. Some of the cases were publicly condemned. It should also be noted that two law enforcement officers were killed: a militiaman in Luanda and a national police officer in the province of Zaire.

Freedom of assembly (para. 46)

25. Article 21 of the Covenant provides that “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

26. In Angola, freedom of assembly and demonstration is enshrined in article 47 of the Constitution and provided for in Act No. 16/91 of 11 May on the Right of Assembly and Demonstration.

27. 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, in accordance with article 21 of the Covenant.

28. Several demonstrations have taken place in the country, organized by citizens who freely expressed their concerns and opinions, which are generally directed at government authorities or society.

29. In 2018, for example, there were 43 demonstrations in which 14,828 persons took part. In 2019, there were 63 peaceful demonstrations. Luanda is the province where most demonstrations take place. All were peacefully monitored by the Angolan national police.

30. With regard to the alleged use of excessive force by the police at demonstrations, in all circumstances the means and the number of officers deployed by the Angolan national police depend on the situation or the problems encountered, observing the principle of proportionality. As mentioned above, mechanisms are in place for investigating possible cases of excessive use of force and holding the perpetrators accountable.

31. With regard to cases of alleged arbitrary detention, all detentions carried out by the police authorities are in compliance with the rule of law. All persons who are detained, irrespective of the reasons for their detention, are referred to the Public Prosecution Service within the legal time limits so that their cases may be dealt with appropriately. Anyone responsible for a case of arbitrary detention is liable to be held accountable through disciplinary or criminal proceedings.

32. It is important to note that some violent acts may be mistaken for demonstrations. These include acts of vandalism and violence by citizens, especially in the provinces of Luanda, Cabinda, 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.

33. To conclude, we would like to highlight the importance of the adoption and implementation of the National Human Rights Strategy and its Action Plan, which are in line with the international treaties monitored by the various treaty bodies, including the Human Rights Committee.