



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues to be taken up in connection with the consideration of the first periodic report of Angola (CCPR/C/AGO/1) adopted by the Human Rights Committee at its 105th session, 9-27 July 2012

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

1. According to articles 6 and 26 of the Constitution, the provisions of the Covenant are directly applicable by domestic courts even if not invoked by the parties, but only if they conform with the Constitution. Could you provide information on all cases when the Covenant was applied by domestic courts, whether or not invoked by the parties, and also about cases when it was not applied due to non-compliance with the Constitution. Please, also provide information on the availability and accessibility of remedies for individuals claiming a violation of the rights contained in the Covenant.
2. Please indicate the progress made in the comprehensive legal reform undertaken by the Commission for the Reform of Justice and the Law (State party's report, para. 66) and in the implementation of the National Human Rights Action Plan, (State party's report, para. 112). Please provide information on the steps taken, if any, to ensure that the Provedor de Justiça (Ombudsman), designated as the National Human Rights Institution, has the competencies, means and mandate in line with the Paris Principles.

Non-discrimination, equality between men and women (arts. 2, 3 and 26)

3. Please provide information on the content, scope and implementation of law No.25/11 of 14 July 2001 against domestic and family violence and of resolution No. 9 of 28 March 2002, which intends to promote equality between men and women (State party's report, para. 23).
4. Please provide information on the laws and policies in place to ensure that persons with disabilities enjoy legal capacity on an equal basis with others.
5. Please provide information on the existence of harmful traditional practices such as early marriage, abduction of girls for marriage, and female genital mutilation in the State party as well as information on the legal measures taken to eradicate such practices.
6. Please provide more information on the legal provisions dealing with the individual's liberty and privacy, including in the context of same sex sexual activities among consenting adults and on the prohibition of discrimination against people on the basis of their sexual orientation.

Right to life (art. 6)

7. Please respond to allegations that in the past few years several people have been arbitrarily or unlawfully killed by police officers or soldiers but that such cases were rarely investigated. For example, please provide information on any investigations and subsequent prosecutions undertaken with regard to the allegation that in September 2009 members of the Armed Forces of Angola buried 45 people alive in a tunnel in Luanda Norte after determining that they were illegal miners. Please provide information on the efforts undertaken and the progress made in the removal of land mines in the territory of the State party.

8. Please, provide further information on the criminalization of abortion, including the punishment incurred by those involved and statistics on cases prosecuted and sentences imposed under this provision. Please provide information on the membership of the Medical Board, its methods of work, and the procedure involved in requesting the termination of a pregnancy. Please, provide statistics on the number of cases it considers annually, the number of abortions it authorizes and the basis upon which decisions to allow or refuse such abortions were made. (State party's report, para. 32)

Prohibition of torture and cruel, inhuman or degrading treatment; liberty and security of person, treatment of persons deprived of their liberty (arts. 7, 9 and 10)

9. Please clarify whether torture is criminalized in the revised Penal Code and provide the relevant provisions, including the definition of torture and any provision dealing with the obligation to disobey unlawful orders. Please, indicate whether the State party intends to accede to the Convention against Torture and its Optional Protocol.

10. Please provide information on the measures taken to prevent, combat and investigate cases of torture and ill-treatment of individuals by law enforcement and military personnel. Please respond to allegations that such acts are seldom investigated and prosecuted, thereby perpetuating a climate of impunity. Please provide information on (a) the progress made to address complaints of torture or ill-treatment against the police, military and other officials; (b) the number of complaints received in the last five years; (c) the number of investigations carried out; (d) the types of penalties imposed; (e) the compensation awarded to the victims of torture or ill-treatment and (f) training in human rights for the police, military and other officials.

11. Please respond to allegations that arrests without warrants are widespread, in contradiction to article 64 of the Constitution, in particular in politically-motivated cases in the Cabinda Province and in the so-called Lunda-Tchokwe protectorate. It is alleged that in most of these cases, individuals were detained for varying lengths of time before being released without charge and compensation, or being charged with crimes against the State.

12. Please respond to allegations that in the Cabinda Province, torture and ill-treatment of individuals by law enforcement and military personnel, arbitrary and unlawful arrests, and harassment of persons considered to belong to the independence movement are widespread phenomenon

13. Please provide detailed information on the investigation undertaken in 2011 into the mass deportation of 25,000 migrants in 2010 to the Democratic Republic of the Congo by the State party authorities. Please comment on the conclusion that the allegations that these migrants were victims of serious human rights violations committed by Angolan law enforcement and security officials, including sexual violence, torture and other cruel, inhuman or degrading treatment, were inaccurate. Please provide information on the follow-up investigations that the State party committed to undertake. Please also provide information on allegations of similar mass expulsions (around 50,000 persons) in 2011.

Please provide information on the legal procedures which apply to the detention and expulsion of migrants, including the possibility of contesting and appealing such decisions.

14. Please provide information on alleged human rights abuses by private security companies in the diamond- mining areas, in particular Lunda Norte and Lunda Sul, and on the investigations and prosecutions that were undertaken in such cases.

15. Please provide further information on modernization and development of the prison system as well as efforts made to address the excessive number of pretrial detentions. Please provide updated disaggregated data on the penitentiary population of the State party and data on the official capacity of each establishment. Please provide information on the measures being taken to reduce overcrowding and improve the sanitary conditions of prisons in the State party to comply with the rights under the Covenant. What alternative forms of sentencing has the State party implemented during the last five years to foster prison decongestion? What measures are being taken to eliminate the extortion of money from inmates and their family members by prison guards to be able to enjoy some of their basic rights, such as family visits, weekend passes, and food delivery? What are the mechanisms in place to monitor and investigate complaints about the conduct of prison and police officials and the conditions of detention?

Elimination of slavery and servitude (art. 8)

16. Please provide further information on (a) the progress made to prevent and combat trafficking in human beings, including the steps undertaken to criminalize trafficking in persons in domestic legislation, (b) the prevalence of this phenomenon, expressed in up-to-date statistical data disaggregated by gender, age and country of origin; (c) the number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking, including cases of alleged official complicity like the alleged case where military personnel in Cabinda province purchased more than 30 trafficked women and girls from a sex trafficking ring in 2011.; (d) any training programmes for professionals involved in implementing the State party's measures against trafficking, in particular regarding the identification of trafficked victims, including the police, the judiciary, members of the prosecution authorities and social workers and (e) the programmes established to assist victims of trafficking or to raise awareness about this issue. In this context, please provide specific information on the implementation of the 2007 ECOWAS/ECCAS Joint Plan of Action against Trafficking in Persons.

17. Please explain the measures that are being taken to eliminate forced labour and the worst forms of child labour, which reportedly exist in the State party, particularly in the sectors of agriculture and street work. Please, clarify the existing legal framework that regulates child labour, including the activities allowed, the maximum number of hours they can work, the conditions of work, and the minimum age for hazardous work. In this context, please provide information on the investigation and prosecution of complaints related to forced labour and the worst forms of child labour.

Independence of the judiciary and right to a fair trial (art. 14)

18. Please provide further information on the progress made towards the revision of the judicial system, including laws and the measures to implement them regarding (a) access to legal aid; the juvenile justice system; (b) the recognition of traditional authorities in the legal system and (c) the penal and civil codes and procedural codes (State party's report para. 66). Please, clarify to what extent representatives of civil society organizations are involved in this global reform process. Please, also provide information on the measures adopted to combat corruption and nepotism, which are allegedly widespread within the judicial system.

Freedom of movement and right to privacy and home (arts. 12 and 17)

19. Please clarify the restrictions to freedom of movement and to the right to choose one's residence imposed by the Constitution and any other relevant text, in particular in the diamond areas in Lunda Norte and Lunda Sul.

20. Please respond to reports of mass forced evictions involving excessive force carried out since 2001, which included the killing of several persons and were undertaken without due process of law, prior notification, fair compensation or appropriate relocation of the persons evicted. For example, please provide information on the measures taken by the authorities, following the demolition in March 2010 of more than 3000 homes in the Huila Province, during which several persons were killed including two babies. Please provide information on the legal framework regulating eviction, including the procedure to contest such evictions. In this context, please clarify what methods are recognized by law to acquire land and to prove title to land, taking into account the history and the reality of the situation in the State party.

Freedom of opinion and expression, and freedom of association (arts. 19 and 22)

21. Please reply to allegations that many journalists are subject to intimidation, arrest and harassment from the authorities, in particular through the use of vague legal provisions, which include offences such as "abuse of press freedom" (Press Law) and which criminalize defamation (Criminal Code). In the context of the general legislative reform undertaken, please clarify whether these provisions will be repealed. Please clarify what are the criteria and procedures for obtaining a license for private radio and television. Please provide information on the investigations undertaken in the cases of attacks and threats against journalists in 2010, including Jose Gimbi, Alberto Graves Chakussanga, Norberto Sateco, and Antonio Manuel Da Silva.

22. Please clarify the scope and content of the by-law adopted in September 2011 that seems to restrict the right to freedom of assembly in Luanda. Please provide further information on the legal framework for non-governmental organizations (NGOs) registration and possible dissolution by the authorities (procedure, criteria, and safeguards). Please respond to allegations that NGOs and civil society representatives, including in the Cabinda province, have been intimidated and harassed by authorities, and peaceful demonstrations have been prohibited or brutally dispersed, with some participants being arrested, including in 2011 during anti-government demonstrations in Luanda.

Protection of minors (arts. 24 and 26)

23. Please provide further information on the increasing number of cases in which children accused of witchcraft have been subjected to abuse including ritual cutting and even death during exorcism rituals (State party's report, para. 75). Please clarify the measures taken by the authorities to prevent and combat these practices and provide data on the investigation and prosecution of such allegations in the last five years.

24. Please provide further information on the implementation of Decree No. 31/07 that establishes free birth registration for children up to 5 years of age (State party's report, para. 110) in the light of allegations that despite this measure, many children, both in urban and rural areas, remain undocumented, and therefore are denied access to health and educational services.

Right to participate in public life and vote in free and fair elections, (arts. 25)

25. Please respond to allegations that members of the opposition party UNITA were subjected of harassment, intimidation and assault, resulting in 2010 in the death of a few of its members. Please provide information on the investigations and prosecutions undertaken

in such cases. Please provide further information on the regulation of the dissolution of political parties and statistics on the cases that occurred in the last five years. (State party's report, para. 86)

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

26. Please provide information on the steps taken to disseminate information on the Covenant and its First Optional Protocol, the submission of the first periodic report of the State party, and its forthcoming examination by the Committee. Please clarify when the Covenant and the Optional Protocol were published in the Official Gazette in accordance with article 13 of the Constitution and indicate whether they have been translated into Portuguese and any other national or local languages. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and the national human rights institution in the preparatory process of the report.
