

# Angola

## **Civil Society Report on the Implementation of the ICCPR (Replies to the List of Issues CCPR/C/AGO/Q/1)**

ACC - Associação Construindo Comunidades (Association Constructing Communities)

Angola 2000

AAM - ACÇÃO ANGOLANA PARA MULHER

ADRA – Acção para o Desenvolvimento Humano e Ambiente

AJPD - Associação Justiça, Paz e Democracia (The Association for Justice, Peace and Democracy)

AJUDECA -

FORDU - Fórum Regional para o Desenvolvimento Universitário  
Associação

LARDEF - A Liga de Apoio à Integração dos Deficientes

ML - Associação Mãos Livres (Association Free Hands)

MWENHO – Rede Angolana de Mulheres Vivendo com o VIH/SIDA:

OMUNGA (OMUNGA Association)

Open Society Initiative for Southern Africa (OSISA-Angola)

PMA - Plataforma Mulheres em Acção (Women in Action Platform)

REDE POBREZA –

SOS HABITAT – Acção Solidária

*Luanda – Geneva 1st March 2013*

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With the support of the Centre for Civil and Political Rights

**COMMENTS FROM  
CIVIL SOCIETY IN ANGOLA  
ON THE LIST OF ISSUES**

**REVIEW OF THE INITIAL REPORT OF ANGOLA  
(CCPR/C/ANG/Q/1)  
107<sup>th</sup> session of the Human Rights Committee  
Geneva – March 2013**

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This document was produced by Angolan civil society human rights organisations based in different provinces of the country:

**LARDEF - A Liga de Apoio à Integração dos Deficientes** (The Support League for the Integration of Disabled Persons) is an organization of disabled people founded in 1997 to defend the cause of people with disabilities: to promote, represent and defend the participation, rights and interests of persons with disabilities. It aims to establish and develop programs, projects, and actions to ensure equal opportunities

for people with disabilities as well as to promote the participation and full integration of persons with disabilities. Its vision is to create a seamless environment in which people with disabilities are integrated into society and their rights are respected.

**FORDU - Fórum Regional para o Desenvolvimento Universitário** (Regional Forum for the Development of Higher Education) is a philanthropic organisation. It was established as a voluntary, non-partisan, secular and non-profit organisation under Angolan law in 2005. Its mission is to *fight poverty by improving educational practices and by raising people's awareness and exercise of their economic, social, cultural, civil and political rights.* The organisation's social purpose is: to promote quality education, competent and competitive scientific research, academic and professional oversight, thematic development, and training.

**Associação OMUNGA** (OMUNGA Association) emerged in 1998 as a project of the OKUTIUKA-APAV organization. Since 2000 the organisation has worked to support the process of empowerment, giving priority to the OMUNGA project due to its specificity and state of development. This work is based on a protocol established between OKUTIUKA-APAV and OMUNGA on the responsibilities and conditions of that empowerment. Its mission is to promote, publicise, and monitor nationwide policies for children and youth to ensure the exercise of their rights and duties.

**PMA - Plataforma Mulheres em Acção (Women in Action Platform)** is a network of organisations working on the defence and promotion of Women's Human Rights, as well as the promotion of gender balance in Angola. Its mission is to promote the effective participation of women in political and public life through training its women's rights member organizations, and to promote gender justice in Angola.

**NCC - Centro Nacional de Aconselhamento (National Advocacy Center)** is an organisation of Angolan civil society with national in scope and headquarters in Luanda. Since its founding date (1999), NCC has been implementing projects in four main areas: **Citizenship, Psycho-Medical-Ethical Human, Legal and Community Development and Legal and Human Rights.**

**AJPD - Associação Justiça, Paz e Democracia (The Association for Justice, Peace and Democracy)** is a national, nonpartisan, voluntary organization with legal status in Angola, open to all men and women of good will. It aims to contribute to the active, conscious and responsible work of all Angolans in the process of consolidation of the democratic process, the rule of law, peace, development and strengthening of respect for human rights in Angola in a peacefully manner and respecting democratic legality. Its mission is to contribute to and carry out advocacy for the rights of citizens and communities in Angola through programs and projects for the protection of human rights and citizenship.

**ACC - Associação Construindo Comunidades (Association Constructing Communities)** works on advocacy for Land Rights, human development and human rights in traditional and agro-pastoral communities in the municipalities of Chibia

and Gambos. The Association works predominately in the periphery of urban areas in Tchavola, Tchimúkwa and Mutundo and where houses were demolished by the government without any compensation in March and September of 2010. Its mission is to work with state institutions, government and civil society to promote social inclusion, the exercise of citizenship and a culture of human rights and fair use of the land and natural resources.

**Angola 2000** goals are to: promote a culture of peace in and among communities; plan, monitor and evaluate activities aimed at national disarmament, demobilization, human rights, democracy and reducing violence; strengthen community organisations through a sense of belonging and sustainability of projects in the areas of intervention. Its vision is: a safe, peaceful and developed Angola supported by effective institutions and with active social, economic, and political participation of all citizens of the country.

**ML - Associação Mãos Livres (Association Free Hands)** is an Angolan organisation that advocates in courts and outside them in the name of citizens lacking financial means. Its objectives are: to provide free legal assistance to communities and people lacking financial resources, defend and disseminate the fundamental rights of citizens under the Constitution of Angola and the international human rights instruments to which Angola is a State Party, and defend individual cases of violation of human rights. Its mission is to promote and defend the fundamental rights of citizens, contributing to social stability of families, peace, and democracy in Angola.

**REDE POBREZA** is a the network established in 2007, which works to combat urban poverty in Luanda. It aims to influence public policies on poverty in the cities of Luanda, Cacucaco, Viana, Cazenga and Kilamba Kiaxi district, Sambizanga and Maianga. The network has 120 member organizations, working on advocacy, governance, health, education, child gender and training.

**ACÇÃO ANGOLANA PARA MULHER (AAM)** is a nonpartisan, nonprofit, non-governmental organization founded on 14 May 1997 and Notary Record in Luanda on 23 June 2000. It is a member of the Women Network / Angola, FONGA and ANASO. Angolan Action for Women works to combat violence against women, poverty, promote gender balance, respect for human rights, the raise of the social status of women through action, research, outreach, education, advocacy, counseling, legal assistance, sexual and reproductive health and the prevention and combating of HIV and AIDS. Target groups include adolescent girls and young women, disabled and elderly.

**AJUDECA - Associação Juvenil para o Desenvolvimento Comunitário de Angola** is a nongovernmental organisation that operates in Lunda Norte, specifically in the districts of Cuango and Shah-Muteba. It works on Corporate Social Responsibility and Economic, Social and Cultural Rights.

**SOS HABITAT – Acção Solidária** is an association that works on the defense, protection, and promotion of human rights especially in relation to land tenure and

housing. Founded on 18 November 2002, is a pacifist, nonpartisan association that aims to contribute to sustainable human habitation in the most integral and harmonious manner possible. It aims to contribute to the creation of institutional conditions in which human rights are guaranteed to all. It focuses on development actions, and the institutionalisation of public policies and practices that require institutions to ensure respect for the rights of all.

**MWENHO – Rede Angolana de Mulheres Vivendo com o VIH/SIDA** is a nongovernmental and nonprofit network, which gathers women living with HIV / AIDS. It was founded on August 22, 2006, and works in the area of care and support for people living in the provinces of Luanda, Cunene, Huambo, Moxico, Benguela and Bie. Mwenho is comprised of women and children infected and affected by HIV.

**ADRA – Acção para o Desenvolvimento Humano e Ambiente** is a nongovernmental nonprofit organisation established in 1990. It aims to contribute to the democratic process in Angola, promoting peace and social justice in 22 counties of 6 provinces of Angola, implementing sustainable development programs, citizenship, formal education, and carrying out lobbying and advocacy activities.

**Open Society Initiative for Southern Africa (OSISA-Angola)** is a growing institution committed to deepening democracy, protecting human rights, and enhancing good governance in the region. OSISA's vision is to promote and sustain the ideals, values, institutions, and practice of open society, with the aims of establishing vibrant and tolerant southern African democracies in which people are free from material deprivation, understand their rights and responsibilities, and participate actively in all spheres of life.

## **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.*

No information available.

*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.*

According to the article 192 of the Constitution, the Ombudsman is appointed by the Executive power for 4 years.

According to the same article, the Ombudsman reports to the Parliament and the Presidency. However, in reality only the President of the Parliament receive a copy of the report. For the time being NGOs never received a copy of the Ombudsman's report.

The situation is the same regarding the reports of the State Secretary for human rights, as none of his report is made public.

## **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).*

Violence against women continues to be a subject of concern for the civil society in Angola. Despite the lack of comprehensive research and data on the phenomena, it is clear that cases of violence against women remain frequent. The Government has no official statistics on such cases at the national level and law enforcement officials remain reluctant to register cases of violence against women.

Despite the formal legal equality, homicide crimes committed by men and women are judged differently by the courts and treated differently in the media. Usually men who kill their partners receive a lighter sentence and cases are not widely publicised among the public, despite happening with some frequency. Women who murder their partners receive heavy penalties and these cases are the subject of headlines in the general media, public, private and social sites.

A striking example is the case of **Nerika Loureiro**<sup>1</sup>, who murdered her husband with a knife and was sentenced to 17 years in prison, in closed regime, and to pay compensation of US\$ 350,000.00 to his heirs. She was also required to pay US\$ 700,00 in court fees.

Cases where women are victims do not receive the same media attention; the public does not know the status of the investigation by the police and most of the time the name and images of the offender are withheld on the pretext of safeguarding the citizen's good name, even when he has been caught *in flagrante* or there are witnesses. The examples below illustrate this situation:

**Cecilia Clement**<sup>2</sup> - Found dead with three stab wounds and one breast cut, on 21/10/2011 in a boarding-house in Cazenga, Luanda District. Her husband is the principal suspect, he is a fugitive and no information has been provided about the investigation of the case.

**Romana Belarmino**<sup>3</sup> - Beaten to death by her husband in the presence of their five year old son on 28/02/2012, in Cazenga, Luanda District. The Husband is a fugitive. No information has been provided about the investigation of the case.

**Carolina Jamba**<sup>4</sup>, 37 - Murdered her by husband in Matala, Huila Province, with a stroke of a hoe to her head and

**Elisa Thomas**, 25, beaten to death by her husband in Mulondo, Huila Province. Both on the 28/02/2012. As in the previous cases there is no information about the course of the investigation or the whereabouts of the perpetrators.

Gender stereotypes are one of the causes of violence against women and are part of the socialisation process to which we are exposed. There is a particular problem with regard to servers and public managers, who do not receive training on gender issues and who use sexist language and discriminate against women. There are some civil society initiatives nationally and internationally<sup>5</sup> to fill this gap but they are not enough and the state institutions do not support such services.

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<sup>1</sup> <http://www.angonoticias.com/Artigos/item/29547>

<sup>2</sup> <http://www.rna.ao/radioluanda/noticias.cgi?ID=50148>

<sup>3</sup> <http://goo.gl/IYwqD>

<sup>4</sup> [http://jornaldeangola.sapo.ao/18/71/duas\\_mulheres\\_assassinadas\\_pelos\\_maridos](http://jornaldeangola.sapo.ao/18/71/duas_mulheres_assassinadas_pelos_maridos)

<sup>5</sup> The American NGO EngenderHealth has created a Training Manual about Gender and Domestic Violence for police officers and a training program. For more than two years since the project was draft, still waits for the approval by the government.

In addition, gender mainstreaming in public policies and services remains very poor:

The weak institutional capacity of the *Ministério da Família e Promoção da Mulher (MINFAMU)*, to promote gender mainstreaming in public policy is a problem. Allocation of financial resources is insufficient for the MINFAMU to perform its functions relating to the care and well being of the family. According to the local NGOs in eight provinces: Benguela, Luanda, Lunda Sul, Malange, Huambo, Huila, Bae, Kuanza Norte, the regional offices of MINFAMU have a budget of only 2000 USD per month to run their activities.

Recommendations:

- The Government should develop shelters in all the provinces for women victims of violence.
- The Government should create mechanisms which ensure the public denunciation of all acts of violence;
- The judiciary should establish mechanisms for care and treatment and expedite the rapid processing of cases on domestic violence;
- The Government should provide police stations with qualified personnel to support women victims of violence.
- The Government should increase the budget for the MINFAMU in order to address the issues of family violence and provide other services for the mainstreaming of gender issues;
- The State should collaborate more efficiently with other partners and NGOs on the promotion and implementation of gender equality in public policy;

*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.*

Please refer to the contribution by International Disabilities Alliance (IDA)<sup>6</sup>

*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.*

There is no cultural practice of female genital mutilation in Angola.

However, in some communities girls are required to engage in a *de facto* union with adults; in that context, the girls are not able to choose their own partners as this is dictated by family influences. Unfortunately there is not official statistics on this phenomenon.

Recommendations

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<sup>6</sup> See [http://www2.ohchr.org/english/bodies/hrc/docs/NGOs/IDA\\_Angola\\_HRC107.doc](http://www2.ohchr.org/english/bodies/hrc/docs/NGOs/IDA_Angola_HRC107.doc)



- The Government should strengthen its regulation relating to early marriages in all the provinces;
- The Government should adopt the legislation in favour of girls, which has been pending before the Parliament since 2012;

*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.*

The article 35 of the Constitution of Angola recognizes only marriage of persons of opposite sex. However people of the same sex are not subject of any harassment from the authorities.

There is no specific law that protects LGBT rights but the NGOs are not aware of violence against this group.

#### **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.*

Although the State Party did not reply to this question, civil society has some information relating to these allegations due to the research of international organisations. In 2007, Médecins Sans Frontières (MSF) published extensive research on cases of violence against women originally from DRC, who were deported from Angola after being “systematically” raped by the Angolan army<sup>789</sup>.

Regarding the illegal extra-judicial executions of 45 people in the province of Luanda Norte, the Government has not reported the existence of any investigation against the alleged perpetrators.

#### **Recommendations:**

- The Government should investigate all allegations of torture including the cases of sexual violence against migrants from DRC perpetrated by the Angolan army.

<sup>7</sup> See the full report here: <http://goo.gl/FYrpd>

<sup>8</sup> <http://www.doctorswithoutborders.org/news/article.cfm?id=2232&cat=field-news>

<sup>9</sup> [http://www.msf.org.uk/MSF\\_denounces\\_Angolan\\_armys\\_systematic\\_rape\\_of\\_Congolese\\_migrants.news](http://www.msf.org.uk/MSF_denounces_Angolan_armys_systematic_rape_of_Congolese_migrants.news)

- The Government should investigate the extra-judicial killings of 45 people that took place in September 2009 in Luanda Norte.

*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).*

Abortion is still criminalised in Angola, although exceptions are existing. However, the Justice Minister Guilhermina Prata submitted a draft law to the Parliament in November 2011. According to this draft, abortion could be allowed under certain conditions, including a formal approval by a medical team confirming that the abortion is necessary. This draft was heavily condemned by the Catholic Church. In January 2012, the Archbishop of the central city of Huambo, Jose Queiroz, condemned the proposed legislation in strong terms: "*The legalisation of abortion in Angola represents the State's lack of responsibility in its duties to battle poverty and support the Angolan woman, a constitutional obligation assigned to the authorities*"<sup>10</sup>.

Reproductive health services do not respond to the needs of families and women particularly in rural areas. Efforts are needed to strengthen the technical capacity of nurses and other professionals in the sector and to improve services for the public.

Recommendations:

- The Government should adopt the draft law aiming at the decriminalisation of abortion and create space for public debate to ensure that the population reaches a consensus on that topic;
- The Government should improve reproductive health services, particularly in the rural provinces;
- The Government should promote education services on reproductive health for children, adolescents and young adults, including dealing with gender issues.

**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.*

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<sup>10</sup> <http://www.genderlinks.org.za/article/angola-abortion-bill-causes-uproar-2012-02-05>

Although the constitution and law prohibit torture, the Penal Code does not criminalise torture as such and the Courts invoke the crime of assault to punish cases of torture.

The Government does not show a political will to ratify the Convention against Torture.

Recommendations:

- The Government should review the current Penal Code and ensure that torture is included as a specific crime;
- The Government should ratify without delay the Convention against Torture.

*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.*

Although the Constitution prohibits torture, the police continue to frequently mistreat prison inmates. Such cases are usually not investigated and the alleged perpetrators remain unpunished.

However, one should acknowledge that the Government has made some limited progress in condemning law enforcement officers responsible for human rights violations, including torture and extra-judicial killings. For example, in March 2010, an Angolan court sentenced seven police officers to 24 years in prison, after they were convicted of killing eight young men in the neighbourhood of Freshness in Luanda in July 2008. The Ministry of Interior was also instructed to pay compensation of about 11'000 € to each victim's family.<sup>11</sup>

More recently, the trial of several police officers in a famous case known as the "case Quim Ribeiro" entered the final phase in February 2013. This trial involves the former commander of the National Police in Luanda, Joaquim Vieira Ribeiro, and another 20 employees of the corporation. They are accused of the murder of a senior officer of the police and an official of the Prison Service in 21 October 2010<sup>12</sup>.

*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*

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<sup>11</sup> [http://www.voaportugues.com/content/a-38-2010-03-22-voa4\\_92260434/1258084.html](http://www.voaportugues.com/content/a-38-2010-03-22-voa4_92260434/1258084.html)

<sup>12</sup> <http://www.angonoticias.com/Artigos/item/37661/caso-quim-ribeiro-aproxima-se-do-fim-revela-voa>

*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.*

In Angola there are indeed arbitrary arrests, which violate not only the Constitution but also the Code of Criminal Procedure, which lay out clear and objective conditions on the arrest of citizens.

After the attack on the Togolese football team by the Front for the Liberation of the State of Cabinda (FLEC), eight persons (including human rights defenders from the Cabinda-based NGO Mpalabanda Association) were arrested. They were later charged with committing crimes against state security under article 26 of Law no. 7/78 26 May [1978] (Law of crimes against state security), in case number 56/2010. This law was repealed in 2010<sup>13</sup>. All the detainees were sentenced to three years in prison. NGOs consider that the sentence was politically motivated.<sup>14</sup> The individuals sentenced in this case included:

- Andre Zeferino Puati, a member of a Catholic Church group, arrested on 8 January 2010<sup>15</sup>;
- Peter Benjamin Fuca, an oil worker, arrested on 13 January 2010;
- Lanso Belchior Tati, economist and university professor, arrested on 14 January 2010;
- Raul Tati, a Catholic priest and university professor, arrested on 16 January 2010;
- Francisco Luemba, a lawyer and writer, arrested on 17 January 2010;
- Barnabas Paca Peso, engineer and former human rights activist, arrested on 14 February 2010.

Recommendations:

- The Government should release the political prisoners in Cabinda and Lunda-Tchokwe who were convicted under an out-dated and repealed law.

*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*

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<sup>13</sup> <http://www.portugues.rfi.fr/africa/20100611-activista-de-direitos-humanos-condenado-3-anos-de-cadeia-em-cabinda>

<sup>14</sup> [http://osisa-angola.org/articles/2010/March/press\\_release\\_detentions\\_of\\_human\\_rights\\_after\\_attack\\_on\\_the\\_togolese\\_national\\_team.htm](http://osisa-angola.org/articles/2010/March/press_release_detentions_of_human_rights_after_attack_on_the_togolese_national_team.htm)

<sup>15</sup> [http://www.mpalabanda.net/index.php?option=com\\_content&view=article&id=220:2010-01-08-detencao-de-andre-zeferino-puati&catid=62:datas-historicas&Itemid=86](http://www.mpalabanda.net/index.php?option=com_content&view=article&id=220:2010-01-08-detencao-de-andre-zeferino-puati&catid=62:datas-historicas&Itemid=86)

*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.*

Please refer to the 2012 report from Human Rights Watch: “Se Voltarem, Vamos Matar-vos Violência Sexual e Outros Abusos Cometidos Contra Imigrantes Congolezes Durante as Expulsões de Angola”. An version in English is also available.<sup>16</sup>

*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.*

The reports of abuses and human rights violations by private security companies continue, especially in Lunda Norte and Lunda Sul. According to reports from human rights activists, private security companies contracted by diamond-miners to protect their concessions of illegal farms were responsible for most of the violence. In a recent book “*Diamantes de Sangue: Corrupção e Tortura em Angola*” (Blood Diamonds: Corruption and Torture in Angola), published in September 2011, Rafael Marques, a preeminent human rights defender reports on several recent cases of human rights abuses and of corruption. The book deals with two municipalities, Cuango and Xá-Muteba, and documents over 100 killings and the torture of more than 500 individuals.<sup>17</sup>

*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?*

National NGOs have documented several cases of human rights abuses, including cases of torture, in prisons. The most recent case relates to the assault on inmates in the prison of the District of Viana, in Luanda in February 2013. This act of torture was

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<sup>16</sup> <http://www.hrw.org/reports/2012/05/21/if-you-come-back-we-will-kill-you>

<sup>17</sup> <http://www.guardian.co.uk/commentisfree/libertycentral/2011/nov/24/angola-blood-diamond-generals>

made public through an amateur video of 7 minutes, which shows two employees of the Prison Service brutally beating one of the inmates.<sup>18</sup> A few days later, the Ministry of Interior issued assurances that he would investigate the allegations of torture and ensure that the results of the inquiry were made public<sup>19</sup>. A few days after that, the Director of the prison of Viana was suspended<sup>20</sup>. As of 1<sup>st</sup> March 2013, there is no evidence that an investigation has been initiated.

Prison overcrowding and lack of health care, sanitation, drinking water and food have caused several deaths in prison. So far over custody is one of the fundamental causes of overcrowding in jails. Angolan officials are concerned by the situation<sup>21</sup>.

Recommendations:

- The Government should improve the prison conditions in the country, to ensure the rights of prisoners and improve mechanisms for detention.
- The Government should immediately carry out an investigation into the human rights violations that took place in the prison of Viana in February 2013 and ensure that the alleged perpetrators are prosecuted and sentenced.

### **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.*

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<sup>18</sup> <http://goo.gl/04dqH>

<sup>19</sup> <http://goo.gl/04dqH>

<sup>20</sup> <http://www.mpdaangola.com/blog/ministerio-do-interior-suspende-director-da-cadeia-de-viana.html>

<sup>21</sup> In October 2010, the acting presiding judge of the provincial court of the central Huambo Province, Domingos Santos said there is precariousness regarding the prisoners' accommodation conditions in the local main prison. <http://allafrica.com/stories/201010201102.html>. More recently in April 2011, the state Secretary for Human Rights, António Bento Bembe, expressed his concern about the overcrowding of Benguela's Central Prison, constructed to host 1,500 detainees, that is currently home to over 1,800 people. <http://allafrica.com/stories/201104211177.html>.

No information available.

*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.*

According to the Labour Law business companies cannot hire children under the age of 16 years. Between 16 and 18 years, a child can be employed with the consent of the parents if the secondary level education has been completed (Articles 282, 283, 284, 285, 286 and 287 of the Labour Code).

#### **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.*

The judicial administration remains a subject of concern. Despite the fact that Angola is composed of 163 municipalities, there are only 19 Provincial Courts in the country<sup>22</sup>. This limited number of courts has a negative impact on citizens who live in rural provinces. In addition access to the judicial system remains virtually impossible, due to the high court fees.

All of the courts in the judiciary hierarchy (Supreme Court, Constitutional Court, Courts Provinces and municipal) show an inadequate functioning of these organs and subordination to political power. This contradicts art.175 of the Constitution of the Republic of Angola (CRA), which provides that courts are to be independent and impartial.

Traditional authorities are recognised in the Constitutional (Article 223 of CRA), but are used to defend the political interests of the ruling party. Traditional authorities are coerced to mobilise the people in the interests of the individuals assigned to the party in power.

Recommendations:

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<sup>22</sup> [http://www.achpr.org/files/sessions/51st/state-reports/5th-2007-2010/staterep\\_angola\\_2010\\_eng.pdf](http://www.achpr.org/files/sessions/51st/state-reports/5th-2007-2010/staterep_angola_2010_eng.pdf)

- The government should create Municipal Courts in all the municipalities to ensure access to justice at the municipal level.
- The Government should complete the review of the Penal Code, which began 10 years ago.

### **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.*

There are several cases of expropriation from citizens (land and house demolitions) being carried out to the benefit of private entities and to allow commercial projects. Evictions without fair compensation in violation of the Constitution (paragraph 2 of Article 15) and the Law of Land (article 9) remain frequent.

Many displaced families have been living without the basic social minimum for more than five years. For example families displaced in the province of Huila in 2010, resettled in Zone Tchavola Tchimukwa and continue to suffer from poor housing conditions.

The Land Law defines the mechanisms for granting and legalising possession of land in Angola. However the fees to go through the registration process are too high and there is too much bureaucracy. For example, the legalisation of a plot of 400m<sup>2</sup> costs about US\$ 1000.00.

Although the Government is building homes across the country prices range from U.S. \$ 60,000.00 to \$ 250,000.00, which serve to exclude the majority of the population, given that the national minimum wage is equivalent to \$ 100.00 per month. Such projects therefore are predominately benefit the elite.

#### **Recommendations:**

- The Government should stop the demolitions of houses without due process, without notice, compensation or fair and appropriate relocation of displaced people.



- The Government should protect communal lands used for agricultural production and cattle transhumance.
- The Government should create a strategy for protecting farmland.
- In cases of evictions the Government must respect the provisions of the Constitution and the ordinary laws, creating basic social conditions for the persons evicted before the expropriation and demolition of houses.

### **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.*

Violence and harassment against independent journalists is a major concern for national NGOs who have documented several cases since 2000. For instance, **Rafael Marques** was charged with “defamation against the Head of State,” and found guilty on March 31, 2000. He was fined \$17,000 and sentenced to six months in prison. He immediately appealed to the Angolan Supreme Court, which upheld the conviction. Faced with mounting international scrutiny, however, the court suspended his sentence, but ordered Marques to pay substantial damages to the president and confiscated his passport until the end of February 2001. In 2002, Marques submitted his case to the HR Committee, which found several violations of the ICCPR in its decision CCPR/C/83/D/1128/2002 of March 2005 (articles 9, 14, 12 and 19).<sup>23</sup> More recently Marques published a book “Diamantes de Sangue” (editor Tinta-da-China) and was charged with defamation in Portugal. Charges were dropped in February 2013.<sup>24</sup>

**More recently, in October 2007, Graça Campos**, a journalist and director of the Angolan newspaper *Semanário Angolense*, was condemned to a eight-month prison sentence. According to PEN’s information, Graça Campos was convicted of ‘insult, slander, calumny and infringement of rights’ and sentenced on 25 September 2007. The privately-owned weekly *Semanário Angolense* was also ordered to pay a heavy fine of 18.7 million kwanza (US\$250,000) for criminal libel. The charges were filed by a former minister of justice who had previously complained about articles published by the newspaper in 2001 and 2004, which alleged trafficking in influence.<sup>25</sup>

<sup>23</sup> <http://www.ccprcentre.org/wp-content/uploads/2013/02/1128-2002-Marques-v.-Angola-2005.pdf>

<sup>24</sup> <http://www.dw.de/vit%C3%B3ria-para-rafael-marques-e-tinta-da-china-em-portugal/a-16594015>

<sup>25</sup> <http://www.englishpen.org/angola-felisberto-de-graca-campos-imprisoned/>

However, since 2010 the situation has worsened. Several cases of harassment have been recorded, including violence, assaults, and arrests of journalists. None of these cases have been investigated and prosecuted by the authorities.

Cases of **arrests and imprisonment** of journalists include the following cases:

- **In March 2011, Armando Chicoca** was sentenced by a court in Angola's south-western province of Namibia to one year in prison and a fine of 200,000 kwanza (US\$2,100) over his coverage of a sexual harassment scandal that implicated the province's top judicial official.<sup>26</sup>
- **In October 2011, William Tonet**, editor of the private weekly Folha 8<sup>27</sup>, was accused of criminal libel and sentenced to a year in prison, suspended for two years, and a fine of 10 million kwanza (US\$105,000). According to CFJ, Tonet's trial, which began in 2008, was based on a complaint filed jointly by Gen. Manuel Helder Vieira Dias Júnior Kopelipa, state minister and military adviser to the president; Gen. Antonio José Maria, head of military intelligence; Hélder Fernando Pitta Gróz, attorney-general of the armed forces; Francisco Pereira Furtado, former chief of staff of the Angolan armed forces; and Sílvio Burity, national director of customs. Folha 8 had reported that the five men gained control of diamond mines in Lunda Norte province without public, competitive bidding, according to news reports.<sup>28</sup> The NGO Associação Justiça Paz e Democracia (AJPD) denounced this sentence in a public statement.

**On 3 September 2011**, four Angolan and foreign journalists were severely beaten and their working materials seized by the police while they were covering a major anti-government demonstration in the Angolan capital of Luanda. On this occasion **Alexandre Solombe**, a national correspondent for the Voice of America (VOA), said he was beaten and his equipment and vehicle seized. He described the security forces as being "highly aggressive against the youth, arresting and taking away many of them."

Similarly, in January 2013, **Coke Mukuta**, correspondent for Voice of America (VOA), was beaten and detained for several hours by police while performing a job of reporting on the outskirts of Luanda. He was subsequently released without charge.<sup>29</sup>

Two reporters from the Portuguese RTP were also assaulted and their camera damaged during these events, the station said. Antonio Cascais, a Portuguese journalist with the German radio Deutsche Welle, said he was beaten and assaulted after arriving at the demonstration site. His material was confiscated and has not been returned<sup>30</sup>

In relation to the emergence of independent media, although some authorisations have been given to independent weekly newspapers (eg New Journal, The Capital

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<sup>26</sup> <http://www.cpj.org/2011/03/angolan-journalist-gets-year-in-prison-for-defamat.php>

<sup>27</sup> <http://folha8online.com/>

<sup>28</sup> <http://www.cpj.org/2011/10/angolan-journalist-fined-given-one-year-suspended.php>

<sup>29</sup> <http://bsuegreenresorts.blogspot.ch/2013/01/the-militant.html>

<sup>30</sup> [http://www.ifex.org/angola/2011/09/09/luanda\\_protest/](http://www.ifex.org/angola/2011/09/09/luanda_protest/)

Weekly Angolense, Angolense, Independent, Chela Press) and Community papers (InfoSambila, Echoes of Henda, etc.), the press remains highly controlled by the authorities. The situation is even worse with regard to the radio and television, as no licence is given to private radios and television. The **Ecclesia radio** remains an exception but is only authorised to transmit in Luanda.

Recommendations:

- The Government should revoke the Press Law n<sup>o</sup> 22/91 of June 15, 1991, in order to give greater protection to journalists.
- The Government should investigate cases of violence against journalists.
- The Government should ensure that the procedure for receiving radio and television licences is transparent and not subject to interference from the executive branch.

*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.*

The governor of Luanda Province had approved an order indicating the locations and days of the week where citizens, organizations, and institutions may conduct public demonstrations. After strong criticisms from NGO and human rights defenders this order was revoked.

With regard to the NGO Associação Mpalabanda - Associação Cívica de Cabinda (Civic Association of Cabinda), the regional court of Cabinda ruled in July 2006 that this organisation should be shut down. An appeal against this decision is still pending before the Supreme Court. This lengthy procedure was denounced by several NGOs and seems to be politically motivated.<sup>31</sup>

Since 2008, there have been arbitrary arrests of peaceful civic activists during demonstrations in the provinces of Luanda, Benguela and Cabinda, where several human rights defenders were arrested:

- November 2011: Platform of Women in Action (Veronica Sapalo, Lossi Magdalene),
- November 2011: Foundation Open Society Angola (Emilio Manuel),
- September 2012: Revolutionary Youth movement (Luaty Beirão, Adolfo Campos, Explosive Mental Hugo Kalungo, Carbon Casimiro, Mbanza)<sup>32</sup>

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<sup>31</sup> <http://goo.gl/ACbQo>

<sup>32</sup> <http://goo.gl/agibW>

In addition the several human rights defenders Revolutionary Youth movement (including Luaty Beirão, Adolfo Campos, Carbon Casimiro, Mbanza, etc.) were sentenced for three months under article 47 of the Constitution and Law of Meeting and Manifestation nº23/92, 16 of September 1992 for crime of “Harruaça” in a context of demonstration held on 3 Sept 2011<sup>33</sup>. The Supreme Court did not confirmed the decision of the first instance and the activists were all released.<sup>34</sup>

In March 2012, Jesse Lufendo from OMUNGA and Hugo Kalungo were sentenced for 45 days under the same provisions.<sup>35</sup>

Recommendations:

- The Government should improve the registration procedures for association and NGOs.
- Allegations of arbitrary arrests of human rights defenders should be duly investigated.
- The Supreme Court should swiftly proceed to consider the case of the NGO Associação Mpalabanda - Associação Cívica de Cabinda (Civic Association of Cabinda).

#### **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.*

No information available.

*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.*

Birth registration of children remains a problem in some of the provinces of the country. In some rural communities in the municipalities of Gambos and Chibia, southern Huila Province and in traditional communities (Khoisans) in Kuando

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<sup>33</sup> <http://centralangola7311.files.wordpress.com/2011/04/lei-de-reunic3a30-e-manifestac3a7c3a30.pdf>

<sup>34</sup> [http://www.club-k.net/index.php?option=com\\_content&view=article&id=9150:tribunal-supremo-ordena-libertacao-das-vitimas-de-3-de-setembro&catid=10:manifestacoes&Itemid=142](http://www.club-k.net/index.php?option=com_content&view=article&id=9150:tribunal-supremo-ordena-libertacao-das-vitimas-de-3-de-setembro&catid=10:manifestacoes&Itemid=142)

<sup>35</sup> <http://quintasdedebate.blogspot.ch/search?q=Lufendo>

Kubango, more than 60% of the population is not registered<sup>36</sup>. Unregistered citizen cannot apply for an ID Card or a passport.

Recommendation:

- The Government should establish a birth registration unit in all maternity facilities in the country and more jobs for issuing ID cards to avoid the backlog in the issuance process.

### **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)*

Regarding the cases of harassment, intimidation and assault against members of UNITA, the Government considers that these are isolated acts and should not be seen as a state practice. However, civil society is concerned by the lack of investigation, accountability, and criminalisation of the alleged perpetrators of these acts. For example, in the provinces of Bie and Huambo, there were many cases of harassment and arrests that culminated in an investigation by the Angolan Parliament (in 2011), because the Secretary General of UNITA, Abilio Kamalata Numa, went on hunger strike calling for members of his party to be set free<sup>37</sup>.

Recommendation:

- The state should investigate all the allegations of harassment, intimidation and assault against members of UNITA, in particular the deaths of some of its members.

### **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, nongovernmental organizations, and the national human rights institution in the preparatory process of the report.*

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<sup>36</sup> Source: report on the Khoisan communities in Kuando Kubango: Mbakita Association, 2012

<sup>37</sup> <http://ireport.cnn.com/docs/DOC-572272>