



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**107th session**

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Item 8 of the provisional agenda

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

**List of issues to be taken up in connection with the  
consideration of the initial report of Angola, adopted by the  
Committee at its 105th session (9 - 27 July 2012)**

**Addendum**

**Replies of Angola to the list of issues\***

[3 February 2013]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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

1. The parties involved have not invoked any complaints on this issue. According to article 26 No. 3 of the Constitution of the Republic of Angola (CRA), the Courts of Angola apply the international legal instruments, and in particular the Universal Declaration of Human Rights, the African Charter on Human and People's Rights, and other treaties of which Angola is a Member State.

2. Regarding the cases in which the domestic courts have applied the Covenant, there have been only two decisions of the Constitutional Court that directly invoked the Covenant on Civil and Political Rights. As for the common courts, although no direct reference was made to them, they apply the Covenant in their decisions, in particular with respect to the non-discrimination principle.

3. Regarding the implementation of the treaties of which Angola is a member, in conjunction with national interests, policies, strategies, programmes and action plans have been adopted to enforce the Fundamental Rights and Freedoms of the Citizens.

4. The adoption and enactment of the CRA in 2010 laid down premises for a more suitable approach, to make all the constitutional aspects clear and to adjust them to the current context. The result of this process was the acceleration of the revision of the Unified System of Justice Act, which includes references to the promotion and protection of human rights in order to ensure that the Justice sector has the credibility required of it in order to improve its performance as it implements the protection and defence of citizens' rights. In this regard, in 2010 a series of general laws were developed, including:

- Draft Law on Mediation and Conciliation;
- Draft Law on the Judicial Assistance Amendment;
- Draft Law on the Judicial Support Centre;
- Revision of the Penal and Civil Codes and the Code of Civil Procedure and Criminal Procedure;
- Revision of the Civil Registration and Notarial Codes;
- Preparation of the Labour Procedure Code;
- Adjustment of the Status of Confiscated and Confiscable Goods;
- Adjust Law No. 2/04 on the Exercise of Freedom of Conscience, Worship and Religion.
- Draft Organic Law on the Courts;
- Draft Organic Law of the Office of the Public Prosecutor and the Status of Magistrates in the Office of the Public Prosecutor;
- Draft Law on the Law to Amend Pre-Trial Detention;
- Draft law to amend the Law of Searches of Persons, Searches of Premises, and Arrests;
- Draft Law on the Organic Law on the Status of Judicial Magistrates;
- Draft Law on the Law of Societies of Attorneys;
- Draft Law on the Decree to Amend the Organization of Judicial Secretariats.

- Preparation of the Legislation on the Prison System.

5. The deficiencies and unsuitable components that were identified were taken into consideration, and based on the priorities identified in view of the context, a series of laws were adopted. We underscore here those that have a direct or indirect impact on the protection and promotion of the equality and development of women and gender equality in particular:

- Law No. 24/11 – Forms for documents of Local Administration of the State.
- Law No. 25/11 – Against Domestic Violence
- Law nº 28/11 – Refining of Crude Oil, Storage, Transport, Distribution and Sale of Petroleum Products;
- Law No. 30/11 - Micro, Small and Medium-Sized Enterprises;
- Law No. 33/11 – Legislative authorization to define a special exemption from the tax on capital investment applicable to financial interest or subsidies to entities of the corporate public sector to implement the National Housing Program;
- Law No. 34/11 – Fighting Money Laundering and the Financing of Terrorism;
- Law No. 35/11 – Enabling Act to Revise the Industrial Tax Code, the Tax Code on Capital Investment, the Tax Code on Earnings from Labour and the Rule on the Consumption Tax and to Adopt the Stamp Tax Code;
- Law No. 36/11 – Organic Law on General Elections
- Law No. 39/11 – Amendment of Law No. 17/10 of 29 July - Law on the Organization and Operations of the entities of Local Administration of the State;
- Law No. 1/12 – Description and Execution of International Legal Procedures.  
26/11 - Sobre a Institucionalização do Dia do Antigo Combatente e Veterano da Pátria  
29/11 - Lei de Alteração da Divisão Político-Administrativa das Províncias de Luanda e Bengo  
29/11 - Lei de Alteração da Divisão Político-Administrativa das Províncias de Luanda e Bengo
- Law No. 2/12 – Exchange Regime Applicable to the Petroleum Sector.
- Law No. 3/12 – Framework Law on Public Associations.
- Law No. 4/12 – Demarcation of the Municipalities of the Province of Bengo.
- Law No. 5/12 - Demarcation of the Municipalities of the Province of Luanda.
- Law No. 6/12 - Private Associations.
- Law No. 7/12 - Cinema and Audio-visual.
- 8/12 – Corporate Sponsorship.
- Law No. 9/12 – Enabling Act on Allocating Incentives to Angolan Enterprises that Carry Out Petroleum Operations.
- Law No. 10/12 – Financing for Political Parties.
- Law No. 11/12 – Observation of Elections.
- Law No. 12/12 – Organic Law on the Organization and Operation of the National Elections Commission.

- Law No. 13/12 – Organic Law to Adopt the Rules of Procedure of the National Assembly
- Law No. 14/12 – Mediation in Real Estate
- Law No. 15/12 – Enabling Act to Adjust the Tax Regime Applicable to the Angola LNG Project.
- Law No. 16/12 – Adopting the Code of Ethics and Parliamentary Conduct.
- Law No. 17/12 – Organic Law Adopting the Status of Members of Parliament.
- Law No. 18/12 – Organic Law Amending Law No. 36/12 of December – Organic Law on General Elections.
- 19/12 - Law on Sole Proprietorships.
- Law No. 20/12 – Authorizing the National Bank of Angola to issue and place in circulation a new family of banknotes and metal coins known as the “2012 series”
- 21/12 - Law on Persons with Disabilities
- Law No. 22/12 – Organic Law on the Attorney General and the Office of the Public Prosecutor.
- Law No. 23/12 – Amendment to article 56. Code of Criminal Procedure.
- Law No. 24/12 – Amendment to Law No. 15/10 of July – Framework Law on the General State Budget.
- Law No. 25/12 – Protection and Complete Development of the Child.
- Law No. 26/12 – Transport and Storage of Crude Oil and Natural Gas

6. The Ombudsman [Provedoria de Justiça – PJ] is an independent public entity whose objective is to defend the rights, freedoms and guarantees of the citizens, and to ensure through informal means the justice and legality of the central authorities.

7. Because of its nature (evaluation of complaints with no power to make decisions), in processing the complaints that are made as part of its work, the Ombudsman observes a set of legal procedures; these procedures include requests for information and clarifications or having the institutions to which they are addressed issue opinions and recommendations based on the type of complaints the citizens submit, and the citizens are to receive a reply no later than the statutory deadline of forty-five days.

8. With the election in June 2005 of the National Assembly, to which citizens may submit complaints for actions or omissions of the authorities, Angola took a significant step in the promotion and defence of human rights, proving that it guarantees the legitimate rights and interests of the citizens in line with the “Paris Principles.”

9. Resolution No. 9/02, of 28 March established the Ministry of the Family and Women’s Empowerment (Ministério da Família and Promoção da Mulher - MINFAMU), the national institution responsible for the establishment, implementation, support and assessment of all programmes that seek to promote gender equality through its central, provincial, municipal and communal bodies.

10. In the pursuit of its objectives, the Ombudsman observes the national laws enshrined in the Constitution of the Republic, whose requirements are in line with international legal instruments, and specifically the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

11. Law 25/11 of 14 July was adopted in response to the necessity to prevent and punish acts of domestic violence against defenceless persons and persons with physical, psychological and emotional disabilities.

12. Moreover, the law generically addresses the necessity of protecting society from acts of violence, and in particular women, men, children, the elderly and adolescents, as well as persons vulnerable to aggression throughout Angola.

13. Fighting violence in local social relations is a criminal policy that determines which new legal interests are criminal in nature and that are to be protected. In the special “crimes of domestic violence” regime provided for by this Law, such behaviours are already considered crimes under the current criminal law if they occur in defined social contexts. A special procedural statute was enacted so that victims of this type of violence can also take advantage of a series of protection and support programmes provided by the State and society.

### **Persons with disabilities**

14. According to the Constitution of the Republic, the State promotes and guarantees the measures necessary to ensure for all the right to assistance for illness and disability in any situation of incapacity to work according to the law.

15. Supplementing this constitutional provision, article 83 provides: “citizens with disabilities shall fully enjoy the rights and shall be subject to the duties enshrined in the Constitution, notwithstanding the restriction or exercising or fulfilling them for any persons who are incapacitated or have limitations; the State adopts a national policy of prevention, treatment, rehabilitation and inclusion of citizens with disabilities in order to support their families and to remove the barriers to their mobility; the State adopts policies that seek to raise societal awareness regarding the duties of inclusion, respect and solidarity to citizens with disabilities; The State develops and supports special education and technical and vocational training for citizens with disabilities.”

16. In December 2012 Angola ratified the Convention on the Rights of Persons with Disabilities, as well as its Optional Protocol. Thus, legal instruments have already come into effect that guarantee protection under equal circumstances between persons with disabilities and others without disabilities, as indicated in Law No. 21/12 of 30 June, Law No. 6/98 of 7 August, Law No. 07/04 of 15 October, Executive Order No. 105/12 of 1 June, and Decree No. 21/82 of 22 April. The implementation of these legal instruments is bolstered by the implementation of the Strategy to Protect Persons with Disabilities and the accompanying National Policy, adopted by Executive Orders No. 237/11 and 238/11 of 30 August, respectively; Executive Order No. 4/03 regulates the duties of the institution in charge of awarding monetary compensation to citizens with disabilities and permanent incapacities to perform any work-related activity and that are not covered by any other social assistance arrangement, and who do not have their own financial resources, in compliance with Law No. 6/98 of 7 August.

17. Through the implementation of programmes to support persons with disabilities, support was provided to 88,504 persons in this target group through Programs to Provide Means of Transport and Technical Assistance and Community-Based Rehabilitation. Hence, the Program to Provide Means of Transport and Technical Assistance provided services to 73,730 persons with disabilities as well as many devices and means of transport, i.e. 6,290 wheelchairs for adults, 200 wheelchairs for children, 2,004 three-wheeled manual vehicles, 16,560 guides for the blind, 3,698 pairs of crutches, 32,531 pairs of walking canes for adults, 8,254 pairs of walking canes for children, 2,155 canes for the blind, 1,370 walkers, 428 three-wheeled motorized cycles for carrying goods, and 240 three-wheeled motorized cycles for passengers.

18. In the Community-Based Rehabilitation Program, 14,774 persons with disabilities were covered by various specialized services and they took part in socio-economic projects as shown in the table below.

#	Province	Job Market	Health	Special Education	Physical Rehabilitation	Education and Teaching	Vocational training	Justice Service	Sub-total
1	Bengo				4	1	14		19
2	Benguela		935		46	45	220		1,264
3	Bié	37	1		415	459	18		930
4	Cabinda	120			2	70	59		251
5	Cunene	2			242		21		265
6	Cuando Cubango	50	38		2	59			149
7	Cuanza Norte	3	50		8	56	120		237
8	Cuanza Sul	6		74	278	18	5		381
9	Huambo		220	3,336	2,131	163	135		5,985
10	Huila		241		52	148	54		495
11	Luanda	13	2,440	6	243	196	13	12	2,923
12	Lunda Norte		50			20	8		78
13	Lunda Sul	3	15		73	479			570
14	Malanje	7	554		3		20		584
15	Moxico		2		13	48	8		71
16	Namibe	4	20	93	1	238			356
17	Uíge	6	5		46	104	50		211
18	Zaire				1		4		5
Grand total		251	4,589	3,509	3,560	2,104	749	12	14,774

#### Early marriage and female genital mutilation

19. The Survey of the People's Well-Being (IBEP – 2008/2009) shows that at the time of the survey, nearly half of the population over 12 years of age were married (52 per cent of men and 46.7 per cent of women). There are cases of children between 12 and 14 years of age that have conjugal relations, amounting to 1.3 per cent of the population, and all of them are in de facto unions. The greatest numbers are in the provinces of Lunda Sul, Moxico, Huambo, Bié and Malanje, with a slightly heavier concentration in rural areas. Women marry earlier than men; at the time of this survey, roughly 63 per cent of women were not single. Despite early conjugal relations among youth, which is cause for social

concern, in general, less than 4 per cent of youths under 17 years of age have conjugal relations.

**Discrimination against persons based on their sexual orientation.**

20. According to article No. 23 No. 2 and article 32 of the CRA, the liberty, privacy and the respect of a person's intimacy are protected. Intimacy between adults is a matter of freedom of decision and we are unaware of any cases of legal prohibition or discrimination on the basis of sexual orientation.

**Allegations of arbitrary deaths of 45 illegal minors killed by the police and the armed forces**

21. In response to the allegations according to which in recent years several persons were arbitrarily or illegally killed by police or soldiers, the Republic of Angola and the Democratic Republic of the Congo established a Joint Commission, which also included the Special Representative of the Secretary General of the United Nations for Matters of Sexual Violence, as well as representatives of the UNHCR, the IOM, and the ICRC.

22. During the visit, the Joint Commission made contact with the local authorities, assessed the conditions of detention, and attended a repatriation session for 44 citizens of the DRC who had entered the country illegally.

23. The Joint Commission was satisfied in that it found a climate of coordination, trust and good understanding between the parties (Angola and the DRC) for repatriating the illegal citizens of Angola and urged them to continue along the lines to eliminate the climate of disinformation in the international media on the existence of alleged violations of the rights of the citizens of the DRC.

24. Consequently, the Government of Angola vehemently expressed its disagreement with the less realistic analysis made by certain careless organizations of the alleged acts of violations of human rights, since the measures implemented are supported by statutes, and in particular Law No. 2/07 – the Legal Regime for Aliens in Angola and the respective Regulation, as well as the Law on Money Laundering and the Financing of Terrorism.

25. Finally, the parties made the following commitments:

26. Angola should: Facilitate access by the United Nations and IMO Missions to the above-mentioned areas and protect United Nations stakeholders; ensure regular access to the detention and intake centre; facilitate United Nations and IMO participation as observers in the repatriation process carried out by the Angolan authorities; send a clear signal that impunity is not tolerated, investigate the alleged violations on the basis of credible information and sanction the perpetrators; through existing channels, reiterate the ban on sexual abuse to the leaders of the armed forces and the police; and strengthen the Zero Tolerance commitment for such violations in accordance with the Armed Forces and Police Code of Conduct.

27. The United Nations should: Commit to supporting the Government of Angola and the DRC for their efforts to seek preventive measures. In this context, the United Nations will be prepared to cooperate with the Joint Commission, Angola, and the DRC; the United Nations will ensure that the information from its sources is shared with the authorities of both States; the UN will also offer support for training the Armed Forces and the Police in the best practices of preventing sexual violence.

28. Demining in Angola is an activity that involves government and civil society entities through domestic and international NGOs, such as the APN, Halo Trust, TPA, LAD, MGM and Trindade Ninho de Infância, specialized private companies, United Nations specialized agencies (UNDP, UNICEF, UNDAF, UNIMAS), and the European Union.

29. The activities are carried out under the aegis of the National Intersectoral Commission for Demining and Humanitarian Assistance (CNIDAH), the organization that is responsible for the coordination, planning and organization of all operations in cooperation with the National Demining Institute (INAD) and the Executive Demining Commission (CED).

30. The activities focused on inspecting and demining highways, agricultural areas, land reserves with socio-economic impact, high-voltage power transmission lines, and areas used for rebuilding the railroads. The results are as follows:

<i>No.</i>	<i>ACTIVITIES</i>	<i>RESULTS</i>
1	Highway inspection and demining	3,027 km
2	Demining of customs areas	361,184 m <sup>2</sup>
3	Demining of agricultural areas and land reserves	958,749,070 m <sup>2</sup>
4	Inspection and demining of high-voltage power transmission lines	115 km
5	Inspection and demining of railroads	327,379 m <sup>2</sup>
6	Anti-personnel mines detected, deactivated and destroyed	6,257
7	Anti-tank mines detected, deactivated and destroyed	303
8	Explosives removed and destroyed	302,010
9	Lethal material detected and destroyed	1,223,871 kg
10	Metals detected and picked up	1,41,377 kg
11	Persons made aware of the hazards of mines	22,984

31. These results have a major social and economic impact on Angola's development because they make it possible for persons and goods to move safely, to resettle and settle the people, repair roads, bridges, airports, aerodromes, dams, lagoons and high-voltage power transmission lines, railroads, develop agricultural centres and areas, build new urban centres, install drinking water networks, install fibre optics telecommunications networks, and support the electoral process.

#### **Information on the criminalization of abortion**

32. Article 358 of the Penal Code (CP) prohibits abortion in order to protect and preserve human lives beginning with gestation. However, in clinical and therapeutic circumstances, when the mother's life is in danger or when incompatible situations exist that will endanger the child's normal development, a local Medical Board is set up and decides on interruptions of pregnancies prior to 22 weeks of gestation. Abortion is not permitted and is considered a crime punishable by law.

#### **Membership in the Convention against Torture and its Optional Protocol and Measures Taken to Prevent, Fight and Investigate Cases of Torture**

33. Article 60 of the Constitution of the Republic of Angola provides that no one may be subjected to torture or forced labour, or to cruel, inhuman or degrading treatment or punishment. Therefore, such practice is not standardized because the process of revising the Penal Code is not specified.



34. The regulations for the National Police, the Alien Emigration Services, Penitentiary Services, the Civil Protection Service and the Fire fighting Service have been adopted as preventive measures. In all the branches of the Ministries of the Interior, Armed Forces and Security, as well as in the magistrate training institutions, there are human rights sections whose focus is on banning torture and ill-treatment. There are criminal investigations of the cases of torture and ill-treatment that are recorded and they are prosecuted in the corresponding courts. The sentiment of impunity that is noted is a result of delays in prosecuting the accused when they are not detained. In many cases this situation is facilitated by the lack or shortage of information on sentences that have been issued. The legal awareness of the citizens, police forces and the military is improving, so the number of complaints for acts of torture and degrading and inhuman treatment will increase.

35. Prosecution is based on acts that are committed and punishment is based on the gravity and type for the respective perpetrators. However, there are still many constraints in the registration system so that statistical data cannot be submitted. The concept of torture is not the same as in our legal system and perpetrators are convicted for crimes of “bodily injury and unlawful use of authority.”

#### **Alleged arbitrary prisons in Cabinda Province and the Lunda-Tchokwe Protectorate**

36. Regarding the provinces of Cabinda and Lunda Norte, and to a limited extent, the entire country, it should be clarified that, based on the law, detentions and incarcerations have occurred for various types of crimes committed by citizens and that interfere with the public order and calm for various reasons. Consequently, the perpetrators are prosecuted and sentenced by the competent courts.

37. There are no arbitrary prisons in Angola. Detentions and incarcerations are in accordance with the law on pretrial detention and the criminal investigation process. Whenever it is determined that detention is illegal or there is an unlawful use of power, the perpetrators are punished in accordance with article 64 of the CRA.

#### **Mass deportation of immigrants in 2010 to the Democratic Republic of the Congo by the Angolan authorities**

38. The scenarios that involve flows of illegal immigration in Lunda Norte Province, the profile of the immigrants, and their connection to unlawful activities are the reasons that tensions and incidents occur that cannot be ascribed to the Republic of Angola.

39. The location of the events that occur on both sides of the border between Angola and the DRC is uncertain. The DRC’s own authorities indicate that they have received no complaints or reports from their fellow citizens.

40. Based on this request, Angola and the RDC organized a Joint Mission that included the Special Representative of the Secretary General of the United Nations for matters of conflict and sexual violence, the UNHCR, the IMO and the ICRC, for the purpose of verifying the allegations of human rights violations.

#### **Modernization and humanization of the prison system**

41. To modernize and develop the prison system in order to address the excessive number of pretrial detentions, the State of Angola prepared a Prison System Development Plan. The Plan is subdivided into an Emergency Plan and a Prison Infrastructure Expansion Plan which address the following respectively: prison infrastructure maintenance, expansion and construction; improvements in living conditions for inmates; implementation of industrial and agriculture centres; schools for academic and vocational education, training and professional development for prison guards, technical employees and officials.

42. To solve the excessive number of pretrial detentions, new courts were built, the municipal network was expanded, and a National Judicial Studies Institute was established to train and continuously admit new magistrates to the judiciary and the Office of the Public Prosecutor.

43. Regarding the incarcerated population, it was calculated in December 2012 that there are 20,305 prisoners incarcerated in the prisons of Angola; 10,779 had already been sentenced and 9,526 were being detained. In terms of gender, there were 552 female prisoners and 19,753 male prisoners. With regard to prison capacity, the system currently consists of 34 establishments, including one prison hospital with numerous wards [valências] with a 300-bed capacity and two establishments for females and two prisons for traditional women.

44. In compliance with clause 3 of article 12 of Law No. 08/08 of 29 August (Prison Act), the categories of prisons are as follows: category 1, with a capacity of 800 prisoners or more; category 2, with a capacity of up to 800 prisoners; and category 3, with a capacity of less than 200 prisoners.

45. Regarding the measures that seek to reduce overcrowding and improve sanitary conditions in the prisons in order to ensure that the rights established in the Covenant are observed, the State of Angola considers that this phenomenon transcends the sphere of action of the penitentiary system. The implementation of a set of integrated judicial, administrative and social measures is now under way to establish a commission in charge of revising the Angolan Penal Code and to place magistrates from the Office of the Public Prosecutor in the Provincial, Municipal and Communal Commands in order to verify the legalization of detentions and carry out a procedural investigation; establish and outfit existing medical posts in all the establishments; build new prison establishments, namely in the localities of Damba-Malange, Cambiote-Huambo, Cambembeia-Luanda, Waco Kungo-K.Sul and the Luanda Psychiatric Prison Hospital. New prisons are now being completed in the localities of Luzia-L.Sul, Kaquila-Luanda, Péu Peu-Cunene, Kindoque-Uíge and Bentiaba-Namibe; the dynamics of preparing proposals and granting parole have improved.

46. To promote easing prison congestion, the principal alternative to prison has been parole, provided for in article 120 of the Penal Code; this occurs when sentencing takes place or parole is decided; this system allows the prisoner to serve half the term to which he was sentenced on parole, under conditions imposed by the law and the judge.

47. Decree 33/91 provides for sanctions that range from registered censure [censura registada] to demotion and expulsion from the civil service of the employee involved in the acts of extorting money from prisoners and his family members. The accused prisoners are entitled to receive visits from their attorney, family members, friends and representatives of religions and to correspond with them, notwithstanding the provision in subparagraph e) of article 63 and the clause in No. 3 of article 194 of the CRA.

48. Under article 73 of the CRA, which establishes the right to petition, denounce, file claims and complaints, systems were established to monitor and investigate this type of conduct by prison officials and the police as well as the conditions of detention, which falls under the responsibility of not only the legislative, judicial and authorities and the central government, but also of a body known as the Office of the Inspector General and the Legal Office of the Prison System; both are authorized to conduct investigations to determine the veracity of information and responsibility.

#### **Elimination of slavery and servitude (art. 8) Trafficking in human beings**

49. The report submitted to the Committee provides a comprehensive discussion of trafficking in human beings in Angola, and especially the trafficking of women and children during the reference period. All of society has become interested in trafficking in

human beings in Angola, although a consistent and efficient profile of intervention has yet to emerge despite the fact that this issue has been a topic of study.

50. The partnership that was established with the International Migration Organization (IMO) has carried out a few awareness-raising activities with society that address the severity of the situation and the seriousness of preventing and combatting trafficking through workshops, especially in the border provinces and distributing posters with messages that draw the attention of the citizens to obvious signs that indicate the presence of traffickers.

51. Notwithstanding the fact that the national legislation contains requirements that assist in preventing and combatting trafficking in human beings, in May 2010 the National Assembly approved the ratification of the Additional Protocol on Transnational Organized Crime (Palermo Protocol).

52. The penal legislation in effect criminalizes these acts as well as the illegitimate surrender of minors (art. 347), violent or fraudulent abduction of children (art. 342), requiring a minor to leave the home of their parents or guardians (art. 343), incarceration and hiding minors (art. 397), and consensual abduction (art. 396).

### **Forced labour and the worst forms of child labour**

53. The State of Angola has made an effort to achieve favourable and appropriate conditions for the development of the country and its people in the areas of politics, economics, society and culture.

54. To this end, the State has adopted legislative measures whose requirements reflect aspects that cover in particular the necessity of protecting, providing care for and educating children for a better future for the child and for society.

55. The 2010 Constitution of the Republic established conditions favourable for effectively promoting and protecting the rights of the child and opened up prospects for preparing new laws. Article 35 point 6 expressly establishes that the “protection of the rights of the child, namely their complete and harmonious education, the protection of their health, living conditions and education, are an absolute priority for the family, the State, and society.”

56. Article 80 clearly establishes that the leaders must be in harmony with the CRA as follows:

(1) Children are entitled to special attention from the family, society and the State which, in close cooperation, shall ensure their complete protection from all types of abandonment, discrimination, oppression, exploitation, and illegal exercise of authority, in the family and in other institutions;

(2) Public policies in the area of family, education and health shall safeguard the principle of the supreme interest of the child, in such a way as to guarantee their full physical, psychological and cultural development;

(3) The State shall provide special protection for orphaned children, children with disabilities, and children who are abandoned or who are deprived of a normal family environment in any way;

(4) The State shall regulate the adoption of children and promote their integration into wholesome family environments and shall ensure that they develop fully;

(5) Under the law, school age children are not permitted to work.

57. Another law of great importance is No. 2/00 (General Labour Act) which, in harmony with the International Labour Convention, provides special protection for children against economic exploitation and child labour, with the following highlights:

(1). Labour relations with minors between 14 and 18 years of age are contingent on the permission of their legal representatives or, if there are none, of the Job Centre;

(2) The law also prohibits assigning minors to hazardous jobs that jeopardize their development, as well as working in theatres, cinemas, nightclubs, cabarets, dancing halls or in jobs in which they sell and advertise pharmaceuticals.

(3) Decree No. 11/03 establishes the system of fines for violations of the provisions of the law and awards jurisdiction to the Office of the Inspector General of Labour for enforcement.

58. Early on, child labour began to among the major themes for children's rights in Angola, but took on greater importance when in 1993 Angola brought together in the city of Luanda activists and children from all the provinces in a National Symposium on Children. This important and serious event that addressed these issues unleashed a large movement of debates on the status of children.

59. In 1997, the First Meeting on Child Labour was held, with the participation of representatives from the entire country as a response to the recommendations from the symposium. From April 1997 to September 1998, child labour once again became the focus of analysis with the preparation of the Assessment Report on the Status of Children, which involved all social public stakeholders, the United Nations System, and civil society. The report was published in a book entitled *Uma esperança de vida para as crianças de Angola*.

60. During the same period, through Resolution No. 24/99, the "National Strategic Plan to Fight the Commercial Sexual Exploitation of Children" in Angola was adopted. This was a legislative measure that aims to put an end to the growing phenomenon that involves girls from age 12 to 17 in the practice of abusive and exploitative sexual acts known as "catorzinha". There is a fight for survival, especially among persons who moved from different rural areas to the provincial capitals in particular.

61. This was a period when solutions were sought frantically, yet with no sustainable basis for prompt implementation of human, material and financial resources, political and social conditions. Faced with the growing and alarming trend in the city of Luanda, many families sent their minor children to work outside the home, to find solutions in the street, the markets, train stations, bus stations, ports and airports, to carry out the duties they were asked to perform, which in all cases were poorly paid or unpaid, and with no possibility of attending school or obtaining vocational training.

62. In 2003 Angola drafted its initial report on the implementation of the Convention on Children's Rights (CCR); this was a new opportunity that arose that dealt with the "Child Labour" issue.

63. In 2007, a response was submitted to a questionnaire from the African Commission for the Rights and Well-Being of the Child and a report was drafted on meeting the goals of the decade to evaluate the degree of implementation of the Global Plan of Action for the Survival, Protection and Development of Children, with the goal of creating "A World Fit for Children" as part of the Millennium Development Goals. The process of drafting the second, third and fourth Periodic Reports on the Implementation of the CCR was also carried out. The reports were merged into a single document that was submitted and defended in 2008 before the United Nations Committee on the Rights of the Child.

64. In 1995 it was estimated that 9 per cent of children between age 10 and 17 were involved in small businesses or domestic services. Girls sold various goods in the markets,

on the street or in front of their doors, and occasionally with their mothers and under very hazardous conditions for their physical integrity or health:

65. Boys guarded and washed vehicles, sold goods on the sidewalks and in the streets, announced taxi routes, and earned very little for this work. Along the borders and in diamond mine localities, the scenario involves children of both genders who load baggage, serve as sex workers, use drugs and consume alcoholic beverages.

66. In families there are situations in which children are used for heavy labour and this occasionally causes them to miss school. Since this is a type of violence against the child, the networks that protect and promote the rights of the child are responsible for this area.

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

67. Under articles 176 of the CRA, the judicial system consists of two jurisdictions: one is common and the other is military. In the common jurisdiction there is the Supreme Court, the Appeals Court (established, but not yet set up), Provincial Courts and Municipal Courts.

68. Of the current courts of first instance, the Superior Court is the sole instance for appeals. However, with the future establishment of the Appeals Court [(art. 176, No. 2 a)], there will be two instances for appeals. All citizens are entitled to use the courts and this right is enshrined in art. 67 No. 1 of the Constitution of the Republic of Angola.

69. Hence, there are 4 (four) Superior Courts currently operating as follows: the Constitutional Court (art. 180 of the CRA), whose jurisdiction in general is to administer justice in matters of a legal-constitutional nature under the Constitution and the law; the Supreme Court (art. 181 of the CRA), which is the high judicial instance of common jurisdiction; the Accounting Office (art. 182 of the CRA), the supreme body for auditing the legality of public finances and settling accounts that the law places under their jurisdiction; and the Supreme Military Court (art. 183 of the CRA), the supreme body of the hierarchy of military courts.

70. In accordance with international parameters, the independence of magistrates is under scrutiny from the time the applicants are hired until they take the oath of office as magistrates. As a result, there are objective criteria to ensure independence from the time they are hired, trained and begin serving under arts. 184 and 190 of the CRA, and they continue in effect after appointment and placement by the Superior Magistrate Councils.

71. The Courts and the Office of the Public Prosecutor enjoy administrative and financial autonomy as indicated in arts. 178 and 184 of the CRA. Each of these bodies has an officer who manages their budget. Only the President of Angola administers the oath of office to high-level magistrates, while the respective presidents of the Senior Councils administer the oaths to the others.

72. Civil society organizations, and principally NGOs, have played a role in the progress achieved in the revision of the judicial system. This includes submitting proposals and the direct involvement in preparing the following laws in particular: Law 13/02 of 15 October, the Former Combatants and War Veterans Act; the Ombudsman Act and the Organic Law on the Ombudsman; the Draft Law on Persons with Disabilities, as well as the Organic Law for this class among others.

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

73. Article 3 of the Environment Framework Law, Law No. 5/98 of 19 June, defines the general principles and provides that: all citizens are entitled to live in a wholesome environment with the benefits of the rational use of the country's natural resources, from which obligations arise to take part in the sustainable defence and use thereof; there is a requirement to observe the principles of well-being of the entire population, to protect,

preserve and conserve the environment and the rational use of the natural resources, whose values cannot be underestimated compared to merely utilitarian interests; the State is responsible for implementing a national environmental management programme to meet the above-mentioned proclaimed goals, and to this end, for creating the necessary specialized structures and entities and publishing the implementing legislation.

74. The implementation of a mining project (diamond exploration, extraction of inert material, quarries, etc.), brings with it environmental effects and aspects that are caused by man, including: a change in the services infrastructure; displacements of human settlements; new migratory flows; a change in the use of the land; changes in or destruction of sites of interest for culture or tourism; increased vehicular traffic; increased demand for goods and services; and an increase in job offers.

75. The purpose of projects to resettle people is to mitigate and offset the negative effects of the necessary displacement of the people who have a fixed residence in those areas that are of great importance for the harmonious development of Angolan society, and to resettle them in safe areas with new prospects for life based on new universally accepted modalities. Moreover, and obviously, the goal is to leave traditional subsistence cultures in these areas where these people have lived for a long time.

76. The Environmental Framework Law focuses on Environmental Management as an instrument for assessing environmental impact (Decree 51/04 of 23 July). Its fundamental objective is to assess the impacts that public and private projects may have on the environment, based on previously prepared studies.

77. These studies deal with projects that, due to their size or location, may have implications for environmental and social balance, so that the assessment paves the way for an effective instrument to protect and manage the environment, and to ensure fair and balanced decisions by the central government.

#### **Forced expulsions/evictions**

78. Under article 15 of the CRA, the original owner of land is the State, and land may be conveyed to individuals or legal entities, ensuring that it is used rationally and effectively under the law. Article 6 of the Law of the Land [Lei da Terra] provides that the State has the authority to convey or encumber the ownership of lands that are part of its private domain, and that any transactions to convey or encumber this land that violate the standards of public order are null and void.

79. Here, it is obvious and constitutionally recognized that individuals and legal entities have access to land through the conveyance of property rights. However, this permission to access land observes a directive provided for by statute and regulated on the bases of the principle of the pursuit of the public interest. In this regard, article 15 of the Law of the Land recommends that the establishment or conveyance of property rights is to be governed by the standards that regulate the national order and urban planning, i.e. the establishment and conveyance of property rights, which must observe as a priority the public interest and the economic and social development of the country in effect at the time, and the legal limitation of this right under articles 17 and 18 of the Law of the Land.

80. Regarding expropriations, No. 3 of article 15 of the Constitution and No. 12 of the Law of the Land provide for the possibility of expropriation in the public interest provided that fair compensation is given. This is an administrative measure that consists of extinguishing an individual's real right in favour of a public entity for an essential public interest. Based on this principle, demolitions were carried out in the Province of Huila, since as a result of the years of civil war that the country experienced, the people, who were searching for better living conditions and greater safety, built dwellings and settled in a disorderly manner in areas set aside for certain public interest projects such as schools,

recreational parks, the construction of railroads, water conduits, electricity and in many cases, in locations in which life itself is threatened due to the lack of security that existed.

81. Angola is now in a phase of national reconstruction, and measures have been taken to improve the people's living conditions and for socio-economic development in every area, including the following: implement the Agenda of the National Land Use System; revitalize the Urban Upgrade or Renovation and Land Adjustment Programs; implement the National Housing Program; regulate by law access to Subsidized Housing; and establish the Housing Development Fund, which focuses on the urgent necessity of the local executive branch to demolish some residences that were built in the above-mentioned areas.

82. This is an issue that generates conflicts, so that Decree 6/92 of 24 January was adopted on court-ordered evictions, abolishing these measures through administrative means. The Decree also makes it mandatory for disputes over illegal occupancy or urban and rural buildings to be adjudicated and settled in the first instance by the Civil Administrative Sections of the Provincial Courts according to current legislation.

83. There have been no forced expulsions, although it should be mentioned that in the past there were detailed records of each house and that many persons received land that was duly listed and recorded for building houses on their own after giving twelve months' prior notification. Through this measure, 2,000 residences were built using private investment. Moreover, under the Quilemba Land Use Policy, six schools were built: one has 18 rooms, one has 12 rooms, two, have six rooms in a communal seat, one medical post and one 12-room school currently under construction in Tchituno. In the Eywa region, a paediatric hospital is under construction, as well as a maternity centre and a psychiatric hospital, in addition to areas planned for a university with a capacity of 20,000 students with multi-family residences. The above-mentioned area lies next to the Moçâmedes Railway, with 12 planned stations, seven of which have already been built from the ground up.

#### **Freedom of opinion and expression, and freedom of association**

84. Freedom of expression is a constitutionally guaranteed right, transposed into Laws No. 7/06 on Freedom of the Press and No. 14/91 on Associations. Article 44 of the CRA ensures sustainability: (1) freedom of the press is guaranteed, and may not be subject to any prior censure of a political, ideological or artistic nature; (2) the State guarantees pluralism of expression and the diversity of ownership as well as the editorial diversity of the means of communication; (3) the State guarantees the existence and independent and qualitatively competitive operation of a public radio and television service; and (4) the law establishes forms of exercising freedom of the press.

85. In the interpretation of the above-mentioned statutory requirements, there is no provision that permits or provides grounds for incarceration, intimidation, or harassment of journalists in terms of the public or private press by the authorities or "unlawful use of freedom of the press." As such, there are no grounds for any act that revokes this freedom.

86. In Angola, every citizen is free to express their thoughts, ideas and opinions, but the exercise of these rights may not conflict with other rights of an equal category.

87. For this reason, there are laws that regulate the exercise of these rights, and when these laws are breached, the State of Angola intervenes with its bodies to restore public lawfulness, peace and security, which are essential for existence of the State itself.

88. Regarding freedom of association, article 48 of the CRA guarantees: (1) with no requirement for any administrative authorization, citizens are freely entitled to form associations provided they are organized based on democratic principles under the terms of the law; (2) the associations shall freely pursue their goals without interference from the public authorities and can be dissolved or have their activities suspended only in cases

prescribed by law; (3) no one shall be required to join an association or forced to remain in an association by any means; (4) associations or any groups whose purposes or activities conflict with the constitutional order, incite and practice violence, promote tribalism, racism, dictatorship, fascism and xenophobia are prohibited, as well as military, paramilitary or militarized types of associations.

#### **Freedom of assembly/Legal framework for nongovernmental organizations**

89. Article 47 of the CRA provides as follows: (1) all citizens are guaranteed freedom of assembly and of peaceful and unarmed demonstration, with no requirement for any authorization and under the terms of the law; (2) advance notice to the competent authority is required for assemblies and demonstrations in public places, under the terms of and for the effects established by law.

90. We note that in this article there is no statutory provision that restricts freedom of assembly and demonstration anywhere in the country. In the special case of Luanda, recorded in 2011, and for operational and organizational reasons, the Government of the Province of Luanda restricted these freedoms in public spaces in order to prevent disturbances to the public order.

91. The registration and dissolution of NGOs was regulated through Law No. 14/92 of 11 May, the Associations Act, which was revoked by Law No. 6/12 of 18 January, the Private Associations Act. Initial registration, with the issue of a Certificate of Admissibility, was through the Legal Office of the Ministry of Justice and Human Rights, which serves as a basis for public entries in the Notary Registry, which is sent to the National Printing Office for publication in the Official Gazette. Once published, a copy is sent to the Legal Office so that in turn can be sent to the Office of the Public Prosecutor in compliance with the Constitution of the Republic.

92. Consequently, there are no restrictions on the dissolution of associations and NGOs, as dissolution depends in principle on the will of its members. However, cases of dissolution may occur from court decisions when serious breaches of the Constitution of the Republic and the Associations Act are determined, or when proven practices and actions that weaken State security are found.

#### **Protection of minors (arts. 24 and 26)**

93. The adverse effects caused by the armed conflict gave rise to major social integration challenges for the State of Angola, in particular for children, many of whom lost one or both parents. These children were moved from the areas where they resided to other localities in search of security and support, and they became involved in various types of child labour. Many families who were unable to guarantee the subsistence of their members used unacceptable methods to dispose of the youngest and accused them of practicing witchcraft, a more readily acceptable excuse in the communities.

94. The cases that were recorded during the period considered dark described the situation of violence against children and the violation of their rights. The result was that many children were separated from their families and landed on the street as the only way to survive. In the streets they faced risks of all types to their physical and psychological integrity.

95. Therefore, prevention measures were taken as well as measures to protect victims, which involved many related institutions, among which were families, heads of religious sects, traditional authorities, public services and children themselves, including:



- Establishing, strengthening and expanding the Networks to Protect and Promote the Rights of the Child as a forum for coordination and dialogue between the communities and the authorities;
- Strengthening the system of links with the provincial tribes, which made it possible to develop guardianship programmes and social protection measures for children in case of violence;
- In discouraging the practice of the cruel treatment of children, it is the duty of the Attorney General to order pre-trial detention, collect criminal evidence and cooperate in investigating denunciations and remand them to the entities that collect evidence and investigate matters for criminal proceedings;
- Moreover, an action plan for victim protection and assistance services is being implemented for temporary accommodation and medical and psychosocial services. This is the State's response to the protection of children, and it also includes training and retraining for the professionals who work with children.

96. Other than these measures, Laws No. 25/11 and 25/12 were enacted on Domestic Violence and Violence against the Child respectively. To disseminate these laws, education and awareness campaigns were carried out to combat violence. This included workshops, seminars, debates and lectures, and a large number of citizens participated.

97. These activities have contributed significantly to decreasing cases of domestic violence and violence against the child, the rates of which were very high for the years before 2009. According to statistics, of the 2,000 (two thousand) cases of violence of various types recorded in 2012, five were attributed to children being accused of practicing witchcraft. This rate has been declining since 2009.

#### **Free birth registration**

98. With the implementation of Decree No. 31/07, maternity centres were established, along with maternal-child centres and hospitals, making it possible to record births of new-borns and to obtain the card, the first document that attests to the new citizen's identity. This measure was implemented as part of the Protocol between the Ministry of Justice and the Ministry of Health.

99. Registration posts were set up in the Municipal and Communal Governments to bring this service closer to the communities. Moreover, the response capacity of the Civil Registry Offices was strengthened.

100. The opening hours of the registration posts and civil registry offices were extended. They are now open from 8.00 a.m. to 7.00 p.m., and this has contributed to curbing the crowds of people using these services and for better coverage in terms of the number of persons served per day.

101. Moreover, information and awareness activities were increased due to the constraints caused by cultural situations in certain regions. In some regions, a child cannot be named until the family, in the broader sense of maternal and paternal lineage, meets to choose a name consensually. Meanwhile, the child can reach more than 5 years of age. In other regions, the cultural creed is so entrenched that children cannot be registered until they reach age five, an age group covered by Decree 31/07. This and other similar situations are the basis for information and awareness campaigns, which include the preparation of information primers that are permanently available for distribution to parents in the maternity centres so that they can prepare to register.

102. In addition to this objective, the "Be Born a Citizen" Project was developed. This project is a computerized database management system.

103. However, none of these constraints relieve the State of its responsibility to provide the necessary assistance whenever children, whose births are not recorded, need such assistance, nor may they raise barriers to accessing the education and teaching system, regardless of whether the children are in urban, suburban or rural areas.

104. In every area of the country—urban or rural—difficulties inherent in registering the people and children in particular have not been a factor that prevents access to education or to primary health care. The introduction of health services in the municipalities aims to offer quality services to prevent and treat the illnesses that affect our people the most in order to develop dynamic and modern local management. The process is progressing considerably by strengthening the primary care network, with the construction of 15 new municipal hospitals and strengthening 1,776 health posts and centres in all the provinces and municipalities in Angola.

105. Regarding access to education, even with no statutory standards that address this issue specifically, solutions have been found at the local level since the Government's policy is that not having a birth certificate will not prevent children from accessing schools; in other words, a child without a birth certificate because registration services are unavailable in their region will not be prevented from entering school; subsequently, the school, the parents, and/or education officials must find a way to solve the problem of children who are in this situation.

#### **Dissemination of information on the Covenant and the Optional Protocol (art. 2)**

106. When it ratified the Covenant on 10 January 1992, the State of Angola committed to promote, teach, provide information about and disseminate the rights and freedoms enshrined therein.

107. However, the education programmes do not yet guarantee that this subject will be included in the school curricula, and this situation is to be addressed in the context of education reform. Regarding broadcasting, although radio and television programmes and the print media do not specifically refer to the Covenant, they do set aside space for human rights, where the focus is on problems addressed in the international treaties of which Angola is a member.

108. Publication of treaties in the Official Gazette just after ratification is the State's first act to disseminate and promote this very important international legal instrument for the lives of the citizens. To date, several dissemination activities have been carried out to promote the citizens' knowledge of the most sacred human rights, including:

- Programmes to promote and disseminate human rights carried out by governmental and nongovernmental institutions, namely the following ministries and entities: Foreign Relations, Justice and Human Rights, the Interior, Social Assistance and Social Reintegration, the Family and Women's Empowerment, Education; Health; Public Administration, Employment and Social Security; the Ombudsman; the Attorney General (PGR); the National Children's Institute; the provincial human rights committees; the provincial and municipal networks for the protection and promotion of the rights of the child; the Order of Attorneys of Angola; Agostinho Neto University; and the networks and NGOs that work in the area of human rights.
- For disseminating the questionnaire to collect information on the implementation of human rights treaties and in the period that followed this activity, the Intersectoral Commission held workshops in all the provinces in the country at which specific issues related to human rights were discussed in detail. Leaders, officials and technicians from State and Government agencies, NGOs, civic associations, churches and political parties participated actively in these workshops.

- The programmes to disseminate the statutory and administrative policies with content that directly or indirectly covers meeting obligations as a result of joining the international human rights instruments such as: the *biweekly television program* “Law for All” coordinated by the PGR, which aims to promote the people’s awareness of the law; the campaigns to prevent violence in the family “No one Practices Violence in My Family” and “Violence is also a Crime”; the days of “Março Mulher” and “The African Woman;” the annual campaign “16 Days of Activism against Gender-Based Violence,” held throughout the country from 25 November to 10 December, promoted by the Ministry of the Family and Women’s Empowerment (MINFAMU), with the goal of giving women incentives to participate in public political activities with equal opportunities; the “*Days of the Child*,” which take place every year from 1 to 16 June, when the international and African days of the child are held respectively. Their purpose is to promote and disseminate the rights of the child; the *Campaign to Combat Violence against the Child*; the *Program to Train and Establish Child Reporters*, to name a few of the programmes.
  - Radio programmes broadcast in Portuguese and in national languages with the purpose of disseminating human rights standards and principles.
  - The Publication Process of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights in national languages, coordinated by the Ministry of Justice and Human Rights in cooperation with civil society.
  - The above-mentioned International Covenant on Civil and Political Rights are not separable from the other rights enshrined in various African and global legal instruments. They merit greater emphasis in our organs of social communication as a way to familiarize the citizens with their content in order to inculcate them into our customs so that the State and institutions can be required to effectively protect those rights.
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