



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Angola\*

1. The Committee considered the second periodic report of Angola (CCPR/C/AGO/2) at its 3576th and 3577th meetings (CCPR/C/SR.3576 and 3577), held on 7 and 8 March 2019. At its 3597th meeting, held on 22 March 2019, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the timely submission of the second periodic report of Angola and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/AGO/Q/2/Add.1) to the list of issues (CCPR/C/AGO/Q/2), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

(a) The adoption in 2019 of the new Penal Code, which criminalizes, among others, acts of discrimination based on sexual orientation;

(b) The adoption of Act No. 10/16 on accessibility and Presidential Decree No. 12/16 on the regulations on employment quotas for persons with disabilities;

(c) The adoption in 2015 of the Right of Asylum and Refugee Status Act No. 10/15, in 2015, and the establishment of the National Council for Refugees;

(d) The adoption in 2014 of Act No. 3/14 on crimes underlying money-laundering and human trafficking and the establishment of the Interministerial Commission to Combat Human Trafficking;

(e) The establishment of the Strategic Plan on the Prevention and Combating of Corruption and the Directorate on Crimes of Corruption within the Criminal Investigation Service, in 2018;

(f) The adoption of the National Policy for Gender Equality, in December 2013;

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\* Adopted by the Committee at its 125th session (4–29 March 2019).



(g) The adoption of the Executive Plan to Combat Domestic Violence, in May 2013, and the establishment of a multisectoral council for its adoption.

4. The Committee also welcomes the accession by the State party to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 19 May 2014.

### **C. Principal matters of concern and recommendations**

#### **Implementation of the Covenant in the domestic legal system and in the territory of the State party**

5. The Committee welcomes the fact that the Covenant has been invoked before, or applied by, national courts, as illustrated in the cases cited by the delegation, as well as the measures taken to raise awareness of the Covenant and its first Optional Protocol among the judiciary and law enforcement officers. However, it remains concerned that a number of provisions of statutory and customary law remain incompatible with the provisions of the Covenant and that there are persistent discrepancies between different sources of law applicable in the State party, including those relating to minimum age for marriage and to polygamy (art. 2).

6. **The State party should:**

(a) **Continue its efforts to raise awareness of the Covenant among judges, prosecutors, lawyers and traditional authorities in order to ensure that the provisions of the Covenant continue to be invoked before, and properly applied by, the national courts and other law-applying bodies;**

(b) **Expedite the review of provisions of statutory and customary law that are inconsistent with the Covenant and take all possible steps to bring them into compliance with it.**

#### **Views under the Optional Protocol**

7. The Committee remains concerned at the lack of information on the implementation of the Views it had adopted and the absence of effective mechanisms and procedures that would enable the authors to seek the full and effective implementation of the Views in law and in practice (art. 2).

8. **The State party should implement the Views of the Committee without delay by providing the effective remedies indicated therein. It should also take all necessary measures to institute appropriate procedures for giving full effect to the Committee's Views in order to ensure that persons whose rights under the Covenant are violated have an effective remedy, in compliance with article 2 (3).**

#### **National human rights institution**

9. While noting that the State party has indicated that the process to revise the Ombudsman Law is under way, the Committee is concerned about the limited mandate of and inadequate financial resources currently allocated to the Office of the Ombudsman, and the insufficient geographic coverage of its operations. The Committee is further concerned that the institution's work has little visibility and that there is little awareness of its existence among the general public (art. 2).

10. **The State party should expedite the adoption of the legal framework required for the Office of the Ombudsman to effectively comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), ensuring that due attention is given to civil and political rights in its mandate and that the Office of the Ombudsman is given the necessary human, technical and financial resources to fulfil its mandate throughout the country. It should also take all possible steps to enhance the visibility of the institution's mandate and activities among the general public.**

### Combating corruption

11. The Committee notes the various anti-corruption measures taken by the State party, including the introduction of specific provisions in the 2019 Penal Code to criminalize acts of corruption and embezzlement and the numerous investigations initiated by the Attorney General's office. However, it is concerned by reports that corruption in the State party remains widespread, particularly in the public sector, that there are flows of illicit funds in the State party for money laundering purposes, that preventive measures and protection of whistle-blowers are insufficient and that the number of prosecutions and convictions for acts of corruption is still low (arts. 2, 14 and 25).

#### 12. The State party should:

(a) **Strengthen its efforts to combat corruption and illicit financial flows, review the legal framework with a view to making it more comprehensive and protective of whistle-blowers and reinforce good governance practices by monitoring the implementation of the anti-corruption strategy that was adopted;**

(b) **Strengthen the capacity of the prosecution service and law enforcement agencies to combat corruption, including through continuing training and providing them with adequate resources;**

(c) **Ensure, through effective implementation of relevant provisions of the Penal Code, that all acts of corruption are investigated in an independent and impartial manner and that those responsible, including officials at the highest level of government in the State party and other notable figures, are brought to justice and adequately punished, if convicted;**

(d) **Carry out further awareness-raising campaigns on the economic and social costs of corruption directed at politicians, government officials, the business sector and the population in general.**

### Combating discrimination

13. The Committee welcomes the criminalization of acts of discrimination based on sexual orientation, including in employment. It also notes the measures taken to eliminate discrimination against persons with disabilities. However, the Committee reiterates its concern that the State party has not yet adopted a general law on equality and non-discrimination (see CCPR/C/AGO/CO/1, para. 8). It is also concerned at reports that individuals belonging to certain groups face stigmatization and de facto discrimination, in particular indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and lesbian, gay, bisexual and transgender persons. Furthermore, it regrets the lack of information on the number of complaints of cases of discrimination and their outcomes (arts. 2 and 26).

#### 14. The State party should take necessary measures to:

(a) **Enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a comprehensive list of prohibited grounds of discrimination;**

(b) **Effectively protect indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and lesbian, gay, bisexual and transgender persons and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed;**

(c) **Carry out broad education and awareness-raising campaigns that promote equality, tolerance and respect for diversity;**

(d) **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination.**

### Equality between men and women

15. The Committee welcomes the adoption, in 2013, of the National Policy for Gender Equality. However, it is concerned about the persistence of traditional stereotypes regarding

the roles of women and men in the family and in society, which have an adverse impact on women's enjoyment of their civil and political rights, as well as on their presence and influence in the public and political domains. The Committee notes that the Political Parties Act provides for a minimum of 30 per cent representation of women on the lists of political parties taking part in general elections. However, it remains concerned at women's low representation in decision-making positions, including among provincial governors and at the parliament (arts. 3, 25 and 26).

**16. The State party should:**

(a) **Review the implementation of article 20 (m) of the Political Parties Act No. 22/10 of 3 December 2010, which provides for a minimum of 30 per cent representation of women on the lists of political parties, with a view to increasing the effectiveness of this temporary special measure or supplementing it with other effective measures;**

(b) **Strengthen education and awareness-raising initiatives to eliminate gender biases and stereotypes regarding the roles and responsibilities of men and women in the family and in society.**

**Violence against women**

17. The Committee welcomes the State party's efforts to prevent and end violence against women, but remains concerned at:

(a) The failure to prohibit all forms of gender-based violence against women and girls in both the public and private spheres;

(b) The underreporting of gender-based violence against women and girls owing to stigmatization of victims, fear of reprisals, legal illiteracy and lack of trust in law enforcement authorities;

(c) The inadequate assistance and remedies available to women seeking to escape domestic violence, and the insufficient number of shelters (arts. 3, 7, 17, 23 and 26).

**18. The State party should:**

(a) **Adopt a comprehensive law, in consultation with civil society, to prevent, combat and punish all forms of violence against women and girls both in the public and private spheres;**

(b) **Ensure the effective implementation by domestic courts and law enforcement officials of Act No. 25/11 against domestic violence and extend the Executive Plan to Combat Domestic Violence, initially adopted for the period 2012–2017;**

(c) **Encourage women and girls who have been victims of violence to report cases to the police, including by raising awareness among victims, health-care professionals and law enforcement officers about the criminal nature of such acts, prosecuting all acts of violence against women and girls and punishing perpetrators with adequate penalties;**

(d) **Allocate sufficient resources for, and expedite the implementation of, plans to expand the network of shelters and specialized units at police stations and hospitals throughout the country, and ensure accessibility to them.**

**Practices harmful to women**

19. The Committee welcomes the criminalization of female genital mutilation through the adoption of the new Penal Code, as well as the creation of forums for discussion of gender equality in communities. However, it is concerned at:

(a) Persistent patriarchal norms that discriminate against women, constrain them to reproductive roles and legitimize harmful practices, including forced and early marriage, dowry (*lobolo*), polygamy, levirate, female genital mutilation and the social exclusion of women and girls accused of witchcraft;

(b) The fact that under article 24 of the Family Code, early marriage is legal and permissible on an exceptional basis from the age of 16 for boys and from the age of 15 for girls;

(c) The absence of investigations, prosecutions and sanctions for forced marriages;

(d) The lack of information on early and polygamous marriages, as well as on levirate unions celebrated under customary law.

20. **The State party should:**

(a) **Prohibit and combat all harmful practices, including early and forced marriage, dowry (*lobolo*), polygamy, levirate, the accusation of witchcraft and social exclusion of women and girls accused of witchcraft, and investigate incidents where such practices occurred, with a view to prosecuting and punishing all adult perpetrators;**

(b) **Reinforce public education programmes on the negative impact these practices have on the enjoyment by women and girls of their rights, targeting in particular traditional community and religious leaders and the population in regions where harmful practices are endemic, particularly Malanje;**

(c) **Expedite the revision of the Family Code to ensure that the minimum age of marriage is set at 18 years old for both girls and boys, in accordance with international norms, and that there are no exceptions to the minimum age of marriage, including under customary law;**

(d) **Provide data, in its next periodic report, on early and polygamous marriages, as well as levirate unions celebrated under customary law.**

**Voluntary termination of pregnancy and maternal mortality**

21. The Committee is concerned about the criminalization in the newly adopted Penal Code of the voluntary termination of pregnancy in all but a few circumstances, with penalties ranging from two to eight years of imprisonment. It expresses concern at the cumbersome procedures required to access legal abortion, which lead to women seeking unsafe clandestine abortions that put their lives and health at risk. It is concerned about the stigma associated with seeking information about safe abortion services and about the prevalence of unsafe clandestine abortions, which often lead to maternal mortality. It is also concerned about the high rate of adolescent pregnancy in the State party, notably on account of limited access to sexual and reproductive health services, including contraceptives, and to age-appropriate information and education (arts. 3, 6, 7, 17 and 26).

22. **The State party should review its laws so as to ensure that they do not regulate pregnancy or abortion in a manner that runs contrary to its duty to ensure that women and girls do not have to undertake unsafe abortions, and should remove any existing barriers that compel women to resort to clandestine abortions that may endanger their lives and health. It should, in particular:**

(a) **Ensure that criminal sanctions are not applied against women undergoing abortion or against medical service providers who assist them in doing so;**

(b) **Ensure effective access to quality prenatal and post-abortion health care for women and girls throughout the territory of the State party;**

(c) **Ensure access for all persons, especially young persons, to quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods.**

**Death penalty**

23. While appreciating the abolition of the death penalty under domestic law, the Committee notes that the State party signed the Second Optional Protocol to the Covenant in 2013, but has not yet ratified it (art. 6).

24. **The State party should take all necessary measures to expedite the process of ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

**Excessive use of force and conduct of law enforcement officers**

25. The Committee notes that the legal framework regulating the maintenance of public order, in particular the National Police Discipline Regulations of 1996, is not in line with international standards. It is also concerned about credible reports that excessive force is often used by law enforcement officers, especially during demonstrations, which has resulted in injuries and deaths. It is deeply concerned at reports that the officers responsible for demonstrators' injuries and deaths are rarely prosecuted for such acts and that this has created a climate of de facto impunity (arts. 6, 7, 9, 17 and 21).

26. **The State party should:**

(a) **Ensure that the principles of necessity and proportionality in the use of force are adequately reflected in legislation and policies and complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Intensify the provision of training on international standards on the use of force to law enforcement personnel and raise awareness of those standards among judges, prosecutors and lawyers;**

(c) **Ensure that all instances of excessive use of force by security forces are promptly, impartially and effectively investigated, that those responsible are brought to justice and punished with appropriate penalties and that victims are provided with effective remedies.**

**Small arms control and demining efforts**

27. The Committee notes the progress made by the National Commission for Civilian Disarmament regarding the control of small arms, including the implementation of voluntary collection measures and the conducting of awareness-raising campaigns to combat illegal possession and use of small arms. It also recognizes the major advances made by the National Demining Institute in clearing mines through the implementation of its Programme for the Elimination of Landmines in Angola. It is, nonetheless, concerned that:

(a) The State party has not yet succeeded in adequately reducing the large quantities of small arms illegally possessed by residents, and that it has not provided statistical data regarding the number of crimes committed involving small arms and the measures taken to protect its population against insecurity caused by small arms (CCPR/C/AGO/CO/1, para. 12);

(b) There are still landmines throughout the State party, in particular in rural areas, which cause unsafe situations (art. 6).

28. **The State party should:**

(a) **Strengthen efforts to collect small arms held by the population and reduce insecurity in its territory, including by identifying and removing barriers to full implementation of both voluntary and compulsory collection of small arms and by reinforcing its legislation in order to combat illegal possession and use of small arms (CCPR/C/AGO/CO/1, para. 12);**

(b) **Intensify its efforts to protect civilians, in particular children, against landmines, including by completing the implementation of the Programme for the Elimination of Landmines within the agreed timeline, ensuring identification of all areas suspected of containing mines and carrying out military, commercial and humanitarian mine clearance programmes, programmes for mine awareness and physical rehabilitation of victims.**

### **Torture and other cruel, inhuman or degrading treatment or punishment**

29. The Committee notes the introduction of specific provisions criminalizing torture in the revised Penal Code. However, it regrets the lack of information on the full compliance of these provisions with article 7 of the Covenant. It is also concerned about:

- (a) The lenient sanctions provided for in the Penal Code for the crime of torture;
- (b) Reports of torture and ill-treatment by the police or security forces during arrests, in police stations during interrogation, as well as in other detention facilities;
- (c) The lack of detailed information on the number of investigations carried out into, and subsequent convictions handed down for, acts of torture;
- (d) The lack of an independent mechanism to investigate acts of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 9).

30. **The State party should:**

- (a) **Review its legislative framework to ensure that the act of torture defined in the Penal Code is in full compliance with article 7 of the Covenant and that penalties are commensurate with the seriousness of the crime;**
- (b) **Ensure that all suspected cases of torture or ill-treatment are thoroughly investigated, that the alleged perpetrators are prosecuted and, if found guilty, sentenced to appropriate penalties and that the victims receive reparations;**
- (c) **Establish a national mechanism for the prevention of torture and an independent mechanism to investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment;**
- (d) **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol.**

### **Prison conditions**

31. The Committee notes the measures taken to reduce overcrowding and improve conditions of detention, including construction projects for new facilities and the adoption of Act No. 25/15 on protective measures in criminal proceedings. However, it is concerned about reports that prisons remain overcrowded, in part because of the large number of detainees awaiting trial, and that the conditions of detention are extremely harsh, particularly with regard to access to food, sanitation and health care. The Committee is also concerned at reports that in some prisons adults are not separated from juveniles or accused persons from convicted ones (arts. 7, 9 and 10).

32. **The State party should:**

- (a) **Effectively implement measures to reduce overcrowding, in particular through the promotion of alternatives to detention such as bail and house arrest, as provided by Act No. 25/15 on protective measures in criminal proceedings;**
- (b) **Ensure that pretrial detention is used solely as an exceptional measure, in accordance with article 9 of the Covenant;**
- (c) **Safeguard the right of all persons deprived of their liberty to be treated with humanity and dignity and ensure that detention conditions in all facilities for persons deprived of liberty meet the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including those concerning access to health care, sanitation and food;**
- (d) **Take the necessary steps to segregate prisoners according to age, sex and grounds for detention.**

### **Trafficking in persons**

33. The Committee welcomes the measures taken by the State party to combat human trafficking. It remains concerned, however, at:

- (a) The protracted delay in the adoption of a plan of action to combat trafficking in persons;
- (b) The low number of prosecutions and convictions of perpetrators of human trafficking, as well as at reports of complicity of law enforcement officials in trafficking;
- (c) The lack of standardized early identification mechanisms and a referral system for victims of trafficking;
- (d) Insufficient human, technical and financial resources allocated for the protection of victims of trafficking, including shelters and legal, medical and psychological services;
- (e) Insufficient efforts to tackle forced labour, including child labour, in particular in the mining sector (arts. 7, 8 and 24).

34. **The State party should:**

- (a) **Expedite the adoption of the national plan of action to combat trafficking in persons and allocate adequate resources for its implementation;**
- (b) **Enforce anti-trafficking legislation by conducting gender- and age-sensitive investigations, ensuring prosecution and punishment with appropriate penalties of perpetrators, including public officials who are complicit in trafficking;**
- (c) **Train law enforcement officials on standards for the early identification and referral of trafficking victims to appropriate services for their assistance and rehabilitation;**
- (d) **Allocate adequate resources for the creation of easily accessible shelters in all provinces of the State party and for the provision of adequate legal, medical and psychosocial assistance in these shelters;**
- (e) **Take all necessary measures to eliminate forced labour and all forms of child labour, in particular in the mining sector, including by increasing the capacity of labour inspectors and allocating appropriate resources to labour inspection.**

**Arbitrary detention**

35. The Committee is concerned at the lack of information provided by the State party regarding:

- (a) Alleged cases of arbitrary arrests and detentions, incommunicado detention and detention in military custody by the police or security forces in the State party, in particular of sympathizers with the Front for the Liberation of the Cabinda Enclave in the Cabinda enclave, as well as human rights activists who have allegedly committed crimes against the security of the State;
- (b) Reports that persons have been detained for long periods in the absence of legal guarantees, such as in particular, appearance before a judge, access to a lawyer and a medical doctor and the right to inform their family, and that not all convicted prisoners have been released at the end of their sentence (arts. 9, 10 and 14).

36. **The Committee reiterates its previous recommendation (CCPR/C/AGO/CO/1, para. 18) and encourages the State party to:**

- (a) **Take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and incommunicado detention, in line with the relevant provisions of the Covenant;**
- (b) **Investigate the cases of arbitrary detention, in particular those regarding sympathizers with the Front for the Liberation of the Cabinda Enclave and human rights activists;**
- (c) **Ensure that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant.**

### **Independence of the judiciary and administration of justice**

37. The Committee welcomes efforts to decentralize courts through the adoption, in 2015, of Act No. 2/15 establishing the principles and rules for the organization and operations of ordinary courts. However, it remains concerned about reports claiming persistent shortcomings in the administration of justice, particularly the lack of independence of the judiciary and the insufficient number of trained judges, prosecutors and lawyers, which may prevent many citizens from accessing justice (art. 14).

**38. The State party should pursue its efforts to reform the justice system and ensure that all court proceedings are conducted in full observance of the due process guarantees set forth in article 14 of the Covenant. In particular, it should:**

- (a) **Strengthen the independence of the judiciary and the prosecution service;**
- (b) **Intensify its efforts to eliminate corruption in the judiciary, including by prosecuting and punishing perpetrators, including judges and prosecutors, who may be complicit therein;**
- (c) **Continue efforts to increase the number of trained judges, prosecutors and lawyers through education and training, as well as their deployment in rural areas;**
- (d) **Accelerate implementation of the judicial reform with a view to ensuring that the newly established tribunals and courts (municipal and provincial) are fully staffed and operational in order to ensure that justice is accessible to all, in particular to disadvantaged persons and those living in rural areas;**
- (e) **Ensure that free legal aid is accessible in all cases in which it is required in the interest of justice.**

### **Asylum seekers and refugees**

39. The Committee welcomes the State party's policy to accommodate large numbers of migrants and asylum seekers within its territory and its efforts to register children born to refugees from the Democratic Republic of the Congo. However, it regrets the lack of implementation mechanisms for the law on the right to asylum and refugee status adopted in 2015, including the lack of asylum procedures. It is also concerned about:

- (a) Reports of mass expulsions of migrants and asylum seekers, including those in need of international protection, without carrying out the necessary individual assessments;
- (b) The large number of asylum seekers and refugees who are undocumented as a result of the suspension of registration procedures, which leaves many of them subject to automatic detention for alleged illegal stay in the State party;
- (c) The limited access to basic social services for asylum seekers staying in reception centres and the fact that they are obliged to stay in immigration centres, which are in poor condition, throughout the status determination process;
- (d) Practical obstacles to birth registration for children born to foreigners, including those born to refugees and asylum seekers, which may result in such children being left stateless;
- (e) Continuing reports of torture, ill-treatment, detention, harassment and human rights abuses by security forces against registered and unregistered refugees, particularly those of Congolese nationality (arts. 2, 6, 7, 10 and 13).

**40. The State party should:**

- (a) **Ensure the implementation of the law on the right to asylum and refugee status and put in place fair and effective asylum procedures, offering effective protection against refoulement;**

- (b) **Issue and renew identification documents for asylum seekers and refugees in a timely manner, in order to facilitate their access to basic social services and prevent their arbitrary detention;**
- (c) **Ensure that detention of asylum seekers and refugees is used only as a last resort and that those detained in reception centres are provided with legal safeguards and have access to legal counsel as well as interpretation services;**
- (d) **Establish alternatives to the detention of children and families with children;**
- (e) **Improve the material conditions of reception centres and ensure that asylum seekers staying in these centres enjoy an adequate standard of living and access to basic social services;**
- (f) **Introduce the necessary legislative and policy amendments to remove the requirement that asylum seekers reside in closed reception centres;**
- (g) **Step up efforts to remove practical obstacles to comprehensive birth registration of all children born to foreigners in Angola, including those born to refugees and asylum seekers;**
- (h) **Ensure that law enforcement officials act in accordance with articles 6 and 7 of the Covenant when forcibly removing foreigners, including by monitoring their activities and investigating, prosecuting and punishing the perpetrators of human rights abuses with appropriate penalties.**

#### **Freedom of expression and protection of journalists and human rights defenders**

41. The Committee is concerned at reports that the Angolan media is largely controlled by the Government and the Movimento Popular de Libertação de Angola. It is also concerned at reports that the social communication legislative package (*pacote legislativo da comunicação social*) was approved with minimal debate, despite opposition from the journalists' union and others, and that it actually limits freedom of expression by, inter alia, giving the Ministry of Social Communication the authority to oversee how media organizations arrive at editorial decisions, and to fine or suspend the activities of violators of the law (arts. 9, 7 and 19). The Committee is particularly concerned about article 82 of the Press Law, which criminalizes publication of a text or image that is offensive to individuals, and the existence of defamation provisions in the new Penal Code, which may be used to silence dissent and penalize statements made by members of the media.

42. **In the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:**

- (a) **Ensure that all provisions of its legislation are brought into conformity with article 19 of the Covenant and, in the meantime, ensure that no one is imprisoned for defamation;**
- (b) **Review all restrictions imposed on press and media activities so as to ensure that they are strictly in accordance with the provisions of article 19 (3) of the Covenant;**
- (c) **Protect journalists and the media against any form of undue interference, harassment and attack, promptly investigate all such attacks and bring those responsible to justice.**

#### **Freedom of association**

43. The Committee notes the recent Constitutional Court decision of July 2017 declaring Presidential decree No. 74/15 on the regulation of non-governmental organizations to be unconstitutional and welcomes the forum with non-governmental organizations, held in November 2017. However, it is concerned at reports of delays in registration of non-governmental organizations and about pressures brought to bear against those that raise sensitive political issues. It is also concerned about the absence of opportunities for direct interaction with representatives of local civil society organizations

in the preparation of the interactive dialogue, and the fact that the State party does not avail itself fully of the contribution of non-governmental organizations to the advancement of civil and political rights (arts. 9, 19, 21 and 22).

44. **The State party should:**

(a) **Adopt and implement, without delay, effective measures to protect civil society organizations, in particular those defending human rights, and enable them to register and operate freely and without fear of harassment, violence or intimidation, or the threat thereof, and ensure that perpetrators of such acts are brought to justice;**

(b) **Collaborate with civil society organizations on the design, implementation and monitoring of policies, programmes and measures aimed at the advancement of civil and political rights, as well as on the process of reporting to the Committee.**

**Freedom of assembly**

45. The Committee is concerned about the alleged use of excessive force, including the use of dogs, intimidation and arbitrary detention, against peaceful protesters. It is further concerned at the insufficient information provided by the State party regarding any investigations, prosecutions and convictions in relation to such violations.

46. **The State party should:**

(a) **Ensure that all restrictions on peaceful demonstrations that are not strictly necessary and proportional within the meaning of article 21 of the Covenant are lifted;**

(b) **Investigate all allegations of the use of excessive force, intimidation and arbitrary detention against peaceful protesters, and ensure that perpetrators are duly prosecuted and convicted, and that victims are adequately compensated.**

**Rights of the child**

47. While noting the measures taken to increase birth registration, including by waiving fees for Angolan citizens for first-time applications for civil registration, the Committee remains concerned that the rate of birth registration remains very low in the State party, particularly in rural areas. The Committee is also concerned that all forms of corporal punishment are not yet prohibited in all settings. It further reiterates its concern about the practice of accusing children of witchcraft and the ill-treatment to which they are subjected as a result thereof (CCPR/C/AGO/CO/1, para. 24) (arts. 2, 7, 16 and 24).

48. **The State party should step up its efforts to achieve universal birth registration with a view to guaranteeing children's enjoyment of the Covenant rights and avoiding the risk of them becoming stateless. In particular, it should ensure access to free registration throughout the country and strengthen such access in rural areas, including by increasing the use of mobile registration units. The State party should take practical steps, including through legislative measures, to put an end to all forms of corporal punishment in all settings. The State party should also intensify its efforts to protect children accused of witchcraft from ill-treatment and abuse, including by strengthening its awareness-raising initiatives among the population, in particular in rural areas, on the negative effects of such practice.**

**Rights of minorities**

49. The Committee is concerned about reported discrimination in access to food, water, health and education experienced by ethnic and indigenous minority communities. While noting recent initiatives to recognize ownership and use of lands by some minority communities, the Committee is nevertheless concerned that members of the San people continue to encounter impediments in maintaining access to their lands and that pastoralists in the south-west have faced exclusion from grazing lands and expropriation of land. The Committee is further concerned about the negative impact of development activities on access to land and enjoyment of traditional ways of life by certain ethnic and indigenous

minority communities, and about the lack of a legal framework for consultation with the affected communities prior to embarking on such activities. The Committee is also concerned about the restrictive attitude taken by the State party towards the application of internationally accepted norms protecting the rights of indigenous peoples (arts. 25, 26 and 27).

50. **The State party should:**

(a) **Implement newly adopted programmes designed to empower members of minority communities, enhance their effective participation in decision-making, and strengthen legislative and administrative measures in order to guarantee the rights of ethnic minorities and indigenous peoples, including through the protection of their existing land rights;**

(b) **Further develop existing support programmes for minority communities, especially those targeted at children, and adopt specific measures aimed at improving access to social services by members of ethnic and indigenous minority communities;**

(c) **Seek the free, prior and informed consent of indigenous peoples before planning or implementing development projects or granting licences to businesses for economic activities on territories traditionally owned, occupied or otherwise used by indigenous peoples;**

(d) **Review its approach to the application of internationally accepted norms protecting the rights of indigenous peoples and members of certain minority communities.**

#### **D. Dissemination and follow-up**

51. **The State party should widely disseminate the Covenant, its second periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minority communities. The State party should ensure that the periodic report, the written replies and the present concluding observations are translated into the official language of the State party.**

52. **In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 29 March 2021, information on the implementation of the recommendations made by the Committee in paragraphs 22 (voluntary termination of pregnancy and maternal mortality), 26 (excessive use of force and conduct of law enforcement officers) and 46 (freedom of assembly) above.**

53. **The Committee requests the State party to submit its next periodic report by 29 March 2023 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The Committee encourages all States to follow the simplified procedure when submitting their reports. Should the State party wish to follow the simplified reporting procedure for its next report, it is requested to inform the Committee accordingly, within one year of receipt of these concluding observations. The State party's replies to the list of issues prepared by the Committee under the simplified reporting procedure will constitute the next periodic report to be submitted under article 40 of the Covenant.**