



International Covenant on Civil and Political Rights

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Summary record of the 3576th meeting

Held at the Palais Wilson, Geneva, on Thursday, 7 March 2019, at 3 p.m.

Chair: Mr. Fathalla

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Angola (CCPR/C/AGO/2; CCPR/C/AGO/Q/2 and CCPR/C/AGO/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*
2. **Mr. Queiroz** (Angola) said that Angola had made significant progress in the area of civil and political rights since the end of the prolonged civil war that had broken out after it had gained its independence from colonial rule. There had been a marked improvement in social indicators such as the human development index and average life expectancy in recent years, and the legal framework for the promotion and protection of human rights had been strengthened. Angola had ratified several key international human rights instruments, and the Government had prepared a national human rights strategy in collaboration with civil society. It had also adopted its revised Criminal Code in January 2019 and had enacted legislation to combat corruption, impunity, nepotism and organized crime. The Attorney General's Office was actively investigating several hundred cases of corruption, money laundering and misappropriation of funds, and a number of those cases had already gone to trial.
3. There were plans to establish 60 district courts and 5 courts of appeal. Pursuant to article 26 (3) of the Constitution, the courts themselves often invoked international legal instruments, even when those instruments had not been cited by the parties to the case.
4. Although border management and migration were challenges for the Angolan Government, it had never erected physical barriers to prevent migration flows. There were currently over 160,000 foreign nationals lawfully residing in Angola, including around 65,000 refugees and asylum seekers. The Government had established the National Council for Refugees and a reception centre for asylum seekers and, in December 2018, had adopted a national policy on migration.
5. In September 2018, the Government had launched an operation to combat the illegal diamond trade, protect and control the country's borders and eliminate sources of funding for international terrorism. That operation had also contributed to the fight against organized crime, forced labour, child labour and illegal economic activity.
6. The right to freedom of assembly and protest was guaranteed by the Constitution and other national laws, and citizens had the right to submit complaints regarding the excessive use of force and the use of arbitrary detention by law enforcement officials. Disciplinary and criminal sanctions were imposed on the responsible parties in such cases, as appropriate. In the recent past, however, a group of citizens had sought to abuse the rights to peaceful protest and freedom of expression by inciting their peers to take up arms in an attempt to bring about the secession of the Province of Cabinda, in breach of article 3 of the Covenant, the Constitution and national security legislation. The authorities had been forced to arrest the leaders of the group. Other Member States of the United Nations should refrain from endorsing such acts and supporting separatist movements in Angola.
7. Progress had been made in the implementation of the Covenant in a number of areas. With regard to discrimination and equality, the revised Criminal Code provided for a prison sentence of up to 2 years for the commission of acts of discrimination on any grounds. Women held around one third of the seats in the National Assembly and between 30 and 40 per cent of positions within the executive branch, the Public Prosecution Service and the judiciary. Around 40 per cent of posts in the public sector were occupied by women, and over a third of those women held managerial or leadership positions. Angola had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the Government had adopted specific legislation relating to accessibility and a national policy for special education and inclusive schooling. Awareness-raising campaigns had been conducted to counter stereotypes associated with disability, and arrangements for making sign language interpretation available on public television channels were under way. A law on freedom of religion, belief and worship had been adopted in January 2018, which, in

addition to guaranteeing freedom of religion and recognizing the status of religious groups, protected citizens from religious practices that violated their human rights and put them at risk.

8. The prohibition of torture, ill-treatment and arbitrary deprivation of liberty was embedded in a wide range of legal instruments, including the Constitution and the revised Criminal Code, under which the crime of torture was punishable by a prison sentence of between 1 and 6 years. The national police force had identified 186 cases of torture, ill-treatment or arbitrary deprivation of liberty committed by officers in its ranks in 2018. Those responsible had faced disciplinary and criminal sanctions ranging from fines to prison sentences. Combating human trafficking was also a priority for the Government, and it had recently signed up with the Southern African Development Community's human trafficking database. A total of 60 cases of human trafficking had been brought to trial over the past four years.

9. **Mr. Shany** said that, having reviewed the information submitted by the State party, he wished to clarify that the Committee relied on information provided by a range of sources, including civil society and the media, in its efforts to monitor the implementation of the Covenant in a given State party. It was often the case that the information it obtained included reports of violations of the Covenant. In such cases, the Committee made those reports known to the State party so that the latter could provide further clarification, speak to the veracity of the reports and explain what steps it had taken to investigate them of its own accord. The Committee never approached such issues from an accusatory standpoint. Nevertheless, blanket denials were not conducive to a constructive dialogue; an open discussion of the issues was necessary to determine whether the Covenant had been upheld.

10. With that in mind, he was grateful for the information that the State party had provided regarding the status of the Covenant in the country's courts, the Intersectoral Committee for the Preparation of National Human Rights Reports and the measures it had taken to raise awareness of the Covenant. He wished to know whether the State party had considered requesting assistance from the Global Alliance of National Human Rights Institutions in connection with its reform of the Office of the Ombudsman. In that regard, he would be grateful for further information regarding the role of the Office in assessing the compatibility of legislation with human rights norms, the resources allocated to it by the State party and the process used to select the Ombudsman. In addition, it would be useful to have more information regarding the working group of the Ministry of Justice and Human Rights on the constitution of a national human rights institution and the relationship between the Office of the Ombudsman and other national human rights bodies. He was particularly interested in finding out whether the National Assembly was empowered to receive complaints of human rights violations. Further information on the role of civil society in the preparation of national human rights reports would also be welcome. Lastly, he would appreciate clarification on the measures that the State party had taken pursuant to the Committee's Views in the cases of *Carlos Dias v. Angola* and *Rafael Marques de Morais v. Angola*.

11. **Ms. Abdo Rocholl** said that she wished to know whether the State party had plans to harmonize its legislation with the Southern African Development Community Protocol on Gender and Development in order to ensure that at least 50 per cent of candidates put forward on political parties' electoral lists were women. In that regard, it would be useful to know whether the State party had considered introducing additional measures, such as strict alternation between female and male candidates on electoral lists, in order to promote the effective participation of women in the political sphere. She would also be grateful if the State party could provide the information that the Committee had requested in its list of issues (CCPR/C/AGO/Q/2) regarding the alleged human rights violations committed by security forces in Huambo Province in 2010 and during the counter-insurgency operations launched against the Frente de Libertação do Enclave de Cabinda that same year. The Committee had received reports that a violent confrontation involving law enforcement officers and a religious sect known as the Light of the World had occurred in Huambo Province in April 2015. She would be grateful for any information that the State party could provide regarding that incident, on any investigations that had been opened in order to determine the exact number of civilians injured or killed during the confrontation and to identify those responsible.

12. **Ms. Pazartzis** said that she would like to know whether provisions on discrimination in the revised Criminal Code were generally applicable or dealt only with discrimination in the workplace. Information would be appreciated on the steps being taken to combat stereotypes about the San people, as would information on the efforts made to put a stop to the excessive use of force against migrants and other violations of their human rights and to provide migrants with access to social services, health care, education and legal services. Did law enforcement officers receive training concerning immigration laws and other legal statutes applying to migrants?

13. She would be interested to learn whether the implementation period for the Executive Plan to Combat Domestic Violence would be extended and how many investigations had been carried out and sentences handed down in cases of violence against women. The Committee would also like to know whether the State party had more up-to-date statistics on the spread of HIV/AIDS. Information would also be welcome on the impact of the adoption of the HIV/AIDS Act in terms of attitudes towards persons living with HIV/AIDS and the improvement of their access to health services.

14. **Mr. Koita** said that he would like to invite the State party to comment on the documented cases of violations of migrants' and asylum seekers' human rights and on the absence of in-depth investigations into those cases, particularly in connection with collective expulsions of Congolese migrants between 2003 and 2011. He wished to know what sort of general measures had been adopted to protect migrants whose rights had been violated, what remedies were envisaged and what investigations were planned. Did the Government have a training programme for immigration officials with a view to the protection of migrants, asylum seekers and refugees and their integration into Angolan society?

15. It would be useful to learn whether the State party had an estimated timetable for the review and amendment of the Family Code and what efforts were being made to ensure that the general public would accept its effective implementation, as traditional practices continued to govern marriage for many Angolans, particularly in the provinces of Lunda Sul, Moxico, Huambo, Bié and Malanje. It would also be interesting to learn about the impact of the campaign against early marriage and pregnancy in Angola that had been launched on 29 July 2015. He wished to know whether a national strategy for combating early pregnancy and marriage had been adopted and what role civil society, churches and other stakeholders played in addressing those problems. The Human Rights Committee would appreciate information on any concrete measures that were being taken to prepare for ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and on the corresponding timetable.

16. **Ms. Brands Kehris** said that she would like to invite the State party to comment on the alignment of the revised Criminal Code with paragraph 8 of the Committee's general comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights and, in particular, its consistency with the State party's obligation to provide safe, legal and effective access to abortion where the life or health of the pregnant woman or girl was at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering. What steps was the State party taking to ensure that its abortion laws were consistent with its duty to ensure that women and girls did not have to have recourse to unsafe abortions? She would like to know whether article 359 of the previous Criminal Code, under which a local medical board had to decide whether a pregnancy could be terminated, been maintained in the revised Criminal Code. If so, how was that provision applied in practice in rural and remote areas with limited access to health services? The Committee would welcome up-to-date statistics on the number of clandestine abortions performed during the reporting period and on the number of people who had been prosecuted and punished for undergoing or performing abortions.

17. It would be appreciated if the State party could provide information on any awareness-raising campaigns that had been conducted as part of the effort to combat the illegal possession and use of small arms. It would be helpful to know if it had encountered any specific obstacles to the effective eradication of illegal small arms and whether it had adjusted its policies on the subject to improve their effectiveness. Information would be welcome on the State party's efforts to identify and demine all suspected minefields. Was there an estimate of when the demining work would be completed?

18. The Committee would welcome specific information on the prosecution of former President José Eduardo dos Santos and other former high-level officials of the Movimento Popular de Liberação de Angola. It would also be useful to learn whether former Vice-President Manuel Vicente would face prosecution upon his extradition from Portugal or would be covered by the Amnesty Law of 2016. He would be interested in learning more about the types of measures that were in place to tackle corruption among public officials by identifying and prosecuting corrupt officials, by providing protection for whistle-blowers and by preventing corrupt practices from arising in the first place. Were additional amendments to the corresponding legal framework planned?

19. **Mr. Heyns** said that he would like the State party to comment on the legal basis and framework for the use of force by the police. It would appear that, under the 1996 National Police Discipline Regulations, the police could use firearms when the maintenance of order so required. He would be interested to know what basis and procedure were used to determine when their use was necessary and whether the State party planned to amend those regulations in order to bring them into line with article 6 of the Covenant.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

20. **Mr. Queiroz** (Angola) said that Angola was striving to improve its observance of human rights. The country's history and culture sometimes hindered efforts to fully implement international instruments, but Angola was moving in the right direction, and he was confident that further progress would be made.

21. **Mr. da Conceição** (Angola) said that the Office of the Ombudsman was an independent public body that had been established to defend citizens' rights and freedoms. While the services of the Office could be requested simply by writing a letter, in practical terms access to them was limited by the size of the country and the fact that the Office maintained a presence in only 6 provinces: Bengo, Cabinda, Cunene, Huambo, Kwanza Sul and Luanda. In the other 12 provinces, the Ombudsman could be contacted through the offices of the Ministry of Justice and Human Rights and the Attorney General's Office. The Office of the Ombudsman maintained strong institutional relationships with the executive branch, the judiciary and the National Assembly, whose deputies were responsible for electing the Ombudsman. Regrettably, data showed that many of the complaints that the Office received did not fall within its mandate, as they concerned issues such as land and property laws, evictions, the administration of justice and social security; such complaints were duly referred to the appropriate authority. The Office had organized awareness-raising campaigns to increase public knowledge about the role of the Ombudsman, and booklets that provided information about the Ombudsman in the national languages were being distributed.

22. The process of establishing a national human rights institution in accordance with the Paris Principles was under way. A working group had been set up in 2018 to revise the statute and regulations governing the Office of the Ombudsman so that it could assume the functions of a national human rights institution. Although the Office's budget was limited, it was nonetheless able to provide useful services to citizens in the regions where it operated.

23. **Ms. Lunda** (Angola) said there were about 161,000 aliens with regular status and about 65,000 refugees and asylum seekers living in Angola. The National Council for Refugees, established in 2018, shared responsibility for refugee status determination with the country office representing the Office of the United Nations High Commissioner for Refugees (UNHCR) in Angola. Reception centres for refugees and asylum seekers had been set up pursuant to Presidential Decree No. 204/18 of 3 September 2018.

24. An intersectoral commission, which included representatives of the executive branch and international organizations, had been established to investigate complaints of human rights violations committed against migrants by members of the security forces. The Government had also worked with the United Nations system and other international partners to deliver training on basic human rights standards and mixed migration for police officers, justice officials and traditional authorities in border areas. The Ministry of the Interior and the International Organization for Migration had trained more than 500 officials who carried out regular inspection tours to monitor repatriation procedures and to ensure respect for the human rights of migrants in areas under observation.

25. **Mr. Queiroz** (Angola) said that refugees had the same rights as Angolan citizens. In October 2018, he had visited the Lóvua camp, which housed refugees who had fled violence in the Democratic Republic of the Congo. He had been pleased to observe that the camp was well organized and provided facilities such as schools and churches.

26. **Mr. Motta Liz** (Angola) said that the events in Huambo that had come to the Committee's attention had originated in the activities of a religious group which believed in the end of the world and had retreated to Mount Sumi, an isolated location. Because the Government upheld freedom of religion, the sect had not been banned, but it had then begun to move people – including women and children whom its members had taken away from their families – to Mount Sumi. Eventually, when it became apparent that the church elders were abusing the freedom of religion and interfering with the enjoyment of other human rights, the Government had decided to remove the responsible parties so that their followers could return to their families. Regrettably, the leader of the church, José Kalupeteka, and some of his followers had resisted the authorities, and a confrontation had ensued in which 9 police officers and 13 civilians had died. Many of the individuals arrested during the operation had been released during the investigation phase of the criminal proceedings, while 10 individuals, including Mr. Kalupeteka, had been tried and convicted. Since Angolan criminal procedure guaranteed a fair trial, they had been provided with lawyers and had exercised their right to appeal against the judgment of the court of first instance. That appeal was now pending before the Supreme Court.

27. The criminal offences of discrimination that appeared in the revised Criminal Code were of general rather than specific application and thus covered the social, public and political spheres, as well as employment. Nobody could be prevented from standing for political office on the grounds of their ethnicity or sexual orientation.

28. The activities pursued under the Executive Plan to Combat Domestic Violence had not been discontinued. The Government intended to continue the fight against domestic violence, as it regarded that effort as a pillar of the country's social development. Although some provisions of the Domestic Violence Act would be repealed now that the Criminal Code had been updated, the provisions on shelters and social protection measures would remain in force. Steps taken to reduce domestic violence included the creation of special sections within the courts to deal with domestic violence cases, which handed down exemplary punishments in cases of severe violence; cooperation with civil society and churches in the implementation of preventive measures; and victim protection programmes. The Government kept records on the number of cases that were reported to the police and referred to the prosecution service and the courts, which it could share with the Committee.

29. The question of abortion divided Angolan society and had been one of the reasons for the delay in the amendment of the Criminal Code. While Angola had a strong Christian heritage and many churches had called for an outright ban, that position had been opposed by civil society organizations advocating for women's reproductive rights. Eventually, following consultations within a democratic framework aimed at finding a solution that would command the widest possible support in society, the new provisions had been based on the general principle that abortion should be prohibited in order to protect life. However, the Code provided that abortion was not a punishable offence if the pregnancy posed a danger to the mother's health, was non-viable, or resulted from the commission of a criminal offence such as rape. In order for an abortion to be legal, it had to be performed in an authorized establishment within the first 16 weeks of pregnancy, and a medical practitioner had to verify that the legal requirements had been met.

30. The Government acknowledged that Angola had a low ranking in transparency indexes, as the country's history of war, weak governance, bureaucracy and scarcity having created fertile ground for corruption. The administration that had taken office following the 2017 elections had identified the fight against corruption as a priority and had initiated a large number of investigations and prosecutions. One person facing trial was José Filomeno dos Santos – the son of the former President – who stood accused of wrongdoing relating to his management of the country's sovereign wealth fund. Another individual under investigation for corruption was the former Vice-President, Manuel Vicente, who had been extradited from Portugal. The case file was being examined and, on that basis, a decision would be taken as to whether criminal proceedings could be pursued or whether the events in question were

covered by the Amnesty Act introduced by the previous Administration. The Amnesty Act did not cover crimes punishable by more than 12 years' imprisonment, so any charge of embezzlement, for example, would mean that the proceedings could continue. Many public entities, politicians and officials at all levels of government were now being held accountable for financial crimes and corruption. The Government also recognized the value of preventive measures. Accordingly, it had established specialized anti-corruption directorates within the Attorney General's Office and the Criminal Investigation Service, had developed a strategic plan with the support of the United Nations Development Programme to prevent and combat corruption and had adopted various administrative, economic and organizational measures. It was also working with civil society to increase awareness about the harm that corruption caused to the State and to society as a whole.

31. **Mr. Queiroz** (Angola) said that the evaluation of the Manuel Vicente case might be affected by the outcome of proceedings that were still ongoing in Portugal.

32. **Mr. Simões** (Angola) said that, in keeping with its flagship policy on combating corruption, in 2018 the Government had carried out an assessment to identify weaknesses in the system for fighting corruption which had led to the issuance of Presidential Decree No. 319/18 of 31 December 2018 on the declaration of assets, earnings, interests, impartiality, confidentiality and independence in public contract execution. At the same time, the Government had launched a package of preventive measures, including the publication of a booklet on ethics and conduct in government procurement and anti-corruption guides for civil servants and holders of political office, training initiatives, audits of the public entities responsible for the bulk of government procurement, campaigns to raise public entities' awareness of their obligation to implement internal audit and compliance mechanisms, the creation of a hotline and email address to allow anonymous reporting of corruption, the development of a corruption perception index to measure the success of preventive efforts and the introduction of e-procurement systems to promote greater transparency in tendering processes.

33. In respect of the effort to transform the Office of the Ombudsman into an independent national human rights institution in accordance with the Paris Principles, he wished to add that draft legislation had been prepared that would strengthen the Office by requiring all public bodies to cooperate with its requests for information. It was expected that the legislation would be adopted in 2019 and that the Government would begin the process of joining the relevant international mechanisms.

34. **Mr. de Carvalho** (Angola) said that the maternal mortality ratio stood at 239 deaths per 100,000 live births. To increase access to health services, public health infrastructure was being expanded and municipalities were provided with annual budgets that would enable them to carry out primary health care, health promotion and disease prevention activities. The HIV prevalence rate was estimated at about 2 per cent, one of the lowest in the region, and the Government remained totally committed to combating the disease. A national commission had been established for that purpose, while the Ministry of Health had launched a national plan to halve the rate of mother-to-child transmission of HIV/AIDS by 2022, in alignment with the Sustainable Development Goals and the 90-90-90 targets. The Government worked with international partners to develop health statistics and it considered them to be reliable.

35. **Ms. Januário** (Angola) said that the Government had signed a technical protocol with UNHCR and a protocol with the Global Alliance of National Human Rights Institutions with a view to the accreditation of the country's national human rights institution. In 2018, it had taken part in a round table with representatives of a number of United Nations agencies for the purpose of identifying the international instruments that it should ratify as a matter of priority. The associated ratification process was lengthy and involved all three branches of government. The task of ensuring the alignment of domestic legislation with the Covenant was entrusted to the Attorney General's Office. The country had initiated consultations with relevant stakeholders and was progressing towards the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. It hoped to have ratified that instrument by the time the Committee considered its next periodic report. Angola was an abolitionist country and supported the international movement against the death penalty.

36. In its meetings with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women in 2018, the Government had underscored its commitment to revising the rules on marriage contained in the Family Code in order to raise the legal age of marriage to 18 years for both boys and girls. It was currently engaged in the process of analysing the provisions in question. Family-focused awareness-raising campaigns were being conducted in provinces where early marriages had been registered since 2016. Similar awareness-raising efforts were also being made to prevent early customary marriage. No statistics were available on such marriages as they were not officially registered.

37. Angola was likewise committed to fulfilling its commitments in relation to women's participation under the Maputo Protocol and in respect of the Sustainable Development Goals. Although the Political Parties Act established a minimum quota of 30 per cent for women candidates in electoral lists, the Government was striving to achieve gender parity. The National Policy for Gender Equality provided for a number of awareness-raising campaigns and other initiatives intended to increase women's participation in the political life of the country. The possibility of alternating men and women on electoral lists had also been considered. While it was true that women's representation had decreased by around 8 per cent between 2013 and 2017, the Government remained confident that awareness-raising and promotional activities would prevent any future setbacks of that nature.

38. Almost 1,900 cases of domestic violence had been recorded in 2018. The vast majority of those cases had been reported by women. As part of the Executive Plan to Combat Domestic Violence, the Government operated a network of shelters and legal advice centres with the support of civil society organizations and churches.

39. In November 2018, the President of the Republic had attended a high-level meeting with various civil society organizations concerning the country's reporting obligations. Since 2016, the Ministry of Justice and Human Rights had been organizing a dialogue with civil society on issues of common concern that would be covered in periodic reports to the treaty bodies. In February 2019, representatives of the Government and civil society had taken part in a round table devoted to analysing the periodic report that had been submitted to the Committee. The report had been made available online and public consultations had been held on its content.

40. The authors of communication No. 711/1996, *Carlos Diaz v. Angola* and communication No. 1128/2002, *Rafael Marques de Morais v. Angola* had been informed that it was up to the courts, not the Government, to determine the amount of compensation payable to them and that they should enlist the services of a lawyer to file the necessary applications.

41. **Mr. Queiroz** (Angola) said that the Government could consider replacing quotas for women's participation in political affairs with an alternative measure in cases where they had unintended negative effects. Angola remained committed to fulfilling its obligations under, inter alia, the Southern African Development Community (SADC) Protocol on Gender and Development. Women's representation in decision-making and governance positions was likely to increase as women began to outnumber men in senior positions and to enjoy greater access to education and training opportunities.

42. **Mr. Shany** said that, while he welcomed the information provided by the State party on its efforts to engage with civil society, the Committee had received reports that the Government displayed a preference for working closely with certain civil society organizations while limiting its engagement with others that were more critical of its policies. He would like to invite the delegation to comment on the veracity of those reports.

43. As to the issue of the payment of compensation, he wished to clarify that the Committee was not a court of law and that when, in its Views, it called on a State party to make reparation for the damage done to victims of rights violations, it was the responsibility of the Government of the State party to calculate the amount of compensation that was payable. The majority of States parties negotiated the amount in question with the authors of communications through their legal counsel. It would be exceptional indeed for a Government to require authors of communications to institute litigation proceedings for that purpose in a case that had already been settled by an international body. The position put

forward by the State party to the effect that it was for the courts to determine the amount of compensation payable to the authors of the two communications was at variance with established practice and failed to take account of the time that had elapsed since the events in question had taken place. The State party needed to develop an approach for settling such cases in the light of the Committee's Views on the aforementioned communications.

44. It would be useful to know whether the State party considered there to be a connection between the criminalization of abortion and the current high rate of maternal mortality in the country. While the Committee refrained from taking an ideological position on the issue of abortion, it did insist on the importance of safeguarding women's lives. A system that left women with no choice but to resort to unsafe, clandestine abortions was a system that ought to be reviewed. States parties had a duty to ensure that their legal regimes were conducive to the protection of life.

45. **Ms. Brands Kehris** said that it would be helpful if the State party could provide an overview of the situation with regard to the unlawful possession and use of small arms in the country.

46. **Mr. Santos Pais**, noting that a new prosecutor-led directorate had been established to deal with corruption-related crimes, said that he would be interested in learning whether new prosecutors had been recruited and assigned to the directorate or whether existing prosecutors had simply been reassigned to corruption cases. It would also be useful to hear more about the nature and scope of cooperation between the newly established directorate and the anti-corruption department of the national police force.

47. **Mr. Heyns** said that he would be grateful to receive additional information on the legal framework governing the use of force by the police and would like to know to what extent the applicable legal provisions were enforced by the courts and whether the training provided to police officers covered the use of force.

48. **Mr. Koita** asked whether the State party had set a concrete time frame for making the legislative amendments necessary to resolve the issues posed by such practices as polygamy and early marriage. To his mind, the problem stemmed from the coexistence of what appeared to be incompatible formal and customary legal systems. He also wished to know whether the State party made use of deterrent sanctions in connection with those two practices. He would like to know whether the delegation could clarify whether or not the State party was actually in favour of abolishing the death penalty and, if so, whether the matter was to be referred to the parliament.

49. **Ms. Pazartzis** said that it would be helpful to receive more information on the situation of the Khoisan community in Angola and the reasons behind the decline in their number.

50. **Mr. Queiroz** (Angola) said that the Government had adopted a new strategy for increasing the involvement of civil society in discussions on major issues, including national policies and societal questions. The Government also recognized the need to canvass the views of civil society on a variety of issues, particularly those related to human rights. The new strategy was proving to be successful in increasing the visibility of civil society in Angola and helping to strengthen links between civil society organizations and State institutions.

51. Police officers could find it difficult to gauge the level of force that they should use during demonstrations and other police interventions. In order to remedy that knowledge gap, the Ministry of the Interior was providing police officers with training on the use of force and the standards to which they must adhere. While it was true that the police had, on occasion, taken a heavy-handed approach to dealing with offenders in the past, the officers in question had made every effort to abide by the applicable law. Adequate training was the key to mitigating the use of excessive force by the police.

52. The conflict between the customary and formal legal systems could be traced back to colonial times and had not yet been resolved. The traditional practices under discussion had their roots in local custom and could in some instances appear to run counter to formal legal principles. Although the Government's position was that the formal system should prevail over customary law, it was clear that the former's primacy needed to be established gradually

and that traditional society needed to be convinced of its merits through education. In the meantime, a balanced policy that promoted the coexistence of the two systems was the best way forward.

53. **Mr. Motta Liz** (Angola) said that, although the Constitution recognized customary law, its application could be limited in cases where customary practice ran counter to the principle of human dignity. Although, under the revised Criminal Code, the act of fraudulently entering into more than one official marriage was a punishable offence, polygamy was recognized as a traditional form of marriage under customary law, whether the union was formalized or not, and, as such, was not prohibited.

54. The use of force by the police was governed by the principle of proportionality. Police officers were instructed to seek to use the least aggressive means possible to restore order during demonstrations and to use arms only as a last resort. Cases involving the excessive use of force by the police were sometimes difficult to adjudicate, as the police officers concerned may have had recourse to the use of force in legitimate self-defence. However, police officers who used excessive force against unarmed persons could be demoted or dismissed and could be held criminally liable. Police officers received training regarding the appropriate use of firearms and the grounds that constituted legitimate self-defence.

55. As to the question of abortion, the legislative policy of the State was intended to protect life and was linked to public policies on maternity care and family planning. Although the Government had a duty to protect the life of a fetus in the case of a voluntary pregnancy, it also believed that abortion should not be criminalized when the life of the mother was at risk, when the pregnancy was involuntary or when the fetus was not viable. The large number of women still seeking clandestine abortions was largely attributable to the prohibitions contained in the previous Criminal Code. Under the revised Criminal Code, eligible pregnant women could terminate their pregnancy at official health-care establishments, thereby reducing the maternal mortality rate. Unfortunately, no statistics on clandestine abortions were available.

The meeting rose at 6.05 p.m.