

Follow-up table to the country visit of the Special Rapporteur on freedom of religion or belief to Angola (20 to 27 November 2007)

Conclusions and recommendations of the Special Rapporteur (A/HRC/7/10/Add.4)	Follow-up information from UN documents (e.g. UPR, Special Procedures, Treaty Bodies)	Follow-up information from the Government of Angola
<p>Legal framework</p> <p>46. Article 9 of law no. 2/04 discriminates against religious minorities and is not in conformity with international standards to which Angola is a party. Viewed in conjunction with article 45 of the Constitution, it may also violate Article 18 (3) of the ICCPR. General Comment 22 provides further guidance on the concept of necessity in article 18 (3) and states that restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.</p> <p>47. As noted earlier, the law contains stringent requirements for registration including membership of 100,000 persons who are domiciled in Angola, from two thirds of the total of the provinces of Angola. It has potential practical implications for religious communities, such as a denial of permission to build places of worship, the closure of places of worship or the prohibition of religious organizations. The Special Rapporteur recommends that the law is reformed and was encouraged by the openness of the Government to review the provisions of the law.</p> <p>48. Furthermore, law no. 2/04 fails to tackle the problem of religious organizations that are involved in exploitative or engage in harmful practices. Already registered religious organizations in Angola are amongst those accused of exploiting or harming individuals. The Special Rapporteur therefore recommends that exploitative or harmful practices are instead be tackled by the criminal law, in parallel to human rights education programmes.</p> <p>49. Furthermore, the Special Rapporteur recommends that the Government should review the limitation clauses in articles 18 and 45 of the Angolan Constitution with a view to bringing these provisions into line with article 18 (3) of the International Covenant on Civil and Political Rights, as required by article 2 ICCPR.</p>		<p>E/C.12/AGO/Q/3/Add.1 Replies by the Government of Angola to the list of issues to be taken up in connection with the consideration of the third periodic report of Angola, September 2008</p> <p>2. The 9th Committee of the National Assembly deals with matters related to human rights, petitions, complaints and suggestions from the citizens [...]</p> <p>4. From 2002 to 2007, in close cooperation with the other eight working committees of the National Assembly, it has issued opinions regarding:</p> <p>(a) The law on the exercise of freedom of conscience, worship and religion; [...]</p>

<p>Religious tolerance</p> <p>50. The Government of Angola is obliged to promote religious tolerance and the Special Rapporteur would urge that unsubstantiated statements by officials are not made to the detriment of any religious community. She notes in this regard with satisfaction the statement of President Dos Santos to the UN General Assembly on 25 September 2007 in which he said that “Ecumenism and dialogue among cultures are avenues for action that can be used for the purposes of bringing together, in peace and solidarity, the dominant religions and all the people of the world”.</p>		
<p>Freedom of religion or belief in Cabinda</p> <p>51. In Cabinda, human rights violations by the security forces continue. The Special Rapporteur received a significant number of reports of violence, intimidation and harassment and arrests by State agents of individuals perceived to dispute the leadership of the Catholic Church in Cabinda. These violations and the conflict within the Catholic Church are inter-related and represent challenges to the full enjoyment by all of the right to freedom of religion or belief. The Special Rapporteur was also concerned about the violence and threats of violence perpetrated against the leadership of the Angolan Catholic Church from individuals opposed to the appointment of the Bishop of Cabinda. She would respectfully call on the Government and other relevant parties to respect international human rights law, particularly the right to freedom of religion or belief but also other interrelated and interdependent rights, for example freedom of expression, association, assembly, liberty and security of the person. She would furthermore urge that intra-religious dialogue between opposed religious factions is facilitated.</p>		
<p>Children accused of witchcraft</p> <p>52. On the issue of children accused of witchcraft, the Special Rapporteur was encouraged by the leadership assumed by the National Children’s Institute, together with UNICEF, to address this problem but she also notes that the response to the various problems has been isolated and fragmented, aside from the Zaire</p>	<p>E/C.12/AGO/CO/3/CRP.1 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Angola, November 2008</p> <p>25. The Committee notes with concern that the phenomenon of children being accused of witchcraft is still common in the State party, particularly in remote provinces, and has a very negative impact in the enjoyment of their rights established in the Covenant, including the right to education and health.</p>	

<p>situation. She looks forward to further cooperation from the Government of Angola and UNICEF. In addition, she emphasizes that further human rights education is required, together with a strengthening of the criminal justice system and revisions to the Penal Code, to bring to justice those who abuse children. As regards accusations of witchcraft she notes that the Angolan Penal Code does not prohibit defamation, slander and insult of children, whilst it does so in relation to adults although violence and abandonment are prohibited. The Special Rapporteur welcomes that the proposed new Penal Code classifies forms of violence against children as crimes of a public nature, which would allow prosecutors to bring charges in the face of the passivity of the family. She notes that the absence of Juvenile Justice Courts is one of the constraints on the functioning of the Protection Committees.</p>	<p>The Committee urges the State party to take efficient measures aimed to eradicate the phenomenon of children being accused of witchcraft and to protect the victims.</p> <p>The State party is invited to conduct awareness-raising campaigns about the negative impact of this phenomenon in the realization of the rights of children established in the Covenant.</p> <p>A/HRC/11/2 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, May 2009</p> <p>49. The relevance of the practice of witchcraft to human rights is clearly a complex matter, and it is not possible to do justice to it within the confines of a report of this nature. Perhaps the most appropriate starting point is to examine the contexts in which attention has been brought to the human rights consequences of the phenomenon in recent years. Any such survey is inevitably incomplete, but it can nevertheless provide an insight into the nature of the challenges that need to be addressed: [...] (g) With regard to Angola, in 2004, the Committee on the Rights of the Child called for immediate action to eliminate the mistreatment of children accused of witchcraft, including by prosecuting the perpetrators of this mistreatment and intensive education campaigns that involve local leaders. The same issue was taken up in almost identical terms four years later by the Committee on Economic, Social and Cultural Rights.</p> <p>Compilation of information for the Universal Periodic Review in February 2010, prepared by the United Nations Country Team (UNCT) in Angola (www.ohchr.org/EN/HRBodies/UPR/Pages/UPRAOUNContributionsS7.aspx)</p> <p>18. The phenomenon of children being accused of witchcraft is still a great concern. While in the most recent case of 40 children (September 2008) the Court of Minors declared protection measures and the children were reunited with their families, an integrated coordinated systematic response is lacking from the judicial and the social system, including psycho social-assistance to children and families and follow up assistance at community level is still weak.</p>	
<p>Closure of mosques and restrictions of other religious communities</p> <p>53. The closure of four mosques in January 2006 amounted to an unlawful interference with the right to freedom of worship. The Special Rapporteur recommends that the Government takes greater steps to implement the Constitutional guarantee of freedom of religion or belief which includes ensuring that all branches of Government understand and respect their</p>		

<p>obligations to uphold this particular right as duty bearers. This may be achieved in part by issuing guidance and instructions to all civil servants and the provision of greater human rights education.</p>		
<p>Persons under any form of detention 54. There is an urgent need for consular access to detainees being held at Viana immigration detention centre, as well as access for UNHCR and the International Organization for Migration. Periods of immigration detention should be reduced and conditions of detention at Viana improved. The Special Rapporteur recognizes current Government efforts to construct improved detention facilities.</p>	<p>A/HRC/7/4/Add.4 Report of the Working Group on Arbitrary Detention Addendum: Mission to Angola, February 2008 104. On the basis of its findings the Working Group would like to make the following conclusions and recommendations to the Government: (a) The Working Group would like to receive from the Government information on the measures taken following the inspection visit of Viana Immigration Detention Centre conducted on 27 November 2007 by the Special Rapporteur on freedom of religion or belief. It would also like to receive a comprehensive report by the Government on the outcome of the investigation of the Commission of Inquiry and on the implementation of the Commission's recommendations.</p>	
<p>Relations between the Government and OHCHR 55. Finally the Special Rapporteur recommends that the Government sign a Memorandum of Understanding with the Office of the High Commissioner for Human Rights with a view to establish an office with a full mandate of the High Commissioner, that is promotion and protection of human rights.</p>	<p>A/63/161 Interim report of the Special Rapporteur on freedom of religion or belief, July 2008 12. [...] Finally, the Special Rapporteur recommended that the Government of Angola sign a memorandum of understanding with OHCHR with a view to establishing an office with a full mandate to promote and protect all human rights. She regrets that, in March 2008, the Government decided not to sign a comprehensive agreement for human rights promotion and protection activities in Angola and that it requested OHCHR to cease all activities and close its representation in the country by 31 May 2008.</p> <p>E/C.12/AGO/CO/3/CRP.1 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Angola, November 2008 14. The Committee regrets the closure of the Office of the UN High Commissioner for Human Rights (OHCHR) in Angola, in May 2008, and is concerned about related potential negative impact for the promotion and protection of economic, social and cultural rights in the State party. The Committee urges the State party to strengthen its national capacities by cooperating with the Office of the High Commissioner for Human Rights, including on the follow-up to the implementation of these concluding observations. It invites the State party to facilitate the OHCHR's activities in the promotion and protection of human rights, including economic, social and cultural rights, and to explore the ways in which more concrete cooperation between OHCHR and the State party may take form.</p>	