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Angola: The establishment of the Justice Ombudsman should comply with international standards

Amnesty International welcomes the proposed establishment of the office of the Justice Ombudsman in Angola, where for too long human rights have been violated with impunity.

In January the parliamentary group of the ruling People's Movement for the Liberation of Angola, apparently acting on the instructions of the Angolan President after a Cabinet reshuffle in December 2004, nominated the outgoing Justice Minister as Justice Ombudsman.

The office of the Justice Ombudsman is described in Angola's 1992 Constitution as an independent public body tasked with protecting people's constitutional rights and freedoms and ensuring, by informal means, fair and lawful public administration. The Justice Ombudsman would have the powers to receive complaints from members of the public and to make recommendations to prevent and remedy injustices.

According to the Constitution, the Justice Ombudsman must be nominated by the National Assembly on the decision of two thirds of the members present. However, the National Assembly has not yet set a date for the voting process.

When the nomination was announced, civil society groups protested. They said that they had not been consulted on the nomination despite receiving promises that a working group involving civil society representatives would be set up to work closely with the parliamentary Commission on Human Rights and that the person appointed as Justice Ombudsman would be acceptable to all members of civil society. There is also concern that no law establishing the Justice Ombudsman's office has yet been adopted.

Amnesty International is taking this opportunity to urge the National Assembly to ensure that the establishment of the Justice Ombudsman's office complies fully with the Paris Principles relating to the status of national institutions, adopted by UN Commission on Human Rights Resolution 1992/54 (the Paris Principles).

The delay in setting up the Justice Ombudsman's office is largely due to the civil war which resumed after elections in 1992 and ended in 2002. Human rights abuses occurred on a daily basis during the war. While the situation improved after 2002, gross human rights violations continue to occur. A Justice Ombudsman with the necessary independence and powers could raise the standard of respect and protection for human rights in Angola.

Amnesty International believes that the legislation establishing the Justice Ombudsman's office

should provide the broadest possible mandate to address human rights concerns. It should take as its frame of reference not only the Constitution and national law but also the international and regional human rights treaties to which Angola is a party as well as relevant UN principles and declarations. The mandate should encompass all rights -- civil and political rights as well as economic, social and cultural rights.

The procedures for selecting, appointing and removing the ombudsman should afford the strongest possible guarantees of competence, impartiality and independence.

According to the Paris Principles, the appointment should be carried out "... in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces of civilian society involved in the promotion and protection of human rights..."

It is vital that the Justice Ombudsman is, and is seen to be, independent from the executive functions of government and impartial towards all sectors of society. Consultation on the founding legislation should involve civil society groups including non-governmental human rights organizations, professional bodies, religious groups and academics.

It is also crucial that the Justice Ombudsman should be given adequate human and financial resources to fulfil the mandate and deal with a potentially large caseload of human rights violations by police and other government officials, such as extrajudicial executions and forced evictions, as well as abuses by non-state actors, such as domestic violence.