

TREATY BODY MONITOR

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Key facts¹

Ratification	Reservations	Other core treaties ratified
1992	None	ICERD, ICCPR, CEDAW, CRC

Information submitted to the Committee

State report

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

Angola submitted its combined 1st, 2nd, and 3rd periodic reports to the Committee on Economic, Social and Cultural Rights (the Committee) on 16 April 2008.² The initial report was due in 1994.

The report is well-structured and presents information on the State and the general framework for the protection and promotion of human rights. The report also gives an account of the implementation of economic, social and cultural rights in the State. It acknowledges the need for further improvement and for the development of a more comprehensive data collection system. Regrettably, the report does not make reference to forced eviction, as noted by the report submitted by Amnesty International.

List of issues

After having studied the report, on 16 June 2008, the Committee provided its list of issues to the State.³ The Committee asks about the reasons for the failure to incorporate the provisions of the *International on Economic, Social and Cultural Rights* (the Covenant) into domestic law. Furthermore, the Committee requested detailed information on specific measures taken to ensure that revenues gained from the exploitation of natural resources are invested in economic and social development programmes to benefit the population. The Committee also recommended that the State provide about measures taken between 2002 and 2007 to protect the social, economic and cultural rights of internally displaced persons (IDPs), returnees, and ethnic minorities. The Committee also requested more information on legal provisions adopted to protect women and children from domestic violence and exploitation. Moreover, the Committee inquires about the number of people infected by HIV/AIDS who benefit from access to retroviral treatment. It requested more disaggregated data on the number of people who have access to primary education. The concerns of the Committee reflect the issues raised in the reports submitted by non-governmental organisations (NGO).

The State written responses were submitted two months before the examination. The replies were generally detailed. However, no answer was provided to some of the Committee's questions on, for instance, housing and evictions. Furthermore, scant statistical data was provided due to the inefficiency of the data collection system.

NGO information

Two individual NGOs⁴ and one coalition of NGOs⁵ submitted **written reports** to the Committee.⁶ Amnesty International and the coalition of Angolan civil society organisations focus on housing, particularly forced evictions carried out by the Government and the Government's failure to comply with procedural requirements and protections set out in the Committee's *General Comment 7*. The Centre for Economic and Social Rights, recalling the concluding observations of both the Committee on the Elimination of Discrimination against Women⁷ and the Committee on the Rights of the Child⁸ in 2004, focuses especially on the Government's low commitment to health services. This is reflected in the very high infant mortality rate. The NGOs made recommendations to the Committee on the concerns it raised in its list of issues.

No NGOs from Angola gave **oral presentations** to the Committee.

² E/C.12/AGO/3, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

³ E/C.12/AGO/Q/3, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

⁴ Amnesty International, Centre for Economic and Social Rights.

⁵ Fundação Open Society Angola (FOSA), Associação de Reintegração de Jovens e Criança (SCARJOV), Associação Justiça, Paz e Democracia (AJPD), Rede de Mulheres Vivendo com VIH/Sida (Rede Mwenho), Associação Construindo Comunidades (ACC), Acção Humana, Sindicato Nacional de Professores (SINPROF), Rede Terra.

⁶ The NGO reports are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

⁷ A/59/38(SUPP), paragraphs 133-171, available at [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.59.38\(SUPP\)paras.133-171.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.59.38(SUPP)paras.133-171.En?Opendocument).

⁸ CRC/C/15/Add.246, available at [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.246.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.246.En?Opendocument).

Themes and issues

The delegation of Angola was led by Mr George Rebelo Chicoty, Vice Minister of Foreign Affairs. He was supported by a large but low-level delegation consisting of representatives of different ministries⁹ and the Permanent Mission in Geneva.

In his opening statement, Mr Rebelo Chicoty recalled the 27 years of war which left Angola completely destroyed, and highlighted the 'big steps forward' made by the Government to ensure respect for and protection of human rights. He also claimed that due to its fast economic growth, the country will be able to reach the eight Millennium Development Goals before 2015.

During its dialogue with the Committee, the delegation did not reply to the majority of the questions raised and limited its comments to very general information. The delegation frequently referred to the war as the main obstacle to the implementation of the ratified human rights conventions. The Committee lamented more than once the superficiality and poor quality of the responses provided by the delegation. The delegation often dismissed the issues raised by saying that the terms used by the Committee recall the ones used by the political opposition in Angola.

Property rights

The country rapporteur, Mr Andrzej Rzeplinsky regretted the weakness of laws on property rights. This particularly affects local communities, who are forcibly evicted for the benefit of international corporations and in violation of the obligations set out in the Covenant. Mr Rzeplinsky lamented that the written replies provide no answer to questions on this issue. The delegation asserted that the natural resources are not liberalised and the Government grants concessions to the oil and diamond industries to increase investment and production. The delegation expressed concern about the Committee's use of the term 'forced evictions', emphasising that such acts do not occur in any part of the country. The delegation regretted that the language used by the experts presents 'regrettable similarities' to that used by opposition groups 'attacking' the Government. The delegation explained that people affected by evictions are reallocated and assistance is provided, and also described NGO information on this matter as 'false'. The chairperson, Mr Philippe Texier, clarified that the term 'forced eviction' does not have any political connotations and has been used in the examination of other countries. In its concluding observations,¹⁰ the Committee recommends that the State provide assistance to IDPs and facilitate their reintegration into society. The Committee also urges the State to ensure that evictions are only used as a last resort.

Poverty and social provisions

Ms Virginia Bonoan-Dandan expressed concern about the disparity between the economic growth of the State and continuing poverty of its people. The State report states that in 2006, Angola had the highest level of growth in Africa; in 2005, 68 percent of the population was still living below the poverty line and life expectancy was just 40 years. Furthermore, revenues from the exploitation of natural resources are still not adequately allocated to education, health provision, and investments on other sources of employment.

⁹ From the Permanent Mission of the Republic of Angola to the United Nations: Ambassador Arcanjo Maria Do Nascimento, Mr José Silva and, Counsellor, Mr Paulo Vaz Da Conceição, Expert on Human Rights. The delegation also included: Ms Efigenia Perpetua Jorge, Third Secretary, Ministry of Foreign Affairs; Ms Luisa Esperança, Head of the Human Rights Department, Ministry of Justice; Mr José Manuel Simbi, Ministry of Interior; Ms Maria Massocolo Neves, Ministry of Health; Mr Kiassekoka Miguel, Ministry of Health; Ms Maria Mpava Medina, Ministry of Family and Promotion of Women; Mr José Lima Nogueira, Ministry of the Administration of Territory; Ms Elisa Silva, Ministry of Assistance and Social Reintegration; Mr Mario Homero, Ministry of Education; Mr Henriques Leitão, Ministry of Planning; Ms Fatima Viegas, Ministry of Culture; Mr Aguinaldo Cristovão, Ministry of Culture; Mr Gaspar Pedro, National Assembly; Ms Maria Teresa Manuel, General Prosecutor; Mr Pedro Domingos Antonio Costa, National Institute of Children; Mr Manuel Lourenço Rocha Da Silva, Deputy, Parliament of Angola; Ms Engracia Pitra, Parliamentary Bureaucrat, Parliament of Angola.

¹⁰ E/C.12/AGO/CO/3/CRP, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

Moreover, there is no programme in place to protect the vast percentage of elderly people living in poverty. Mr Ariranga Govindasami Pillay on the impact of poverty reduction strategies, but the delegation did not provide any response or disaggregated data. The delegation explained that social services are weak as a consequence of the long war, but assured that since 2003, the Government has been introducing a number of measures to improve access to education and health care programmes. The answers of the delegation were general and very much focused on presenting the war as the only cause of violations of economic, social and cultural rights. In its concluding observations, the Committee recommends that the State invest the revenues coming from economic growth in social and economic development to benefit the whole population.

Corruption and independence of the judiciary

Mr Pillay argued that the judiciary is not totally independent from the executive power and lamented the lack of detailed information and statistics on measures taken by the State to fight corruption. Angola is ranked 142 out of 163 countries in the Corruption Perceptions Index (CPI) according to Transparency International.. One of the Angolan representatives affirmed that the judiciary is independent and judges are prohibited from receiving instructions from the Government. In its concluding observations, the Committee advises the Government to ensure transparency of the conduct of public authorities and to guarantee the independence of the judiciary.

Education

A number of experts noted the high illiteracy rate of about 70 percent the lowest in Sub-Saharan Africa, and the difficulties faced by people living in rural areas in accessing education. The representative from the Ministry of Education insisted that the budget for education has been increased rather than decreased. Furthermore, a literacy campaign in partnership has been recently carried out in partnership with the Governments of Brazil and Cuba. Furthermore, both the number of teachers and their salaries have increased. Moreover, 95 reforms took place in the educational sector.

Health

Mr Andrzej Rzeplinsky drew the attention to the small number of doctors available in the country and to the high level of corruption in the health sector. The representative from the Ministry of Health asserted that in the last few years, the health sector has improved as a result of a number of governmental initiatives. There are a number of foreign doctors currently under contract to make up for the shortage of national doctors. Furthermore, two new faculties of medicine had been opened and another three are under construction. A recent study by the World Bank demonstrates that the budget for the health sector has doubled, and the wages of the medical personnel have also increased.

Right to work

Mr Rzeplinsky asked for more information on the Government's rural development programme. Ms Dandan voiced her concern on the lack information on unemployment benefits, the size of the informal sector, and reasons for the weak participation in trade unions. A number of experts also lamented the low level of public investment in economic development, the lack of inspection of working conditions, and the absence of any basic social security package for workers in the informal sector. Furthermore the chairperson recommended the delegation to ratify conventions of the International Labour Organization (ILO) on social security, protection of motherhood, and discrimination in the work place. It also requested information on the right to strike and collective bargaining. The delegation acknowledged the high rate of unemployment and assured that public investment on economic development will increase by 18 percent in 2009. It also claimed that discrimination against women in the workplace occurs only in isolated cases, and women enjoy equal pay. Although unemployment allowances are granted by the Government, the delegation underscored the impossibility to help everyone. The Committee lamented the lack of specific responses from the delegation

and, in its concluding observations, recommends the State to ensure freedom to form and join trade unions and to increase the minimum wage.

Protection of women's rights

The Committee expressed its concern about discrimination against women. Although the Government created the Ministry of Family and Promotion of Women this year, Mr Rzeplinsky maintained that discrimination continues within the Government, particularly in access to high-level positions. The representative of the Ministry of Family and Promotion of Women assured the Committee of the absence of any discrimination against women, and claimed that a third of the posts in the Government are held by women. Furthermore, the representative highlighted that a law on gender equality and a draft bill on marital violence are currently being discussed. Mr Rzeplinsky asked about the effectiveness of strategies for the empowerment of women. Furthermore, he asked the delegation to provide information on measures taken to protect women and children from sexual violence and exploitation since there is no specific legislation on trafficking in persons. The delegation committed to ratifying the *Palermo Protocol* soon.

The Committee, in its concluding observations, advises the Government to take measures to combat discrimination against women, introduce quotas for the appointment of women in high-level positions and to criminalise domestic violence. During the discussion, the delegation affirmed that the discrimination occurs only in isolated cases and are not part of any domestic policy. In its concluding observations, the Committee advises the Government to take appropriate measures to combat discriminatory trends.

Other issues

The Committee advised the Government to incorporate the provisions of the Convention into **domestic law** and to provide public officers, judges and law enforcement officers with an adequate training on the Convention and on human rights in general.

One of the experts asserted that the **Ombudsman** is not an independent body, and asked whether the State envisages a national plan of action for human rights and the establishment of an independent body. The representative from the Ministry of Justice affirmed that the Ombudsman is an independent body and as stated Article 54 of the Constitution lays down the separation of powers.

Furthermore, the issue of the closure of the **Country Office of the United Nations High Commissioner for Human Rights** was raised during the discussion and also in the concluding observations. The closure of the Country Office of the High Commissioner was due to the end of its mandate, which came after the conclusion of the peace mission.

Ms Barbara Elaine Wilson raised the issue of the inaction of the Government to guarantee the rights of the 80,000 **victims of landmines**. She asked whether a national de-mining programme is envisaged by the Government. The delegation recognised that more work must be done for the rehabilitation persons with disabilities. A de-mining programme does exist, but it is still not fully functional due to resource constraints. The Committee, in its concluding observations, recommends that the Government accelerate the de-mining process.

Mr Rzeplinsky touched upon the issue of the negative impacts of diamond mines on **environment** and local communities. He asked the delegation how many projects have actually been rejected by the environmental department for reasons regarding their sustainability. The delegation acknowledged that the issue of environmental degradation affecting local communities is due to the numerous illegal mines.

In its concluding observations, the Committee highlights the lack of disaggregated **data and statistics** on a number of issues. The statistics available are out of date and not detailed enough. The delegation committed

to improve the data collection system and present updated statistics in the next report. In its concluding observations, the Committee requests the State to include in its report comparative disaggregated data.

The Committee asked the delegation to provide more information on the policies that apply for **registration of children** living in refugee camps and children born to non-Angolan mothers. The experts expressed concern about possible discriminatory treatment against the latter. The answers of the delegation were very general and did not address the points raised by the Committee. The Committee, in its concluding observations, recommends that the State take effective steps to ensure the registration of all newborns without discrimination.

Conclusions and next steps

In its concluding remarks, the delegation reconfirmed its willingness to cooperate with the Committee in the implementation of the obligations set out in the Convention. The head of delegation stated that national resources will be better utilised to benefit the population and promised that the information which the delegation was not able to provide during the session will be communicated in writing in the next days.

In its concluding observations, the Committee welcomed the State's engagement in a constructive dialogue, but regretted that numerous questions remained unanswered.

The Committee requested that the State submit its 4th and 5th periodic reports by 30 June 2013.

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ABOUT THE PUBLICATION

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