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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

Angola

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

| <i>Core universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|---|--|--|---|
| ICESCR | 10 Jan 1992 | None | - |
| ICCPR | 10 Jan 1992 | None | Inter-State complaints (art. 41):No |
| ICCPR-OP 1 | 10 Jan 1992 | None | - |
| CEDAW | 17 Sept 1986 | None | - |
| OP-CEDAW | 1 Nov 2007 | None | Inquiry procedure (arts. 8 and 9): Yes |
| CRC | 5 Dec 1990 | None | - |
| OP-CRC-AC | 11 Oct 2007 | Binding declaration under art. 3: 18 years | - |
| OP-CRC-SC | 24 Mar 2005 | None | - |

Core treaties to which Angola is not a party: ICERD, OP-ICESCR,³ ICCPR-OP 2, CAT, OP-CAT, ICRMW, CRPD, OP-CRPD and CED.

| <i>Other main relevant international instruments</i> | <i>Ratification, accession or succession</i> |
|--|--|
| Convention on the Prevention and Punishment of the Crime of Genocide | No |
| Rome Statute of the International Criminal Court | No |
| Palermo Protocol ⁴ | No |
| Refugees and stateless persons ⁵ | Yes, except 1954 and 1961 Conventions |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶ | Yes, except Additional Protocols II and III |
| ILO fundamental conventions ⁷ | Yes |
| UNESCO Convention against Discrimination in Education | No |

1. In 2004, the Committee on the Elimination of Discrimination against Women (CEDAW) and in 2008 the Committee on Economic, Social and Cultural Rights (CESCR) encouraged Angola to consider ratifying ICERD, CAT and ICRMW.⁸ CESCR also recommended that Angola consider ratifying CRPD and its Optional Protocol.⁹ In 2008, the Working Group on Arbitrary Detention invited Angola to consider ratifying CAT and its Optional Protocol.¹⁰

B. Constitutional and legislative framework

2. In 2009, the United Nations Country Team (UNCT) indicated that the current revision of the Constitutional Law creates an opportunity for strengthening the equality of women and non-discrimination against children and reinforces protective legislation in relation to inter alia persons living with HIV/AIDS, victims of human trafficking, refugees, asylum-seekers and migrant workers.¹¹ In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that the national legislation does not appear to prohibit the sale and trafficking of children for both economic and sexual purposes.¹²

C. Institutional and human rights infrastructure

3. As of 12 October 2009, Angola did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹³

D. Policy measures

4. In 2005, Angola adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.¹⁴ In the context of reform, Angola has substantially reformulated the conceptual framework for education and included the development of the human person and citizenship as objectives and educational content.¹⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

| <i>Treaty body¹⁶</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|---|
| CESCR | 2008 | Nov 2008 | - | Fourth to fifth reports due in 2013 |
| HR Committee | None | None | | Initial report overdue since 1993 |
| CEDAW | 2004 | July 2004 | - | Sixth report overdue since 2007 |
| CRC | 2004 | Oct 2004 | - | Second to fourth reports due and submitted in 2008, scheduled for consideration in 2010 |
| OP-CRC-AC | None | None | - | Initial report due in 2009 |
| OP-CRC-SC | None | None | | Initial report overdue since 2007 |

2. Cooperation with special procedures

| | |
|---|--|
| <i>Standing invitation issued</i> | No |
| <i>Latest visits or mission reports</i> | Working Group on Arbitrary Detention (17 - 27 September 2007), Special Rapporteur on freedom of religion or belief (20 - 27 November 2007). |
| <i>Visits agreed upon in principle</i> | Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Special Rapporteur on the right to education, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. |
| <i>Visits requested and not yet agreed upon</i> | Special Rapporteur on the independence of judges and lawyers (requested in 2008). |
| <i>Facilitation/cooperation during missions</i> | The Working Group on Arbitrary Detention expressed its gratitude to the Government for the cooperation it enjoyed. ¹⁷ The Special Rapporteur on freedom of religion or belief wished to thank the Government for its invitation and for the cooperation extended to her during the visit. ¹⁸ |
| <i>Follow-up to visits</i> | |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review, 17 communications were sent concerning inter alia particular groups and one woman. The Government replied to five communications, representing replies to 29 per cent of communications sent. |

3. Cooperation with the Office of the High Commissioner for Human Rights

5. The Office of the High Commissioner for Human Rights (OHCHR) ceased its activities in Angola in 2008, after the authorities informed it of their decision not to sign a comprehensive agreement for human rights promotion and protection activities in Angola similar to those under which OHCHR usually operates in other countries.²² From 2003 to 2008 in Angola, OHCHR had focused on increasing awareness of human rights issues following the civil war; the establishment of a national human rights institution; assisting the Ministry of Justice in its efforts to recognize alternative mechanisms of justice; promoting the inclusion of human rights education in primary and secondary schools; and helping civil society organizations strengthen their interaction with human rights mechanisms. OHCHR was also supporting the Government in the drawing up of its reports to various human rights treaty bodies,²³ in particular through use of the guidelines for the common core document.

B. Implementation of international human rights obligations

1. Equality and non-discrimination

6. In 2004, CEDAW expressed concern at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women.²⁴ CEDAW urged Angola, inter alia, to introduce, in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media, measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women and ensure that women's rights to non-discrimination and equality prevail.²⁵

7. In 2009, UNCT pointed out that in relation to gender equality, impressive progress had been made on women's participation in parliament and in Government; however there remains the need to address such issues as equal access for women to training and to labour markets. In addition, specific issues required concerted attention, in particular curbing widespread gender-based violence, reducing maternal mortality and addressing the rights of groups such as refugee women and girls²⁶ who are considered to be particularly vulnerable.

8. In 2004, the Committee on the Rights of the Child (CRC) expressed concern at discrimination faced by children with disabilities, girls, and children belonging to the San communities.²⁷ It recommended that Angola take legislative measures explicitly to prohibit all forms of discrimination; and undertake actions, including awareness-raising and educational campaigns, to reduce and prevent discrimination in practice, particularly against girls.²⁸

2. Right to life, liberty and security of the person

9. CRC in 2004²⁹ and CESCR in 2008³⁰ regretted that despite the efforts initiated by Angola at the end of the war, the country remained heavily land mined. CESCR urged Angola to accelerate its efforts to deactivate the anti-personnel mines, and other relics of war, to prevent landmine accidents and to assist the victims.³¹

10. In 2009, the Working Group on Enforced or Involuntary Disappearances indicated that three cases remain outstanding. These cases concerned persons who were reportedly arrested and disappeared at the hands of soldiers while travelling from the village of Quisoqui to the village of Caio-Guembo in May 2003.³²

11. CRC in 2004,³³ the Special Rapporteur on freedom of religion or belief in 2007³⁴ and CESCR in 2008³⁵ expressed deep concern at the phenomenon of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder. UNCT in 2009 expressed similar concern.³⁶ CRC³⁷ and CESCR³⁸ urged Angola to take immediate action to eliminate the mistreatment of these children, including by prosecuting the perpetrators and intensifying education campaigns involving local leaders.

12. CRC was concerned at the common use of corporal punishment in families and in schools and other institutions for children.³⁹ CRC recommended that Angola take effective measures to enforce the ban on corporal punishment in schools and other institutions; prohibit corporal punishment by parents and other caregivers; and undertake campaigns to educate families, teachers, and other professionals working with, and for, children on alternative ways of disciplining them.⁴⁰

13. CRC was also concerned at the growing number of cases of abuse and violence against children, including sexual abuse in their homes, in schools and in other institutions.⁴¹ It recommended that Angola, inter alia, strengthen efforts to address the problem of child abuse, including by ensuring the establishment of child-sensitive mechanisms to receive and investigate complaints regarding ill-treatment and abuse; the promotion of positive and non-violent forms of discipline; the provision of counselling, protection and assistance with recovery and reintegration to all victims of violence; and the effective implementation of the national plan of action to combat sexual abuse of minors.⁴²

14. In 2004, CEDAW expressed concern about the lack of specific legislation on violence against women, including domestic violence, as well as the lack of adequate policies, programmes and services and their effective implementation and enforcement. It was also concerned about the attitude of law enforcement officers towards women who report cases of violence, resulting in the reluctance of women victims to report cases of abuse.⁴³ CEDAW called on Angola, inter alia, to enact legislation on violence against women, including domestic violence and sexual abuse, as soon as possible; intensify its public awareness-raising efforts on violence against women and implement training for public officials; and increase the availability of legal aid throughout the country in order to assist and advise women victims of violence.⁴⁴

15. CEDAW was also concerned that prostitution continues to thrive, owing to the poverty of women and girls. It was further concerned about the exploitation of prostitutes, especially young girls, and the lack of information about the efforts to combat this phenomenon.⁴⁵ It urged Angola, inter alia, to pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes to women and girls exploited in prostitution; and provide detailed information on the impact of measures taken.⁴⁶

16. In 2009, UNCT noted that overall the right to life, liberty and security had improved significantly since the end of the conflict in 2002. However, numerous issues, such as arbitrary

arrests in Cabinda or the conditions in which irregular migrants are rounded up and expelled, still remain to be addressed.⁴⁷

17. CRC expressed concern about the extent of the problem of sexual exploitation of and trafficking in children and noted that internally displaced and street children are particularly vulnerable to such abuse.⁴⁸ CRC recommended that Angola further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by finalizing the national plan of action in this area and providing sufficient human and financial resources for its implementation. It also encouraged Angola to define trafficking as a specific criminal offence under the Penal Code.⁴⁹ In its report to the ILO Committee of Experts in 2008, the Government stated that it was not aware of any trade or trafficking in persons. However, the ILO Committee requested the Government to provide detailed information on the measures taken to combat trafficking in persons in terms of both prevention and suppression.⁵⁰

3. Administration of justice, including impunity, and the rule of law

18. Despite the efforts undertaken by the Government, in 2007 the Working Group on Arbitrary Detention noted the necessity for further legal and institutional reform to ensure that an effective system of administration of justice is put in place.⁵¹ In 2008, OHCHR noted that access to justice in Angola is limited, and the judiciary is weak.⁵² Also in 2008, CESCR noted with concern that the Constitution does not fully guarantee the independence of the judiciary, which is allegedly often subject to executive influence, lack of adequate financial means and widespread corruption.⁵³ For its part, UNCT in 2009 indicated that access to justice remains a challenge for most of the population.⁵⁴

19. In 2009, UNCT noted that detention is one of the most complex and challenging areas of the justice system in Angola. The current system of detention is dominated by the Ministry of the Interior and the Office of the Attorney-General. Judges are not involved in verifying the lawfulness of detention during criminal investigations, and a strict, objective, transparent and cross-sectoral control mechanism is still lacking.⁵⁵ Cases of lengthy pretrial detention are still reported widely in the media, and there is no special juvenile justice system applicable to minors between 16 and 18, except for reduction in sentences, as they are detained together with adults.⁵⁶ In view of long-running trials, insufficient legal control exercised by prosecutors and an overly powerful police force, which has also added to the prevailing situation of overcrowded prisons, the Working Group on Arbitrary Detention in 2007 concluded that, despite the efforts undertaken by the Government, no effective system was in place to prevent the occurrence of arbitrary detention.⁵⁷

20. Lack of access for humanitarian purposes to prisoners, as well as consular access to detained foreigners, and by the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to detained asylum-seekers, refugees or migrants, remains a serious problem. The closure of the mission of the International Committee of the Red Cross (ICRC) to Angola in 2009 has been significant as ICRC was the only international organization that had been granted access to prisons.⁵⁸

21. In 2009, UNCT reported that in the Cabinda region arbitrary arrests and detentions continued to be reported. In August 2009, the unconditional release of the journalist Fernando Lelo, whom international human rights non-governmental organizations had considered a prisoner of conscience since his arrest in 2007, was an encouraging development. Lelo was held

in detention without charge or trial for more than the 90 days of preventive detention permitted by Angolan law, making his detention a violation of international human rights law and standards and of Angolan national law. At his trial behind closed doors in September 2008, he was sentenced to 12 years in prison. Five co-defendants, however, who were given 13-year sentences in prison and claimed that they had been tortured, were not released with him.⁵⁹

4. Right to privacy, marriage and family life

22. CRC in 2004,⁶⁰ CESCR in 2008⁶¹ and UNCT in 2009⁶² expressed concern at the high number of unregistered children in Angola. CRC⁶³ and CESCR⁶⁴ recommended that all necessary measures be undertaken to ensure that all children are registered at birth, including by providing such registration free of charge. CESCR also recommended that the coverage of civil status registration be extended to all other persons not yet registered.⁶⁵

23. CRC in 2004⁶⁶ and UNCT in 2009⁶⁷ noted with concern the customary practice of early or child marriage. CRC recommended that Angola ensure the effective enforcement of the minimum age for marriage stipulated in the Family Code (18 years) and that such measures be accompanied by awareness-raising campaigns to prevent early marriages.⁶⁸

5. Freedom of movement

24. In 2009, UNCT indicated that Angola had introduced a reservation to article 26 of the 1951 Geneva Convention on refugee status (freedom of movement) to the effect that it reserves the right to prescribe, transfer or circumscribe the place of residence of certain refugees or groups of refugees, and to restrict their freedom of movement. The limitation on freedom of movement for security reasons is also enshrined in article 6 of the Immigration Act and requires the refugee to obtain a transit permit for circulation in restricted areas. Law No. 17/94 further establishes restricted movement in diamond extraction areas.⁶⁹

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

25. In 2007, the Special Rapporteur on freedom of religion or belief highlighted the fact that article 9 of the law on freedom of religion, conscience and worship discriminated against religious minorities and was not in conformity with international treaties to which Angola is a party. The law contained 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.⁷⁰

26. In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders sent a letter of allegation concerning staff members of SOS Habitat and of Oxfam who had witnessed forced evictions of residents in Luanda and been threatened by police. Concern was expressed that these threats were connected with their activities in defence of human rights, particularly in relation to their defence of the rights of those persons evicted.⁷¹

27. Also in 2006, the Special Representative of the Secretary-General on the situation of human rights defenders, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent letters of allegation concerning the attempt to arrest the President of Mpalabanda and the ransacking of his house of, as well as the search for, arrest and detention of the spokesperson of Mpalabanda, the only human rights organization

which was operating in the Cabinda region. Concern was expressed that these events might form part of a campaign of intimidation and harassment against human rights defenders in Cabinda. The organization was banned by order of the provincial court of Cabinda on 20 July 2006.⁷²

28. In 2008, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression⁷³ sent a letter of allegation concerning radio broadcasting regulations and the temporary suspension of the private radio station Radio Despertar. Concern was expressed that the regulation preventing private radio stations from broadcasting beyond a 50 km radius from their base constituted an undue limitation on the right to freedom of opinion and expression and the related right to impart information.

29. In 2009, UNCT noted that the new press law, which entered into force on May 15 2006, represents an improvement compared with the previous press law in many respects but while the new legislation is positive, there remain areas of concern. In particular, as also highlighted by OHCHR,⁷⁴ it still includes provisions that may result in excessive limitations on press freedom (e.g. criminalizing defamation and excessive licensing procedures).⁷⁵

30. In 2009, UNCT indicated that formal “spaces” have been created through Joint Consultative Councils (*Conselhos de Auscultação e Concertação Social*) at all administrative levels (national, provincial, municipal and communal). Trade unions and business representatives are fully recognized members of these bodies, which reflect a progressive improvement of freedom of association and collective bargaining. However, the provision of opportunities to strengthen citizen-State dialogue remains a challenge for the State and civil society.⁷⁶

31. In 2009, UNCT noted that since the legislative elections in September 2008, Angola has the second highest percentage of women in Parliament within Africa, as well as an increased number of women in key ministries and provincial governments.⁷⁷ A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 15 per cent in 2005 to 37.3 per cent in 2009.⁷⁸

7. Right to work and to just and favourable conditions of work

32. In 2008, CESCR noted with concern that some public and private companies do not comply with the principle of equal wage for men and women. It urged Angola effectively to implement measures it has recently adopted to ensure equal pay for work of equal value and to reduce the wage gap between men and women.⁷⁹

33. While noting that the minimum wage has been recently increased by Angola, CESCR regretted that it still does not provide an adequate standard of living for workers and their families. It recommended that Angola increase the minimum wage to ensure it provides workers with an adequate standard of living for themselves and their families.⁸⁰

34. In 2009, the ILO Committee of Experts noted that the General Labour Act states that a list of the jobs that women are precluded from performing is established by executive decree issued jointly by the Ministries of Labour and Health. It noted the Government's indication that this matter will be addressed as part of a planned legislative review. It reminded the Government that protective measures for women based on stereotypical perceptions of their abilities and their role in society violate the principle of equality of opportunity and treatment. It also requested the

Government to take the necessary steps to ensure that protective measures for women are strictly limited to maternity protection.⁸¹

35. In 2008 the ILO Committee of Experts requested the Government to indicate how national legislation affords young persons under 18 years of age the protection set out in article 3(d) of Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, so they are not engaged in work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals.⁸²

36. In 2009 the ILO Committee of Experts noted that, although the Government has put in place legal provisions concerning discrimination in employment and occupation, discrimination continues to occur in practice. In its report, the Government stated, inter alia, that violations of the non-discrimination provisions occur particularly in the private sector, where imbalances in participation in decision-making positions and a tendency to exclude women during and after maternity can be observed.⁸³

8. Right to social security and to an adequate standard of living

37. In 2008, CESCR noted with concern that the current social security system does not ensure access for all workers and that the amount of social security benefits do not enable workers and other families to enjoy an adequate standard of living. CESCR recommended that Angola take all necessary measures to ensure access for all workers to the social security system; progressively increase the amounts of social security benefits so as to enable workers and their families to enjoy an adequate standard of living; take immediate steps to incorporate non-contributory benefits for those who are unable to pay social security contributions and are therefore still not covered by social security, including the unemployed, persons with disabilities, older persons and other disadvantaged and marginalized individuals and groups.⁸⁴

38. In 2004, CEDAW expressed concern as did OHCHR,⁸⁵ at women's low life expectancy, high maternal mortality and morbidity rates, high fertility rates and inadequate family planning services, low rates of contraceptive use and lack of sex education. CEDAW was also concerned at trends in HIV/AIDS infection rates of women.⁸⁶ It urged Angola to continue its efforts to improve the country's health infrastructure; and integrate a gender perspective in all health sector reforms, while ensuring that women's sexual and reproductive health needs are adequately addressed.⁸⁷ In 2009, UNCT indicated that, despite a strong economic performance and a wealth of natural resources, challenges remain in Angola with respect to socio-economic rights, such as right to health and right to adequate housing, and considered that addressing these should continue to be a top priority.⁸⁸

39. On 4 June 2007, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health raised concerns about the health situation in the Xa-Muteba municipality. Lack of certain essential medicines required for the health of children in the area, which led to a high number of neonatal deaths, was reported. It was also alleged that the State had failed since the end of the war to ensure access to clean water and adequate sanitation.⁸⁹

40. In 2008, CESCR expressed concern about the large proportion of the population living in slum conditions and about the lack of effective measures to provide social housing for low-income, vulnerable and marginalized individuals who are living in informal settlements and are

frequently deprived of affordable access to adequate water and sanitation.⁹⁰ In 2009, UNCT indicated major concern about the manner in which slum clearance and rehousing is taking place. Respect for human rights and procedural steps must be put in place in order to ensure that rehousing does not in fact amount to forced eviction.⁹¹ CESCR was also concerned, as was the Special Rapporteur on adequate housing in 2006,⁹² at forced evictions which had taken place in the Luanda neighbourhoods, informal settlements and agricultural areas, reportedly without prior notice and provision of adequate alternative housing or adequate compensation, and sometimes with excessive use of force and abuses. CESCR recommended, inter alia, that Angola take appropriate measures to ensure that evictions are only used as a last resort, and adopt legislation or guidelines strictly defining the circumstances and safeguards under which evictions must take place.⁹³

9. Right to education and to participate in the cultural life of the community

41. In 2009, UNCT noted that as a result of increased Government funding, primary school enrolment had increased in recent years. However, drop-out and repetition rates remain high, and a large number of children did not have access to a free quality primary education.⁹⁴ Similar comments were made by CRC in 2004,⁹⁵ CEDAW in 2004,⁹⁶ CESCR in 2008⁹⁷ and the ILO Committee of Experts in 2009.⁹⁸ The ILO Committee requested the Government, inter alia, to improve the quality of the education system, and to provide information on measures adopted in order to increase the school attendance rate at both primary and secondary levels, and decrease the school drop-out rate, so as to prevent children under 14 years of age from engaging in work, as well as on the results achieved.⁹⁹

10. Migrants, refugees and asylum-seekers

42. On 13 December 2007, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal concerning the detention and deportation of a large number of migrants. According to reports received, serious human rights abuses had been committed against the deportees, allegedly by Angolan security forces at the Congolese border. The abuses reported included the systematic use of physical and sexual violence, confiscation of the migrants' belongings and separation of family members during the expulsion process. Furthermore, there were reports of deaths due to exhaustion or ill-treatment.¹⁰⁰ UNCT pointed out in 2009 that irregular migrants and foreigners without proper documentation are often detained in harsh conditions.¹⁰¹ A 2009 report by the Office for the Coordination of Humanitarian Affairs highlighted a number of waves of expulsions of irregular migrants since 2003 and reports of detention, ill-treatment, sexual violence and deprivation of possessions.¹⁰² Moreover, UNCT indicated that while the Government continues to strengthen border control to deal with irregular migrants, genuine asylum-seekers suffer for lack of capacity to differentiate between the two categories (namely asylum-seekers and irregular migrants) and are frequently detained and expelled. Asylum-seekers and border police are not adequately informed of the existing national law related to the rights of asylum-seekers and refugees, and the national eligibility determination process.¹⁰³

11. Internally displaced persons

43. While noting the facilities provided for the return of persons who were internally displaced by armed conflicts, in 2008 CESCR noted with concern that Angola had not taken sufficient and

efficient measures to assist those who had not yet returned, and that internally displaced persons (IDPs) were among the poorest in the country. CESCR recommended that Angola provide adequate assistance, including financial resources, for the resettlement of IDPs and for their reintegration into society, and ensure that those IDPs who have not been resettled or returned to their homes have adequate access to housing and employment in places of new settlements.¹⁰⁴

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

44. In 2008, CESCR noted that that Angola had been in a period of peace only since 2002, after 27 years of civil war, which followed 13 years of an independence war, which has had a serious negative impact on the implementation of economic, social and cultural rights in the country.¹⁰⁵

45. In 2009, UNCT indicated that the recent parliamentary elections, strengthening of decentralization and growing public investment in the social sectors showed Angola's capacity to achieve positive change for most of its vulnerable population.¹⁰⁶ Concerning women's rights, since the legislative elections in September 2008, the remaining challenge was to turn representation into real changes on gender issues, including through developing a national gender policy, mainstreaming of a gender perspective into different governmental policies and the consistent reporting on violations of women's rights.¹⁰⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

46. In its voluntary pledge submitted in 2007 in support of its candidacy for membership of the Human Rights Council, Angola, inter alia, committed to continuing its close collaboration and dialogue with OHCHR; inviting relevant special procedures; giving special emphasis to the strengthening of gender equality, the rights of women and the rights of the child; accelerating the process of ratifying ICERD, CAT and ICRMW; ratifying, in the near future, all the international instruments signed, such as the Rome Statute of the International Criminal Court; considering signing CRPD, CRPD-OP and CED; and continuing to provide adequate resources to the new Office of the Ombudsman and strengthening the presence of the Ombudsman at the national level.¹⁰⁸

B. Specific recommendations for follow-up

47. In 2007, the Special Rapporteur on freedom of religion or belief recommended that the law on freedom of religion, conscience and worship be reformed.¹⁰⁹

48. On the basis of its findings, and in order to help prevent arbitrary detention from occurring, the Working Group on Arbitrary Detention in 2008 made a number of recommendations to the Government, inter alia in the field of inspection and control of prisons and other detention facilities; with respect to the situation of minors in detention; and with respect to the exercise of military jurisdiction.¹¹⁰

49. UNCT encouraged the Government, inter alia, to strengthen the mandate of the Office of the Ombudsman in relation to the monitoring of human rights, and to develop a coherent, effective and humane migration management policy, that would include provision for asylum

and the return of rejected cases or irregular migrants in conditions complying with human rights norms.¹¹¹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

50. In 2004, CRC recommended that Angola seek technical assistance from ILO/IPEC in regard to economic exploitation of children;¹¹² and from OHCHR and the United Nations Children's Fund concerning the administration of juvenile justice.¹¹³ In 2008, CESCR urged Angola to seek bilateral and international cooperation in regard to landmines and anti-personnel mines.¹¹⁴

51. UNCT expressed its commitment to supporting the Government in the implementation of the draft medium-term development plan (2009-2013), which formed the basis also for the United Nations Development Assistance Framework (2009-2013).¹¹⁵

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked

Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Concluding observations/comments of the Committee on the Elimination of Discrimination against Women (A/59/38, part two), para. 170; concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/AGO/CO/3), paras. 45-46.

⁹ E/C.12/AGO/CO/3, para. 46.

¹⁰ A/HRC/7/4/Add. 4, para. 104 (i).

¹¹ UNCT, submission to the UPR on Angola, p. 2, para. 9.

¹² ILO Committee of Experts on the Application of Convention and Recommendations, 2009, Geneva, Doc. No. 092009AGO182, para. 1.

¹³ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

¹⁴ See General Assembly resolution 59/113B and Human Rights Council resolution 6/24. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> (accessed on 17 September 2009).

¹⁵ Letter from the Instituto Nacional para Investigação e Desenvolvimento da Educação (National Institute of Research and Development of Education) dated on 31 January 2008, and letters from the High Commissioner for Human Rights dated on 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> (accessed on 17 September 2009).

¹⁶ The following abbreviations have been used for this document:

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|-------|--|
| CESCR | Committee on Economic, Social and Cultural Rights |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC | Committee on the Rights of the Child |

¹⁷ A/HRC/7/4/Add. 4, para. 2.

¹⁸ A/HRC/7/10/Add. 4, page 4, para. 2.

¹⁹ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

²⁰ See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15),

questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour; (o) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security; (p) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography.

²¹ Joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in 2005, see reports of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and of the Special Rapporteur on the sale of children, child prostitution, and child pornography (E/CN.4/2006/67).

²² See OHCHR 2008 Annual Report, pp. 74 -75; see also OHCHR press release: "UN human rights office to cease activities in Angola", 18 April 2008.

²³ *Ibid.*, see also OHCHR Strategic Management Plan for 2008-2009, pp. 53-54.

²⁴ A/59/38, part two, para. 146.

²⁵ *Ibid.*, para. 147.

²⁶ UNCT, submission to the UPR on Angola, p. 3, para. 12.

²⁷ CRC/C/15/Add. 246, para. 21.

²⁸ *Ibid.*, para. 22.

²⁹ *Ibid.*, para. 62.

³⁰ E/C.12/AGO/CO/3, para. 33.

³¹ *Ibid.*

³² A/HRC/10/9, paras. 45-46.

³³ CRC/C/15/Add. 246, para. 30.

³⁴ A/HRC/7/10 /Add. 4, paras. 36-37.

³⁵ E/C.12/AGO/CO/3, para. 25.

³⁶ UNCT, submission to the UPR on Angola, p. 4, para. 18.

³⁷ CRC/C/15/Add. 246, para. 31.

³⁸ E/C.12/AGO/CO/3, para. 25.

³⁹ CRC/C/15/Add. 246, para. 32.

⁴⁰ *Ibid.*, para. 33.

⁴¹ *Ibid.*, para. 36.

⁴² *Ibid.*, para. 37.

⁴³ A/59/38, part two, para. 152.

⁴⁴ *Ibid.*, para. 153.

⁴⁵ *Ibid.*, para. 156.

⁴⁶ *Ibid.*, para. 157.

⁴⁷ UNCT, submission to the UPR on Angola, p. 3, para. 13.

⁴⁸ CRC/C/15/Add. 246, para. 66.

⁴⁹ *Ibid.*, para. 67.

⁵⁰ ILO Committee of Experts on the Application of Convention and Recommendations, 2009, Geneva, Doc. No. 092008AGO029, para. 3.

⁵¹ A/HRC/7/4/ Add. 4, pp. 2 -3.

⁵² OHCHR Strategic Management Plan for 2008-2009, p. 53.

⁵³ E/C.12/AGO/CO/3, para. 12.

⁵⁴ UNCT, submission to the UPR on Angola, p. 4, para. 20.

⁵⁵ *Ibid.*, p. 5, para. 23.

- ⁵⁶ Ibid., p. 5, para. 24.
- ⁵⁷ A/HRC/7/4/Add. 4, pp. 2-3.
- ⁵⁸ UNCT, submission to the UPR on Angola, p. 5, para. 25.
- ⁵⁹ Ibid., p. 6, para. 28.
- ⁶⁰ CRC/C/15/Add. 246, para. 26.
- ⁶¹ E/C.12/AGO/CO/3, para. 34.
- ⁶² UNCT, submission to the UPR on Angola, p. 6, para. 30.
- ⁶³ CRC/C/15/Add. 246, para. 27.
- ⁶⁴ E/C.12/AGO/CO/3, para. 34.
- ⁶⁵ Ibid.
- ⁶⁶ CRC/C/15/Add. 246, para. 46.
- ⁶⁷ UNCT, submission to the UPR on Angola, p. 10, para. 46.
- ⁶⁸ CRC/C/15/Add. 246, para. 47.
- ⁶⁹ UNCT, submission to the UPR on Angola, p. 3, para. 14.
- ⁷⁰ A/HRC/7/10/Add. 4, paras. 46-48.
- ⁷¹ A/HRC/4/37/Add. 1, para. 14.
- ⁷² Ibid., paras. 16-17.
- ⁷³ A/HRC/11/4/Add. 1, paras. 49-51.
- ⁷⁴ OHCHR Strategic Management Plan for 2008-2009, p. 53.
- ⁷⁵ UNCT, submission to the UPR on Angola, p. 7, para. 32.
- ⁷⁶ Ibid., p. 7, para. 39.
- ⁷⁷ Ibid., p. 3, para. 12.
- ⁷⁸ United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx> (accessed on 17 September 2009).
- ⁷⁹ E/C.12/AGO/CO/3, para. 17.
- ⁸⁰ Ibid., para. 21.
- ⁸¹ ILO Committee of Experts on the Application of Convention and Recommendations, 2009, Geneva, doc. No. 092009AGO111, para. 5.
- ⁸² Ibid., doc. No. 092008AGO182, para. 8.
- ⁸³ Ibid., doc. No. 062009AGO111, para. 1.
- ⁸⁴ E/C.12/AGO/CO/3, para. 23.
- ⁸⁵ OHCHR Strategic Management Plan for 2008-2009, p. 53.
- ⁸⁶ A/59/38, part two, para.162.
- ⁸⁷ Ibid., para.163.
- ⁸⁸ UNCT, submission to the UPR on Angola, p. 8, paras. 43-45.
- ⁸⁹ A/HRC/7/11/Add. 1, para. 10.
- ⁹⁰ E/C.12/AGO/CO/3, para. 30.
- ⁹¹ UNCT, submission to the UPR on Angola, p. 16, para. 76.
- ⁹² A/HRC/4/18/Add. 1, paras. 8-9.
- ⁹³ E/C.12/AGO/CO/3, para. 31.
- ⁹⁴ UNCT, submission to the UPR on Angola, p. 10, para. 52.
- ⁹⁵ CRC/C/15/Add. 246, para. 52.
- ⁹⁶ A/59/38 (Supp), para. 158.
- ⁹⁷ E/C.12/AGO/CO/3, para. 38.
- ⁹⁸ ILO Committee of Experts on the Application of Convention and Recommendations, 2009, Geneva, Doc. No. 092009AGO138, para. 3.
- ⁹⁹ Ibid., para. 3.
- ¹⁰⁰ A/HRC/7/6/Add. 1, paras. 40-44.
- ¹⁰¹ UNCT, submission to the UPR on Angola, p. 6, para. 27.
- ¹⁰² OCHA Regional Office for Southern Africa, Regional Situation Report No. 1, 14 October 2009, p. 1, available at <http://ochaonline.un.org/rosa/HumanitarianSituations/AngolaDRCExpulsions/tabid/5800/language/en-US/Default.aspx> (accessed on 16 October 2009).
- ¹⁰³ UNCT, submission to the UPR on Angola, p. 5, para. 26.
- ¹⁰⁴ E/C.12/AGO/CO/3, para. 27.
- ¹⁰⁵ Ibid., para. 7.
- ¹⁰⁶ UNCT, submission to the UPR on Angola, p. 13, para. 61.

¹⁰⁷ Ibid., p. 3, para. 12.

¹⁰⁸ A/61/895.

¹⁰⁹ A/HRC/7/10/Add. 4, paras. 46-48.

¹¹⁰ A/HRC/7/4/Add. 4, p. 4.

¹¹¹ UNCT, submission to the UPR on Angola, pp. 16-17, para. 78

¹¹² CRC/C/15/Add. 246, para. 65 (e).

¹¹³ Ibid., para. 71 (e).

¹¹⁴ E/C.12/AGO/CO/3, para. 33.

¹¹⁵ UNCT, submission to the UPR on Angola, p. 16, paras. 76-77.
