

Compilation of information for the Universal Periodic Review Prepared by Angola UNCT -2014

I. Background and framework

- A. Scope of international obligations
- B. Constitutional and legislative framework
- C. Institutional and human rights infrastructure and policy measures

1. In 2013, the Foreign Affairs Commission of the National Assembly with support from the UNCT, conducted a review of the multilateral treaties as per current status for Angola according to its participation. The exercise also suggested a number of prominent multilateral treaties that the National Assembly of Angola could promote the ratification.
2. It is noted, that the country has started the process of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Protection of the Rights of all Migrant Workers and Members of their families, the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. The country has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as well as the 3rd Optional protocol of the Convention on the Rights of the Child.
4. The national policy and legal framework has been improving over the past years. Major developments include the new Constitution that recognizes human rights and obligations of duty bearers. In 2012, the Parliament approved the Children's Act. The National Social Assistance policy was developed in 2013 and is awaiting approval by the Council of Ministers. Furthermore, the law against domestic violence (Law 25/11) was approved on 14 June 2011, and regulated in 2013. Other positive policy measures adopted in 2013 are the approval the National Policy on Gender Equality and Equity and the Executive Plan to fight Domestic Violence and its Action Plan. Challenges remain with ensuring adequate human and financial resources and operational guidelines for the implementation of key policies. The '11 Commitments for Angolan Children', adopted in 2007, and monitored by the National Council for Children (CNAC), remain the national umbrella for interventions related to children.

II. Cooperation with human rights mechanisms

- A. Cooperation with treaty bodies
 - B. Cooperation with special procedures
 - C. Cooperation with the Office of the High Commissioner for Human Rights
5. The Angolan Government extended invitations for the Special Rapporteurs on Migrants and Adequate Housing to visit the Country in January and February, respectively. . According to the Ministry of Justice and Human Rights, both missions are being rescheduled for the end of March and April, ahead of the UPR set for November.

6. The High Commissioner for Human Rights visited Angola in April 2013 and the Office of the UNRC facilitated the preparation of the visit and provided support throughout the mission. The HC highlighted the disparities that have developed between richest and poorest of the country and called attention to the harsh methods that is still being used in eviction processes.
7. The UNCT seek to strengthen its scope of intervention in the area of human rights, including, but not limited to capacity building, institutional strengthening and follow up of treaty and UPR recommendations. Over the past two years, the OHCHR in Pretoria has been providing technical support to Angola in close collaboration with the UNCT.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination;

8. In relation to gender, Angola has made progress and it is noted that women occupy 38% of the seats in the National Assembly, are well represented in Government and play an increasing role in the private sector and also as leaders in civil society. However, disparities between women and men persist.
9. Regarding education, there is still a very high illiteracy rate among women and high dropout rate of girls due to early pregnancies, poverty, domestic responsibility and family pressure.
10. There is still perpetuation of women's subordination in the family and society due to patriarchal attitudes and deep-rooted stereotypes regarding roles and responsibilities of women and men. Some national development policies and strategies vaguely refer to gender mainstreaming and women empowerment. Some societal discrimination against women remains despite the law on Domestic Violence, which was approved on 14 July 2011. There are poor effective mechanisms to enforce child support laws and women generally bare the major responsibility for raising children.
11. The National Policy for Gender Equality and Equity approved in late 2013, will help strengthen the institutional and operational capacity to integrate gender issues at central, local and institutional levels, including legislative and administrative actions on equality of rights between men and women, reinforces and enhances the status of women, guaranteeing them exercise of full citizenship and its social and economic inclusion. This policy will also challenge the current practice of early marriage, the application of customary law that cultural-based discrimination against daughters, widows and divorced women with regard to inheritance and property rights and ensuring equal rights.
12. Although, the legal instruments to combat the domestic violence will prevent it and will also ensure the rights of a victim in a situation of violence, it is crucial to ensure its effective implementation
13. There is a need to increase and improve the access and the quality of primary health care services, especially for poor communities and in rural areas. This includes a focus on improving maternal and child health, given the worrying indicators on under-5 mortality and maternal mortality and also for reproductive health services, especially for young people. In addition, the UN welcomes recent initiatives of the Government to accelerate the access to

PMTCT services and a more integrated response to HIV-AIDs, though Angola continues to be a low prevalence country.

14. The population Census of 2014, the first full census since before independence, will provide important demographic information and a basis for more effective development planning. This will complement the National Development Plan 2013-2017 approved in 2013 that seeks to address geographic and social disparities.

B. Right to Identity / Birth Registration

15. In Angola, the low level of birth registration of children up to 18 years of age has reached alarming proportions: the national average for this registration is only 56%, and it only 1 out of every 3 children aged between 0 and 5 years is registered.
16. Only 16.6% of children are registered before they complete one year and almost half of children (43.5%) are only registered when they complete 4, 5 or 6 years of age, because school enrolment requires registration. Geographical disparities in birth registration rates in areas that are difficult to reach, especially in rural areas, are also a source of concern.
17. There are various reasons for these low birth registration rates. These include the procedure often being neglected by parents because they do not know about the process or they are unaware of its importance, considering it a mere legal formality not associated with the child's rights. (Less than 1% of parents know the correct procedures for registering their children and the figure is no more than 0.5% in rural areas.)
18. Before September 2013 another obstacle that limited access to registration was its high cost. Although it was free for all children up to 5 years of age, in the case of older children it was an unbearable expense for extremely poor families with an average household of more than five children over five years. This problem ended following the publication of Presidential Decree 80/13 of 5 September, approving free registration and identification for all Angolan citizens, till December 2016.
19. Another aspect that further exacerbates birth registration is that parents themselves do not have civil registration. In addition issues relating to paternity exist. . Although the mother can register the child, this becomes more complicated when the father is not identified, whether in situations where the mother refuses to identify the child's father, or the father does not want to assume paternity.
20. Limited use of health centres and maternity clinics for childbirth excludes the direct registration of the birth, especially for rural people who give birth at home, essentially for economic reasons (80% of births take place outside hospitals or health centres).
21. Socio-cultural patterns also influence registration rates, such as indecision about choosing the name or the belief in some cultures that naming a child before it is born brings bad luck.
22. Delays and the bureaucratic process are determining factors in the low level of birth registration. The number of people attended to per day in registry offices is limited, very few, and people have to get tickets very early in the morning in order to be assisted. Both registry officials and the different registry service points have internal procedures that contribute to delays throughout the process.
23. Difficult access to civil registry offices, because they are far from local communities, is a crucial aggravating problem in rural areas and in provinces such as Lunda Sul and Cunene. Despite the considerable decentralization of local administrations many people must travel over 50 km to get to these services. Urban (16%) and rural (27, 8%) populations think that the fact that these offices are far from communities is an obstacle to birth registration.

24. Lack of infrastructure, material and human resources is another basic problem: the number of registry offices and civil registration services (a total of 207 facilities throughout the country) is insufficient. Not all public administrations have the material resources for registration and there is a shortage of qualified professionals, especially in local administrations, health centres and maternity clinics.
25. Since 2013, the Government has approved a programme to improve civil registration, including gratuity until 2016 in order to accelerate the process.
26. Whilst welcoming the Presidential Decree 80/13 of September 5, 2013 in which birth registration (over 5 years old) has become free of charge for all Angolan nationals, refugee and asylum seekers have not been included into this national endeavor. Further, pursuant to an Administrative Instruction circulated by the Ministry of Justice (Circular de Execução Permanente) issued in May 2011, issuance of birth certificates to children born of foreigners – including refugee and asylum seeker’s children- has been suspended. As a result, a large number of refugee children and asylum seekers have been unable to register their children and obtain birth registration documents, depriving them to access a wide range of rights, including the right to education.

C. Right to life, liberty and security of the person;

27. The phenomenon of children being accused of witchcraft is still a great concern in some areas of the country, including the capital.
28. Excessive preventive incarceration is still a major problem in the justice system as there is not enough capacity at police stations and the judiciary to effectively and expeditiously investigate and instruct the processes of people suspicious of committing crimes. Also, the age of criminality in Angola is 16.
29. Another major concern is the inexistence of adequate (in number and in quality) of prison facilities. As a result the facilities are always overcrowded leading to riots and mutinies in some facilities, as it was the case during 2012 and 2013, resulting in a number of deaths.

D. Administration of justice, including impunity, and the rule of law;

30. In the Administration of Justice System for Children in Angola, the Prosecutor General's Office is competent to represent the child in conflict with the law. However, it also fulfills its traditional role of carrying the charge. This can be considered to be a conflict of interest and do not afford effective protection of children and compliance with legally established minimum guarantees.
31. Most children in conflict with the law do not have legal aid or legal counsel, in the process stages (investigation, prosecution and trial). The absence of a Public Institute of Legal Advocacy and there is a need to strengthen the Institute of Legal Assistance.
32. Though the Office of the Ombudsman was created in the past decade, there is still no independent human rights institution in accordance with the Paris Principles, though since 2013, the State has been engaging in this process.
33. There is a weak capacity in terms of addressing juvenile justice partly due to the weak implementation of the Law of the Juvenile Courts (for example, there is no detention facility for children in Angola). Also it is to be noted that this law applies to children under the age of sixteen. But from the age of 16, children are criminally responsible and therefore subject

to standard rules and treatment for adults. Violation of the Convention that recommends the installation of a specialized criminal responsibility for everyone below the age of 18 years old).

34. The Ministry of Justice and Human Rights is coordinating the justice reform, targeting institutional and legal frameworks. So far the Commission in charge of this process has updated the penal and civil codes and reviewed the statutes of judicial magistrates.

E. Right to privacy, marriage and family life;

35. Despite that the Family Code states “equal rights, duties and responsibility to support children and if the children remain with the mother following divorce‘ in practice the father is generally viewed as the head of the household
36. Article 24 of Law 68/76 permits adolescents to marry, on an exceptional basis, at 15 years of age for girls and 16 for boys. The Government should be encouraged to withdraw the legal provisions authorizing, on an exceptional basis, the marriage of girls at 15 and boys at 16 years of age as well as to take necessary measures to stop under age marriages and forced sexual relations.
37. Under age marriages remains a major concern, especially in the East of the country where about 4 in 10 girls marries between 12 and 17 years of age, 1/3 of them live with an partner 10 or more years older).

F. Freedom of movement;

38. The reservations the government of Angola made to articles 17 and 26 of the *1951 Convention on Refugee Rights*, in practice mean that refugees have a general right to freedom of movement, but are prohibited from settling or having access to areas of particular economic interest, such as the diamond mining areas. Even for those asylum seekers who have proper documents, the Immigration Department developed the practice of restricting their freedom of movement if they intend to travel to other provinces in Angola.
39. Though there have been some improvements in the management of illegal migration and the treatment of illegal migrants, given the porous borders and the weak institutional capacity this remains a concern. There have also been some cases of refugees and asylum seekers being arrested and detained, under suspicion of irregular migration. UNHCR and IOM have been working closely with authorities and in 2013, an agreement was reached with the Service for Migration and Foreigners for regular access to detention centers.
40. A new Asylum law is under development by the Angolan Government. With the new Asylum policy, to be approved, asylum seekers will be obliged to remain in the immigration retention center until the entire adjudication process is completed, even if they had presented themselves without delay and showed good cause for their illegal entry or stay. This measure is contemplated in an effort to discourage illegal immigration as well as presentation of manifestly unfounded claims; asylum seekers are, from the outset, considered illegal migrants unless their case is being adjudicated positively. The Government is encouraged to review the draft Bill and ensure its compliancy with international protection norms.

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

41. The Constitution of Angola approved in 2010, protects the rights of religion or belief, association and peaceful assembly. The approval of opening of places of cult has to be done through a legal process with the Ministry of Justice and the Ministry of Culture. Recently, the deferral of over 1000 requests, including 8 for mosques caused some concerns. But the Government has reiterated that the deferral was due to procedural issues and reiterated and confirmed its respect for religious freedom and that it was in no way targeting any religion.
42. The situation on the freedom of association, peaceful assembly and right to participate in public and political life has been facing some challenges. In particular, , youth movements, civil society groups and opposition political parties have at times found their right to demonstrate against , corruption, inequality, unemployment, social exclusion and lack of opportunities for youth met with excessive reaction from security forces.

H. Right to work and to just and favorable conditions of work;

43. The lack of adequate training of a considerable number of women prevents them from competing in the formal labor market on equal terms with men. This force many women into the informal labor market. Thus, women participate unequally in the management and direction of economic activities, being represented in fewer structures and economic institutions.
44. A large number of asylum seekers and many refugees living in Angola are still undocumented which restricts access to the job market. In addition, for those that have documents, due to their poor quality, asylum-seekers and refugees often experience difficulties to access public services and employment, hampering efforts for local integration and self-reliance. Asylum seekers are permitted by Law 8/90 (Refugee Act) to work, but in practice this right is being challenged.
45. A draft new labor law was presented and widely discussed in 2013 and is due to be passed by parliament in 2014. Civil society organizations and unions voiced some concerns about just and favorable working conditions in a number of areas, namely:
 - a) The protection of women against dismissal on objective grounds was reduced by six months under the new law:
 - b) Other economic rights such as overtime, justified absences for student workers, absence due to death of family member sick leave and reinstatement or compensation for illegal or unfair dismissal, have all suffered considerable setbacks, according to the CSO reports.
 - c) Workers entitlements for compensation in the event of bankruptcy of the company , according preliminary draft of Article 238, companies will pay less than one third of the basic 30 % , there is a loss of 20 % of the basic for each year of service.
46. Reports show evidence of the use of school-age children in undeclared economic activities, particularly on farms in the central plateau and construction companies (some foreign). These children under the child labor are 'hidden', and not visible to the general public and their families.

I. Right to social security and to an adequate standard of living;

47. In the decade that passed since the end of the civil war in 2002, Angola's overall economic situation has remarkably improved, largely financed by the booming oil sector. Peace and stability also created the conditions for improvements in poverty reduction and in human development indicators – however only limited data is available to assess the full extent of such improvement. However, the progresses in human development have not followed the same pace of overall economic growth. Disparities in income between social and geographic groups as well as on gender lines create vulnerabilities for terms of resources as well as access to basic services, such as energy, water and sanitation. The inequality also prevails both in opportunities for access and control of these resources. Similarly access to housing, land and credit is conditioned by the prevalence of inequality between women and men, registering any incidence of discriminatory socio-cultural dispositions, marginalizing women in the development process and relegating them to the performance of procreative role and as caregivers.
48. Major improvements in social budgeting are required in order for Angola to progressively close the human development gap with best performing sub-Saharan African countries and middle income human development countries. Better use of social sector budgets requires a much sharper focus of public policies and programs on the most vulnerable and destitute part of the population. Policies need to be developed and implemented to remove supply and demand side barriers that prevent poor and vulnerable people from accessing basic services. The expansion of social infrastructures and services needs to aim at reaching those most in need and with the least access to basic services. Geographic targeting of infrastructure should increasingly be focused on the least served areas. In several instances, the geographic distribution of social infrastructure is highly unequal; a lack of deliberate focus on 'reaching the most in need' is further aggravating such imbalance as geographic location of new infrastructure are decided based on non-optimal criteria. Social infrastructure should be built with standards that are financially sustainable in the long run. Outreach services to serve communities that cannot be served by nearby basic infrastructures should be supported and strengthened, similarly to community based interventions. These two strategies have proven to be effective and efficient ways to expand and improve basic services to the least served communities.
49. Basic social protection in Angola reaches only a very small fraction of the population. There would however be fiscal space to set up large scale monetary transfer programme to progressively cover large part of those eligible throughout the country. There also appears to be the need to complement large social assistance with a more cohesive set of social protection interventions. This will require strengthening and expanding the existing programmes, as well as setting up new programmes (particularly to decrease demand-side barriers in access to basic services). Shedding additional light on government financial commitment and spending appear as a priority. Spending in the area of social protection reached 13% of the State expenditure in 2011; however, much of the social protection allocation was in a generic budget line with no further disaggregation.

J. Right to education

50. The National Development Plan (2013-2017) determines education as one of the main priority areas. The National Integrated Strategy for Improving the Education System the Master Plan for Teacher Education in Angola are currently being fully implemented.
51. The Government of Angola has also heavily invested in infrastructure by building new schools all over the country and massively recruiting and training new teachers. These efforts have resulted in remarkable progress, in particularly on primary education. Children enrollment increased 206% between 2001 and 2009.
52. However, despite the gains, several challenges hamper the achievement of access to education for all citizens. The education system suffers from low efficacy and quality and is under-budgeted (8,6% of stage budget in 2013). As a result, there are low enrollment rates in pre-school (2%), a large number of children are still out of school, insufficient number of secondary schools, great disparities between rural and urban areas, and often the high costs of incidentals for poor families despite the gratuity of education.
53. There is a strong gender component in educational disparities in Angola, observed in literacy rates as well as in the enrolment in secondary education: the higher the level of education the higher the disadvantage of female access to education in Angola.
54. The Angolan government should be encouraged to increase significantly its budget to education sector, with a focus on quality, improving teacher training and school inspection services.

L. Right to health;

55. In 2010, a National Health Policy that reiterated the universal access and equity to health was approved. For the realization of the rights enshrined in the constitution in the last ten years, the Government of Angola has made significant efforts to improve the health of their populations through the construction / reconstruction of infrastructures, decentralization of the National Health System with a focus on municipality, offer a package of care and services to reduce maternal and infant mortality, allocation of financial and human resources by hiring qualified health professionals from Cuba.
56. Although still insufficient, the budgets of the health sector has increased, programs to fight poverty at the local level with implementation and integration of the component of primary health care to achieve the Millennium Development Goals in 2015, were created.
57. At the national level Angola continuously need to review and update health legislation to: protect and promote the health of their populations; sustain their health policies and programmes; prevent ill health resulting from unsafe products and unsafe living conditions; fight new and re-emerging communicable diseases; support the development of health systems; combat continuing poverty, inequities in health and discrimination.
58. In Angola, the HIV and AIDS law was approved in June 24, 2004; however, the law is not operationalized therefore is difficult to implement the law to ensure the rights of PLHIV. .
59. Recently, Angola has inaugurated the National Institute of Fight Against Drugs. Also. Angola is putting AIDS on the national agenda with greater effort for the elimination of MTCT and expanding treatment by 2015. In 2013, Angola has developed an Accelerated HIV Response. This process has two objectives: to eliminate new infections among children by ensuring that 90% of pregnant women infected with HIV are receiving anti-retroviral

therapy (ART); and to ensure that all adults, adolescents and children living with HIV who are eligible for treatment have access to ART.

60. Angola validated the new school curriculum with inclusion of a component in life skills and HIV, in 2013.
61. The financing target to close the AIDS resource gap continues to be a challenge. As a country aiming at achieving middle income status by 2017, Angola receives external resources (20–30%) to support activities defined in its national strategic plan. But domestic spending is increasing, and financing plans are being mobilized in the public and private sectors. In 2011, the international support covered 37% of all the spending in the fight against HIV and AIDS.
62. Angola needs to integrate human rights into its global agenda on public health very seriously. Exploring the intersection between human rights and the health challenges of a rapidly changing: from mental health to reproductive rights and communicable diseases. People are at the center of sustainable development, and health is at the center of human development and prosperity.

L. Persons with disabilities;

63. The country has started the process of ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

N. Migrants, refugees and asylum-seekers;

64. Irregular migration is considered as a serious threat for the national security, and for this reason the Government of Angola is increasingly making efforts to improve border control along the very porous and long borders.
65. The major obstacles to the proper implementation of Law 2/07 of 21st of August 2007 are the lack of knowledge about the law (or its misinterpretation) among the officials responsible for law enforcement, the porosity of borders, and the lack of capacity (both equipment and human resources) of the authorities at local level. Such challenges have contributed to the recent increase of irregular migration in the country.
66. Collective expulsions have continued to be practiced against irregular migrants in the most affected areas. At the beginning of 2013, a sensitization campaign launched by the provincial authorities in Lunda Norte called for the voluntary return of Congolese irregular migrants to DRC, as an opportunity to come back under certain conditions and with a regularized status. The return process was voluntary in the sense that migrants were not arrested, and they were allowed to depart with their goods. This has resulted into a movement of around 70,000 irregular migrants in total back to the DRC between May and June 2013, mostly from Lunda Norte Province. UNCT was allowed to monitor the process, which is as a positive sign of an opening from the government to accept protection partners' activities in this matter. Nonetheless, one of the problems identified for this movement was that the provincial government of Lunda Norte was not logistically prepared to provide adequate transportation, food and even water to the migrants. Other smaller scale collective expulsions have been taking place from Lunda Norte province particularly to the border provinces of Bandundu and Western-Kassai (in the DRC), the numbers are not known.

67. UN agencies, civil society organizations in Angola and provincial authorities have carried out regular awareness campaigns on the rights and responsibilities of migrants and in particular refugees and asylum seekers both in respect of national laws as international and distribution of brochures and pamphlets which has been a good tool for them.
68. The Republic of Angola hosts an estimate 23,000 refugees. The majority of them originate from the Democratic Republic of Congo (DRC), amongst which about 12,000 are from the protracted Congolese (DRC) caseload from the Katanga Province. The rest of the refugees are from various nationalities including Rwanda, Sierra Leone and Ivory Coast. Despite UNCT recommendation to invoke cessation of refugee status for Sierra Leoneans (413), Rwandans (463), and Liberian (160), Angola has not implemented it at the national level. According to information provided by the *Serviço de Migração e Estrangeiros* (Service of Migration and Foreigners, SME), Angola hosts a total of 20,242 asylum seekers.
69. The Government of Angola formed in February 2012 an inter-ministerial committee to review Law 8/90. UNCT never officially received a copy of the draft law but was nevertheless able to present its comments to the committee.
70. In February 2014, the Parliament enacted a Law on the Criminalization of Infractions and Crimes Subjacent to Money Laundering. In its Section 2, Article 19, the same criminalizes Traffic in Persons (TiP), which had been a long standing legal vacancy in the fight against trafficking.

P. Right to development and environmental issues;

71. In the last decade, the UN has been working with the Angolan government and partners to accelerate results around the MDGs. Progress has been made on all the indicators. Angola has reduced poverty, women's empowerment has increased (The proportion of women in Parliament increased from 16% in 2000 to 38% in 2012 -- which is comparable to Mozambique (39%) and well ahead of Cape Verde (21%) -- and a new gender policy and law on domestic violence were recently approved.) but maternal mortality and child mortality continue to be one of the highest in Africa and indeed globally. With an HIV prevalence rate of 2.4%, Angola is among the least burdened in the SADC region. However access to preventative and universal treatment remains a challenge. Despite the large state allocations to social protection, interventions tend to be sectorial and narrowly defined, whilst institutional mandates and arrangements are complex and sometimes confusing; this leaves the most vulnerable members of the population inadequately covered. As already mentioned, economic disparities and the need to accelerate progress on human development are crucial in order to ensure the rights of citizens in Angola to a sustainable development.
72. The Government of Angola has considerably increased the national budget for the environment sector. Various projects are implemented on biodiversity, climate change, cross border, and land tenure with a clear focus on inclusion of communities and poverty elimination. However, land use and rights remains a key issue, often impacting on the resilience communities.