

UNIVERSAL PERIODIC REVIEW OF THE UNITED NATIONS SYSTEM INFORMATION SUBMITTED BY ANGOLAN ORGANIZATIONS OF CIVIL SOCIETY

PART 1 - Presentation

The present document was produced by three Angolan Civil Society Organizations¹ (Associação Justiça, Paz e Democracia (AJPD), Mosaiko; Instituto para Cidadania, Observatorio de Género Angolano) that act in promotion and defense of Human Rights, covering the entire territory of Angola.

Since 2009, AJPD and Mosaiko have interacted with the Universal Periodic Review mechanisms, which through their work, have monitored the level of implementation in the country of the Recommendations made to the Angolan State.

PART 2 - Executive Summary and Methodology

With this report, produced by these Angolan civil society organizations, aims to contribute to the participation of Angola in the Universal Periodic Review mechanism, providing a real diagnosis of the human rights situation, as well as issuing recommendations that promote effective improvements.

Therefore, some human rights issues have been identified. And, for each subject, the latent concerns of the organizations were presented and alternatives were identified to guarantee them. Having as a reference point, the report produced by the Angolan civil society organizations, and the latest recommendations of the UN Universal Periodic Review (UPR) system of human rights, the document A / HRC / WG. 6/20 / L.8.

Key-words: Access to Justice; Civil Registry; Extractive industry; right to housing; Women's Rights and Domestic Violence; right to land; prison, arbitrary detention and torture; discrimination against women and children; sustainable development, hunger and poverty.

PART 3 - Thematic Analysis

A) Reform of the judicial system and Civil Registry

Recommendations and observations made in the UPR process

1. Improve the birth registration system; enhance awareness-raising activities to support the increase in registration numbers (Par.134 81. A / HRC / WG.6 / 20 / L.8).
2. To firmly regulate the issue of civil registration in order to give legal personality to all human beings on its territory (Par. 134.73, A / HRC / WG.6 / 20 / L.8).
3. Strengthen and facilitate the ongoing process of civil registration (Par. 134.74 A / HRC / WG.6 / 20 / L.8).
4. Complete the judicial reform (par. 134.109, A / HRC / WG.6 / 20 / L.8).
5. Further efforts to strengthen the judiciary, such as the establishment of the Commission for Legislative and Judicial Reform (134,110, A / HRC / WG.6 / 20 / L.8).
6. Finalize legislation on free birth registration for all citizens, strengthen registration systems and continue campaigning for this purpose (A / HRC / WG.6 / 20 / L.8).

Latent Concerns of Angolan Civil Society Organizations

Access to Courts

¹ Associação Justiça, Paz e Democracia (AJPD); Mosaiko | Institute for citizenship; Observatório do Género de Angola.

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7. Despite all the initiatives of the Angolan government to promote broad access to justice, with the entry into force of the Law 2/15 of February 2nd - Law of Organization and Functioning of Courts of Common Jurisdiction, and other ordinary legislation, Angolan civil society organizations found that access to justice - access to the courts - does not benefit a large part of the population outside large urban centers.
8. Apart from the large urban centers, we can also see the distances of the Courts from the headquarters of the municipalities or communes. Large distance means high financial cost which also does not allow the access to judicial institution (court). For example - in Southern Angola, Huíla province, the Mulondo commune is located 121 km from the municipal seat (Matala), where the Municipal Court ² is located.
9. In adding to the distance - it is verified considerable deficit in the quality of service.
10. Another example of a barrier in access to justice , is seen in the municipality of Cuango, in the province of Lunda Norte, with a population estimated at 173,362 inhabitants , which has no Court ³. The court that responds to the cases that calls for resolution is 560 km from the capital province (Dundo).
11. An important factor in access to justice is the Judicial Sponsorship, which is exercised in Angola - by lawyers registered with the Angolan Bar Association (OAA) under the terms of Article 193.2 of the Constitution. OAA data indicates that since June 2018, there were only 2019 professional lawyers in a universe of 28.4 million inhabitants, with 80% of Lawyers concentrated in Luanda, the capital city of the country ⁴.
12. So, the citizens outside the capital or urban centers have difficulties in benefiting the right to legal assistance / sponsorship, and as a consequence the lack of access to justice or representation in court by a professional in the area, constitutes a serious violation in the right to access to justice.
13. Access to Justice Services (Civil Registry: Birth registration and identity card granting), one of the public justice services that the Angolan population mostly claims, is the civil registry, and its implementation.
14. The Civil Registry problem in the cities of Luanda, Benguela and Huíla ⁵ and the province of Lunda Norte, Tchitato, Cuango and Cambulo-Nzaji ⁶ are a common and transverse factor in the localities and largely complaints by the population- which also pointed out the deficit in the access to services and functioning.
15. Associated with the problem of civil registration is the lack of coherent information. People do not know that to have their children registered the parents presence is necessary.
16. On the other hand, many people remained without birth registration because their parents never had it or lost the documents during the civil war that devastated the country.

"I'm trying so far to have the birth bulletin. Since I was a child I never had it. "(Women, Muvale-Matal / Huíla neighborhood)"

17. The demand varies according to the Civil Registry Office that is used. There are people who have the perception that it is complicated, so people give up registering their children without trying.

²Angola: Justice Sector, Human Rights and the Rule of Law, AJP, 2017, p.

³Mosaiko. Report on Participatory Evaluation of Access to Justice, Luanda, 2017, p. 13.

⁴Journal Expansion, July 20, 2017, p. 4.

⁵Mosaiko, Civil Registration Case Study, 2016.

⁶Mosaiko, Civil Registration Case Study, 2017.

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18. In the capital city(Luanda), in the Kalawenda neighborhood, there is also a general perception that the procedures for obtaining registration are unclear:

"Today they require a document, the queues are very long, the service is very time consuming and many employees ask for a tip (bribe)." (Director of the School, Cazenga-Luanda) "

19. Difficulty in accessing civil registration and identification services, adding to the distance from registration points, poor access conditions, limited transport services excessively expensive, lack of materials in the Posts, and corruption (widespread "bribery" payment practice)⁷

Alternatives to improve the situation

20. Ensure that the General Budget of the State (OGE) provides the necessary resources to meet the demand of the Birth Registry and issue of the Identity Card.
21. More investment in divulging the requirements and procedures for the registration of Birth and issuing of Identity Card create programs to divulge the laws that guarantee free registration, and more inspection in the process.
22. Strengthen collaboration with religious entities, schools and / or other organizations in the localities in order to facilitate the Civil Registry.
23. Stimulate the existing mobile stations and reinforce their implementation in the most distant places.

B) Legislative measures prohibiting all forms of discrimination against women, children and gender promotion.

24. Improve the situation of women and children through the implementation of Resolution 1325 on Women, Peace and Security, and the adoption of a relevant national action plan (Par. 134.59, A / HRC / WG.6 / 20 / L.8).
25. Ensure harmonization of the Domestic Violence Act and the Children's Act with international human rights standards (par. 134, recommendation 37, page 16, A / HRC / WG.6 / 20 / L.8).
26. Adopt measures, in collaboration with civil society organizations, to ensure women's right to non-discrimination and equality, as proposed by the Committee on the Elimination of Discrimination against Women (par.134.67, A / HRC / WG .6 / 20 / L.8).
27. Fully implement the law against Domestic Violence Act 2011 and continue efforts to fulfill its obligations under CEDAW (Par. 134.99 A / HRC / WG.6 / 20 / L.8)

Latent Concerns of Angolan Civil Society Organizations

28. The Constitution of the Republic of Angola (CRA) states that men and women are equal before the law, as prescribed by the Article 23.1, thereof, no one may be privileged or deprived of any rights or exempt from any duty, due to several factors including the genders. In this article, are established two principles (non-discrimination and equality) are fundamental principles for the dignity of human being.

⁷ Mosaiko, Civil Registration Case Study, 2017, p. 15.

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29. The commitment of the Angolan government expressed in its charter for the dignity of men and women is thus clear. Despite the constitutional advance, there is still a certain paradox between what is established and the reality of people, in the particular case, 'women'.
30. From the international legal standpoint, Angola has ratified the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against All Forms of Discrimination against Women, and at the regional level, the African Charter on Human and Peoples' Rights, on the Rights of Women in Africa.
31. Domestically, there are several legal instruments such as: Law 25/11 of July 14 –the law against Domestic Violence Act (LCVD) and its regulation (Presidential Decree No. 124/13 of August 28); Presidential Decree n°138 / 12 of June 20, National Program to Support Rural Women; Presidential Decree No. 222/13 of September 24, National Policy for Gender Equality; Presidential Decree No. 155/16 of 9 August, the legal framework for the social protection of domestic workers and other ministerial mechanisms (victim support program for domestic violence, gender promotion program and women's empowerment) to protect women's rights.
32. In spite of the various legal advances made by the Angolan government in defense of women's dignity and rights, in practice their rights continue to be violated by both families and State agents and other representatives of society.
33. Women have been the biggest victims of domestic violence alongside children. According to the Gender Analytical Report 2017, 4299 women suffered physical violence in the year 2015 and 2016. Today there are several reports (on the radio, television, newspaper) on violence against women, many of which result in death. As an example we cite the most recent case of the lawyer who was killed by her husband and buried in the pit of his own house, the traveling saleswoman killed by a police officer. It was an event that generated a wave of protests in social networks, marches in the streets of the city and debates in radios and television.
34. The escape of paternity and provision of food is one of the cross-cutting issue referred by the populations, including women, men and young⁸ people. In the year 2018 , 3,000 cases of fatherhood escape were reported.
35. Almost all cases involve young girls, who end up being alone with their children. Families try to resolve the situation by talking to the boy's family. However, it is the boys themselves and their families who refuse to cooperate, often claiming that the child may be from another man. People turn to institutions like the "organizacao da mulher angolana" (OMA) (organization of Angolan women) to seek for a solution. But, none of the cases were successful in resolving the conflict, " OMA issued a letter for him to give something, but until now, nothing has been given" (Women, Cambulo).
36. The public expectation is that the OMA resolves the conflict, but the institution's role is to mediate conflicts. In an interview with an OMA employee, she states that the lack of means of transportation to go to the communes made it difficult to move from one place to another, to advance mediation processes, besides not having specific training.

⁸ THE MOSAIKO | Institute for Citizenship, as part of its research project on access to justice 2017, held in the province of Lunda Norte, Cuango, Cambulo and Chitato municipalities, found several cases that undermine women's rights, namely:

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37. **Sexual Violence:** A case reported in Cuango refers to a girl with a disability, who was abandoned by the family because she was ill. A nurse at a health center (Cuango), reported "she lives on the street and is often raped by the police ... she does not denounce herself because they are all police."
38. Another case, accounts for a parent who withdrew the complaint of rape. His daughter was 13 years old and abused by a 43-year-old man. The population with whom the information was obtained, in Cuango, could not explain the reasons that led to the withdrawal of the complaint. There are also several reports of rape cases where the victims are women who are going to work in the farms. "They kidnapped the ladies who went to the lawns, took them and kept them for a month as a woman" (Jovens, Bala-Bala, Cuango)⁹.
39. **Harassment:** Most cases of harassment, reported by people, almost all occurring in school context, between teachers and students. Reports on this topic were more frequent in the municipalities of Cuango and Chitato (Lunda - Norte) .
40. The young people reported concrete cases, in the first person or of friends. There are cases of teachers and school principals. Often the students end up giving up because they are threatened with class failure. We have also reported cases in which the relationship resulted in pregnancy, and that the teacher did not assume paternity. The young people said that they knew girls who gave up studying because they did not want to submit to teachers, and a report was recorded in the first person of this situation "I gave up studying because of that, I was in 4th grader, the teacher always told me : if you do not stay with me, you'll see! I spoke to my parents ... they talked to the direction of the school, but the direction always said: Not true, she is a child, how will the teacher stay with her? I gave up and now I do not study "(Young, Gika, Cuango)¹⁰.
41. **Sexual abuse of minors:** There are reports of prostitution of adolescent girls (in these cases also with the collaboration of families) and cases of adult males who relate to minors, using their status and social influence. Of all the cases collected only one had legal consequences for the offender. The young people, in the Cuango, explained "of pedophile, here there are many cases. The older ones also take advantage of the children's fragility to subject them to these types of practices "(Jovens, Cuango-sede).
42. A reported situation that had a different outcome was presented by a key informant who followed the process. It was a case of an adult man who used his social status to seduce a minor (adolescent). In this case, after the girl had told her parents, the family took the case to court. The judge ordered payment of \$ 150,000 of compensation to the family. The defendant appealed to the Supreme Court where the case was closed.¹¹
43. **Domestic violence.** There were reports of women being expelled from their homes for failing to conceive. Many people with whom the information is learned understand this procedure as normal and traditional or cultural, but some consider an unfair attitude for the woman.
44. In interviews with key informants from the Ministry of Family, Social Action and Promotion of Women (MINFAMU) and the Angolan Women's Organization (ÕMA), it was found that these institutions receive cases of domestic violence and solve them extra judicially. Within what is legally classified as "Domestic Violence," the issue of aggression between couples is the minority of cases they receive in 2016, for example, the OMA delegation in Cuango received 11 cases.(Remark! These numbers are reduced due to fact that attacks are seen as normal , so, no complaints are registered).

⁹ Mosaiko. Report on Participatory Evaluation of Access to Justice, Luanda, 2017, p. 47

¹⁰ Ibidem p. 48

¹¹ Ibidem p. 49

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The MINFAMU technique reported that by October 2017 they had received 298 cases (in 39 cases, only a man complained), but most of them escaped from paternity, lack of food supply, harassment, adultery and property deprivation. Cases in which physical assault causes serious and irreversible damage to the victim are also framed as a public crime.¹²

45. **Inheritance / Access to Pension:** most of the data are reported by women who find many difficulties in accessing the pension (either war veteran or war Survivors) and due inheritance after the death of the spouse. This type of problem affects mainly the women and, consequently, the children.¹³
46. **Pension, proceedings and fear:** In the event of death of one of the spouses, there are situations in the law that confer the right, widow or widow or partner living in common law marriage , to have access to a pension, in case of proven need. To access this pension, it is necessary to request the appropriate services, with the presentation of certain documents. However, although provided by law, access to pensions is not always easy, not only because of the length of the procedure, but also because of family issues. For example, a woman from the community of Cassanguide (Cambulo) shared that when she became a widow she handled the papers and got the pension. Then she began having problems with the family of the deceased, who claimed to be entitled to the pension, so she decided to abdicate "I prefer children to suffer rather than die.
47. Another report was notable for revealing difficulties in the process, even for those who, apparently, would enjoy some kind of privileges: in the locality of Sachindongo (Chitato-Lunda Norte), the women shared information according to which her father was part of the National Assembly (MP). After his death, she handled all the documents and entered the National Assembly. After a year she was called to Luanda and informed that the documents were not well "it seemed that they were wet with rain, I had given the documents clean". The family gave up because they would have to start the process again.
48. A case with a different ending in the city of Dundo was accompanied by the Diocesan Commission for Justice and Peace of the Diocese. The widow asked for help, since she had already delivered two houses to the family of the deceased husband and yet, they demanded the right to the pension. The Commission monitored the proceedings before the Prosecutor's Office and the Court. They waited several months to be called until the Court ordered the widow's house and pension to be returned.¹⁴
1. We continue to observe several cases of violence perpetrated by some police officers and who victimize civilians. As an example, Mrs Cristina Malesso was brutally beaten to death in the presence of three of her children, allegedly to have appropriated the portfolio of a Rapid Intervention Police (PIR) agent who, in fact, had been misplaced and was later found.¹⁵

Alternative to improve the situation

49. Shall the Angolan government create spaces of advice and shelter for victims of domestic violence.

¹² Ibidem p. 51

¹³ Mosaiko. Report on Participatory Evaluation of Access to Justice, Luanda, 2017, p

¹⁴ Ibidem p. 52 to 53

¹⁵ Source: <https://opais.co.ao/index.php/2017/12/28/agentes-da-pir-acusados-de-espancamento-ate-a-morte/>

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50. Shall specialize Offices at police stations and hospitals be created throughout the national territory for the care of victims of domestic violence.
51. The Angolan State should disclose actual data on cases of domestic violence, including the number of complaints, accusations, convictions and sentences imposed on perpetrators of sexual and gender-based violence, as well as the number of shelters or counseling and rehabilitation services for women victims of such violence.
52. May the Angolan government carry out Article 4 of the African Charter which clearly states that "Every human being has the right of respect for his/her life and physical and moral integrity . No one can be arbitrarily deprived of this right "and the Angolan government cannot continue violating this right of citizens.

C) Sustainable development and combating poverty

Recommendations and observations already made in the RPU process

53. Consider partnership in the Extractive Industries Transparency Initiative as a measure against corruption and a path to poverty reduction (135.26, A / HRC / WG.6 / 20 / L.8).
54. Promote and protect the rights of peasants and others working in rural areas (Par. 134.140, A / HRC / WG.6 / 20 / L.8).
55. Intensify efforts to achieve greater gains in the areas of poverty reduction, with a focus on providing the necessary resources to realize the right to adequate housing and to improve the living conditions of people in rural areas (134.142, A / HRC / WG.6/20/L.8)
56. Continue action to improve compliance with the human right to water, under United Nations General Assembly Resolution 64/292 (Par. 134.143, A / HRC / WG.6 / 20 / L.8).

Latent Concerns of Angolan Civil Society Organizations

57. The poverty rate in Angola is very high (52%), one in two Angolans live in multidimensional poverty.
58. Three out of four children and adolescents in Angola live in poverty and are deprived of health, nutrition, education and access to water and sanitation. Cunene is the province with the highest rate of child poverty.
59. Children living in rural areas face more deprivation than those living in urban areas and 62 per cent of minors live between one and three needs and in rural areas around 72 per cent suffer from five to six deprivations.¹⁶
60. The populations of eastern Angola, a region rich in diamonds, face immense difficulties, such as lack of adequate housing, basic sanitation, drinking water and electricity, provincial hospitals, manufacturing industries, conditions exacerbated by the degradation of roadways. supply of goods and services.
61. The provinces of North and South Lundas and Moxico fall within the group of less developed regions of Angola, despite their enormous economic potential.¹⁷

¹⁶ Source:http://jornaldeangola.sapo.ao/sociedade/tres_em_cada_quatro_crianças_em_angola_vivem_na_pobreza

¹⁷ <http://en.rfi.fr/angola/20180416-3-provinces-of-the-live-lives-show-with-poverty>

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62. In Angola, the problem of land in mining areas still persists and contributes significantly to underdevelopment and poverty in the region.
63. In 2016, some people were displaced and forced to live in precarious conditions due to the concession of exploitation of certain areas and with mining the problem of river pollution, environmental degradation and the deviation of roads that was habitually used by the populations.¹⁸
64. There are also many reports of the population referring to the problems caused by the exploitation of diamonds. For example, the rural population in Cambulo, in the province of Lunda Norte complain of the deviations of access roads to their fields and, therefore, they had to walk several kilometers because the mining company diverted the sting that linked the community to the area because it is an area of diamond interest, "people used to go to the fields easily, now people have to go around with bags in their heads, cassava basins, people in their 50s and 40s" (Men, Cassanguide, Cambulo).¹⁹
65. Another municipality where there were more testimonies of land conflicts was Cuango (Lunda Norte). Several reports from the population corroborated the general perception that the people no longer have the right to land.²⁰
66. According to the population, the land is granted to mining companies through a process that does not include consultation of the population, which receives only the information that the soba and the administration granted a certain area.
67. The damages seem to be very low. There are reports of people receiving 20,000 kz for their plots, others "50,000 kz more drum" for the tilling and the house. A participant from a rural community in Cuango reported "if the person delays pulling out the plantations with cassava and others, they appear with the machines and begin to spoil the planted products."

Alternatives to improve the situation

68. Encourage the productive inclusion of poor households, removing them from the situation and contributing to local economy development.
69. To raise the standard living, of citizens living in extreme poverty through better distribution of income and social programs.
70. Provide guidance and technical assistance to farmers, as well as supply of inputs, improved seeds and water, to increase production.
71. Provide legislation clarifying the criteria for expropriation of communal lands for public utility, fair and prompt compensation.
72. Promote inclusive local development, through endogenous local community development initiatives, based on participation, skills development and initiatives, the integrated valuation of small-scale resources and the potential of new technologies.
73. To improve the living conditions of families and individuals, in particular the elderly, who are in a situation of social precariousness, by eliminating situations of extreme poverty, increasing social support and ensuring their rights under the law.

E) Arrest, arbitrary detention and torture

Recommendations and observations already made in the RPU process

¹⁸ Mosaiko. Report on Participatory Evaluation of Access to Justice, Luanda, 2017, p. 26

¹⁹ Mosaiko. idem, p 29

²⁰ Mosaiko. idem, p 30

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74. *Redouble efforts to prevent arbitrary detention, and to investigate all cases involving arbitrary arrest and detention and torture, and bring those responsible to justice (134,199, A / HRC / WG.6 / 20 / L.8).*
75. *To enact legislation to ensure the prohibition of torture and ill-treatment, as recognized in the Constitution, and in accordance with the Convention Against Torture (134.83 A / HRC / WG.6 / 20 / L.8).*
76. *Investigate and, where possible, eliminate cases of arbitrary detention, illegal detention and torture by the police and security forces (134.84 A / HRC / WG.6 / 20 / L.8).*
77. *Intensify its efforts to prevent arbitrary arrest, detention and torture, and bring those responsible to justice (134.82 A / HRC / WG.6 / 20 / L.8).*

Latent Concerns of Angolan Civil Society Organizations

78. There are still serious cases of torture in the jails of Angola, more specifically in Luanda. In the prison of Cacuaco a victim reported : "They seated me on the tips of my feet. They tied me up by the big toes and the arms tied around my ankles, they began to beat me. " He tells that he spent a whole night in this tied position and was subjected to the same beat-up routine for a week.
79. In matters of torture, the Angolan context presents several worrying cases: Citizens who are forced to confess to crimes that they did not commit and torture until they were disabled. The level of torture is so brutal that in many cases, family members even vent that it would be better if they were shot than to be tortured barbarously, to the extent that some autopsies accuse death of "total head-trauma and abdomen"²¹.
80. In another case of torture to death, the victim's father explains: "The police took my son to execute him" the police wrote that the 'unknown' had sudden death, "the death certificate passed by the Municipal Hospital of Cacuaco, on July 21st 2016, confirms the result of the autopsy: the young man died from cranial trauma and testicles injuries resulting from "physical aggression with a blunt object"²².

Alternatives to improve the situation

81. The Angolan government must comply with and enforce what is embodied in the Constitution of the Republic in article 36, paragraph 3, a and b, without discrimination of race, gender, social status, etc. It should regularly make verification and monitoring visits to the prisons, so that there is dignity in the treatment of the prisoners and as preventive measures, the State must establish security chambers so that the perpetrators are civilly and criminally responsible.
82. We know that the Constitution declares that the moral, intellectual and physical integrity of persons is inviolable. Article 36th, (3) b) expressly guarantees [the citizen] the right not to be tortured. It should be noted that these standards apply directly and bind all authorities." Torture is illegal in Angola.

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F) Right to adequate housing

²¹ Fonte: <https://www.makaangola.org/2017/12/sic-submete-cidadao-a-tortura-sadica-e-brutal/>

²² Fonte: <https://www.makaangola.org/2016/07/torturaehomicidiosofreremorrerasmaõadapolicianacional>

Latent Concerns of Angolan Civil Society Organizations

1. According to the alert of Rafael Morais of the non-governmental organization SOS Habitat, in the land problems in Luanda are also involved high rank of the Angolan Armed Forces (FAA) and the National Police. "They are often generals who come under the mantle of government, using municipal administrations to meet their needs and gravely violating the rights of families - for example peasants ^{23 24}".

Alternative to improve the situation

1. Re-housing conditions must be established before displacing families. Article 32nd of the Constitution, which is the right to privacy, and [Article 37th,] the right to property must be enforced".

²³ Source <http://www.dw.com/pt-002/v%C3%ADtimas-de-desalojamentos-for%C3%A7ados-desesperam-em-luanda/a-19427219>

²⁴ Source: <http://www.dw.com/pt-002/populares-sem-recursos-an%C3%B3s-a%C3%A7%C3%A3o-de->