

UPR MID-TERM REPORT
UNIVERSAL PERIODIC REVIEW OF THE UN HUMAN RIGHTS COUNCIL
- ANGOLA -
INFORMATION JOINTLY SUBMITTED BY ANGOLAN CIVIL SOCIETY ORGANIZATIONS,
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1. Presentation

The present document was produced by the Working Group for Human Rights Monitoring in Angola (GTMDH), a network of associations and civil society organizations with national coverage. The group has been monitoring the Universal Periodic Review process since 2009 and has participated in the three cycles of the Universal Periodic Review of the Angolan State. The group is composed of the following organizations:

1. ADRA – Ação para o Desenvolvimento Rural e Ambiente
2. ACC - Associação Construindo Comunidades.
3. ACDA – Ação Comunitária para o Desenvolvimento de Angola
4. AJPD – Associação Justiça, Paz e Democracia.
5. AJUDECA – Associação Juvenil para o Desenvolvimento Comunitário de Angola
6. ANGOLA 2000
7. Associação OMUNGA
8. FORDU – Fórum Regional para o Desenvolvimento Universitário
9. LWF – Federação Luterana Mundial
10. MBAKITA - Missão De Beneficência Agropecuária do Cubango, Inclusão, Tecnologias e Ambiente
11. AML - Associação Mãos Livres
12. MOSAIKO – Instituto para Cidadania
13. NCC - Centro Nacional de Aconselhamento
14. PMA – Plataforma Mulheres em Ação
15. REDE TERRA.
16. SCARJOV - Associação de Reintegração dos Jovens/Crianças na Vida Social
17. SOS-HABITAT: Ação Solidária
18. MWANA – PWO.

Contact for the coordination of the Human Rights Monitoring Working Group:

Associação Mãos Livres: Guilherme Neves, Email: guimas38ml@gmail.com, Mobile+ 244 923978926, 912199587, Web page: aml-livres.org. Facebook: maoslivres.contacto@gmail.com

Rede Terras : Bernardo Castro, Email: bernardocastro9@gmail.com; rterra.02@gmail.com, Mobile: +244 923 087 780

Supported by: Lutheran World Federation in Geneva: Ester Wolf, Email: ester.wolf@lutheranworld.org , Phone : +41 22 791 6408 (office), Route de Ferney 150 – P.O. Box 2100, CH-1211 Geneva 2 - Switzerland

Part#2: Executive Summary and Methodology

The Angolan organizations subscribing to this document aim to contribute so that Angola's passage through the Universal Periodic Review Mechanism offers a real diagnosis of the human rights situation in the country, as well as to issue recommendations that promote improvements in the state of human rights. Angola received 270 recommendations from 110 states, of which it accepted 259, and took good note of 11. The members of the Civil Society Organizations were working in thematic clusters and organized a workshop to validate the report.

[The original version of this report is in Portuguese (see annex). The English version was translated with Deeple translate and revised afterwards.]

Key-words: Angola, Evolution of the Normative and Institutional Framework for the Protection of Human Rights; Promotion and Protection of Human Rights; Respect for Civil and Political Rights; Economic, Social and Cultural Rights.

Part#3: Thematic Analysis

2. EVOLUTION OF THE NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

2.1. 146.24 - Continue efforts to ratify international human rights instruments and cooperate with the human rights mechanism.

1. Partially met. Many instruments have not yet been ratified as per the commitment made by the State in its application in 2007 to become a member of the UN Human Rights Council. There are several challenges in implementing the instruments already ratified and guaranteeing rights. We recommend the ratification of the international instruments as per the review process of Angola A/HRC/43/11, 145.1-145.23

2.2. 146.37- Ensure the incorporation of the provisions of the international treaties to which Angola is a State Party into the internal legal framework.

2. Partially fulfilled. The Angolan Constitution under Article 26 enshrines the principle of direct application of international norms, treaties and regional conventions ratified by the Angolan State, however there are challenges in implementation by institutional and public policy. We recommend to continue the ongoing justice and legal reform in the country.

2.3. 146.55. Establishment of a National Human Rights Institution in accordance with the Paris Principles.

3. Assessment is negative. It is necessary to accelerate the approval of the legal framework that is effectively aligned with the Paris Principles. The Office of the Ombudsman does not have a mandate, composition and dependence in accordance with the Paris Principles. We recommend the creation of an Independent National Institution under the Paris Principles.

2.4. 146.36. Continue efforts to implement the NDP 2018-2022 and support the National Human Rights Strategy 2019-2022.

4. Negative assessment on the NDP 2018-2022. The problem of extreme poverty in the country is even more serious than we imagine, the conclusion is from the Non-Governmental Organization (NGO) Ação Para o Desenvolvimento Rural e Ambiente (ADRA), and is contained in its report on the implementation of the Integrated Program for Local Development and Combating Poverty (PIDLCP), for the years 2019-2020, published recently in Luanda.¹ The population is growing above economic growth (3%), with the result that Angola has been creating more and more poor people in recent years as the economy has not been able to create jobs to cope with the strong population growth. It is recommended that the social sector have a budget of 30% of the General State Budget (OGE) ensuring financial availability for programs to combat poverty and sustainable development.

5. Evaluation of the National Human Rights Plan is partially positive. Because there is no annual evaluation with the participation of civil society, which has played an important role in the promotion and protection of human rights. Paragraph a) and c) of point 9.1 of the National Human Rights Strategy (NHRS) that foresees the creation of a National Observatory for Human Rights and the elaboration of periodic reports on Human Rights at the provincial level by the Provincial Committees for Human Rights (CPDH) has not yet been fulfilled. It is recommended to create an independent National Observatory on Human Rights with political, administrative and financial autonomy and with the responsibility to monitor, denounce and demand situations of human rights violations. The elaboration of periodic reports on human rights by the Provincial Committees on Human Rights is also recommended.

146.104. Ensure equal access to justice for all by taking concrete steps to strengthen institutional mechanisms.

6. This recommendation has yet to be fully implemented. There is a regulatory framework, grace guarantees and judicial mechanism, but their effectiveness needs to be improved². It is recommended to continue with the process of justice and law reform, creating Courts in all municipalities of the country and the implementation of Guarantee Judges to ensure procedural speed.

3.PROMOTION AND PROTECTION OF HUMAN RIGHTS (FOLLOW-UP TO RECOMMENDATIONS).

3.1. 146.64. Consider that passing legislation specifies the forms of non-discrimination with specific content and a comprehensive list of reasons for discrimination.

7. Partially fulfilled. The legal framework on equality and non-discrimination needs to be adapted. Angola has several concepts of discrimination in the legal framework, including discrimination on the basis of sexual orientation. It is recommended to create mechanisms for the effective implementation of the Law against Domestic Violence (Law n° 25/11 of 14 July)

¹ <https://expansao.co.ao/angola/interior/pobreza-extrema-no-pais-e-mais-grave-do-que-se-pensa-apesar-dos-varios-programas-110529.html>

² A instauração de processo contra activistas cívicos e defensores de direitos humanos e citamos alguns exemplos o processo 15+2. Ver UN WGAD Opinion N°. 21/2016 (Angola), UN Document A/HRC/WGAD/2016, May 31, 2016. Processo contra José Marcos Mavungo e Processo com o Advogado Arão Tempo. Ver Opinion N°. 47/2015, A/HRC/WGAD/2015 concerning José Marcos Mavungo (Angola).

and the ratification of the International Convention for the Elimination of All Forms of Racial Discrimination.

3.2. 146.201. Continue efforts to combat discrimination against women.

8. Partially met. The legal framework is positive; however, we have many challenges in making the existing norms effective to ensure the effectiveness³ of the Law Against Domestic Violence. We still have many challenges in the administration of justice and fair trial, in supporting the victims of domestic violence. Besides Luanda province⁴, no shelter homes have been built in the country's 17 provinces and 160 municipalities. Delays in the judicial processes of recognition of the *União Facto* for awarding widows the possibility of benefiting from the widows' pension fund. It is recommended to construct shelter houses in all provinces of the country to ensure protection to victims of domestic violence.

3.4. 146.45. Continue to strengthen the implementation of policies and programs to promote the rights of women, children, persons with disabilities and other vulnerable groups.

9. Partially met. The legal framework is positive; however, we have several challenges in the effectiveness of existing norms. People with disabilities face various difficulties and barriers, especially women and children. Access to education and health care for the visually impaired is deficient. The law states that public and private institutions with a minimum of ten employees are required to maintain a reserve of jobs equal to or greater than 60% for people with disabilities. The positions, the decree says, must be reserved in the proportion of 4% for the public sector and 2% for the private sector⁵. The Law also establishes the hiring procedures, on the need for employers to publish the total number of the quota of vacancies available for the competition and the quota available for disabled people. Law is not complied with. Compliance with the Law on Quotas for Persons with Disabilities is recommended.

3.5. 146.267. Accelerate the implementation of the law on asylum and refugee status adopted in 2015, and put in place fair and effective asylum procedures to facilitate asylum seekers and refugees' access to basic social services.

10. Partially met. We have many asylum seeker claims awaiting a decision. We continue to see forced repatriations in border areas.

11. The legal framework is positive; however, we have several challenges in granting refugee and asylum seeker status. Access to legal assistance for detained migrants is deficient. The conditions of the detention center for illegal migrants need to be improved. There are 3 generations of refugees with registration problems in Angola. There is a problem of law and

³ Cases filed by wives requesting maintenance payments in Family Court, or recognition of Union in Fact by widows, the plaintiffs wait 3 to 5 years for a court decision. In many cases when the Court decides, the widow or children who should benefit end up dying due to lack of financial resources. Remember that according to INE 54% of the Angolan population is considered multidimensionally poor. See INE - Angola Multidimensional Poverty Index.

⁴ <https://masfamugov.gov.ao/ao/noticias/masfamugov-forma-operadores-de-atendimento-a-vitima-de-violencia/>

⁵ <https://www.jornaldeangola.ao/ao/noticias/lei-das-quotas-para-pessoas-deficientes-e-desrespeitada/>

many refugees may be considered stateless. It is recommended that forced repatriations be stopped and mechanisms created to respond quickly to asylum and refugee claims.

4. RESPECT FOR CIVIL AND POLITICAL RIGHTS

4.1. 146.94. Investigate all allegations of extrajudicial killings, arbitrary detentions, and torture by security forces, hold actors accountable, and compensate victims.

12. This recommendation has yet to be fully implemented. In practice, there is no institution or body with clear mandates to respond to cases of complaints about extrajudicial, summary or arbitrary executions perpetrated by police officers or security forces. Many cases of impunity and just compensation, the victims and their relatives await decision in the courts. It is recommended that all persons and agents of the police and security forces involved in cases of torture and summary executions be investigated and punished and held accountable, including the cases of Inocêncio de Matos⁶ and Joana Kafrique⁷.

4.2. 146.90. Establish a national mechanism for the prevention of torture to conduct regular unannounced visits to all detention facilities.

13. Partially met. The new Penal Code has been approved and torture has been typified as a crime under Article 370 and Article 383(e) of the Penal Code. But an effective national mechanism for the prevention of torture has not been established to conduct regular unannounced visits to all detention facilities. Visits by parliamentarians or civil society to investigate complaints in prisons or police stations with or without prior notice are prohibited. It is recommended that an effective national torture prevention mechanism be established to conduct regular unannounced visits to all detention facilities.

4.3. 146.120. Continue legislative reforms to increase press freedom and strengthen protection of the rights to freedom of expression, demonstration, and end arbitrary arrest of journalists and peaceful protesters.

14. In process of implementation. The legal framework guarantees freedom of opinion, expression and information, but there are many restrictions on the exercise of this right. Arrests of journalists have been recorded for publishing stories related to politically exposed persons. Many journalists are prosecuted for reporting on injustices, corruption, and bad governance. It is recommended to immediately suspend the practice of arresting journalist in the coverage of public demonstrations and to review the legal rules that punish journalists for reporting cases of politically exposed people, especially cases of corruption and bad governance.

4.4. 146.121. Take concrete steps to make independent media accessible nationwide, including reducing the cost of licenses.

15. Not yet implemented. The cost of radio and television licenses has not been reviewed. Law No. 3/17, of 23 January - Law on the Exercise of Television Activity and Law No. 4/17, of 23 January - Law on Broadcasting Activity, need to be changed because they establish too high

⁶ <https://www.dw.com/pt-002/angola-caso-inoc%C3%A2ncio-de-matos-%C3%A9-controlado-pelo-regime-diz-advogado/a-63723971>. Inocêncio de Matos was killed two years ago during a demonstration in Luanda, when Angola was celebrating 45 years of independence. To this day those responsible have not been brought to justice and the family does not know why.

⁷ <https://novojornal.co.ao//sociedade/interior/agente-da-policia-que-assassinou-juliana-cafrique-no-rocha-pinto-comeca-a-ser-julgado-esta-sexta-feira-83437.html>

costs for initiative to create television and radio channel. It is recommended that the laws on radio and television license costs be revised to reduce costs, allowing the initiative of community radio and television by citizens individually or through cooperatives, association, or commercial initiatives.

4.5. 146.115. Continue to strengthen the fight against corruption and illicit financial flows and strengthen the capacity of all law enforcement agencies to combat corruption.

16. Partially met. The process of fighting corruption is not clear, effective and efficient. There is a need for an effective program to combat corruption and improve the performance of judges and prosecutors in criminal investigations and prosecutions. Simplified contracting and direct awarding of works has become the new form of corruption. There are simulated public tenders to hire relatives or companies in which members of the government have interests. It is recommended that a High Authority against corruption be created, independent of the Executive, judicial and with the competence to investigate and prosecute all those accused of corruption.⁸

4.5. 146.132. Strengthen the effectiveness of the freedoms of demonstration and expression of all citizens guaranteed in the International Covenant on Civil and Political Rights.

17. Negative assessment. The Angolan Constitution under Article 47 guarantees the right to demonstrate, but the administrative authorities and security forces have prevented this, using force to repress and restrict the right to demonstrate. The excessive use of force that has resulted in serious injuries and deaths. In 2020, repression of a demonstration in Lunda Norte resulted in the deaths of at least 20 citizens and the arrest of 50 who were subjected to criminal proceedings. The investigation conducted by the authorities has not resulted in prosecutions of the police officers involved in the killings, and there has been no accountability of the perpetrators and fair compensation for the victims. We continue to see civic activists arrested for demonstrating and subjected to unfair trials and high court costs to be released. It is recommended the fulfillment of the right to assemble and demonstrate under Article 47 of the Angolan Constitution and the International Covenant on Civil and Political Rights to which the Angolan State is a party.

4.6. 146.129. Abolish or amend all laws and policies that limit the activities carried out by civil society and human rights defenders and adopt a national law for the promotion and protection of human rights defenders.

18. Negative assessment. Currently, there is no national law for the promotion and protection of human rights defenders. It is recommended that the Angolan State adopt the UN Principles on the protection of Human Rights Defenders.

5. ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

5.1. 146.79. Strengthen efforts to mitigate land conflicts between rural communities and businesses.

⁸ É necessário criar a Alta Autoridade Contra a Corrupção conforme estabelece a Lei nº3/96 – Lei da Alta Autoridade Contra a Corrupção.

19. Partially met. Land conflicts between communities and private companies are frequent and continue to increase. There is still no inclusive (communities/companies) administrative instrument or mechanism for mitigating land conflicts. Rural communities in cases of conflicts are forced to constitute lawyers even without financial resources. It is recommended that a more participatory business/community conflict mitigation mechanism be created and that one of community support funds be created for litigation cases.

5.2. 146,159 Continue to promote the right to adequate housing for all citizens

20. This recommendation has yet to be fully implemented. The right to adequate housing continues to be a challenge for Angolans. To be able to buy a house from public programs, is a dream come true for Angolan citizens. In many cases, the acquisition of a house from public programs is alienated to political clientelism, corruption and favoritism, and one must belong to the party in power in order to benefit from the opportunity of the purchasing process. There is a program to build social housing and promote targeted construction, but the administration does not have land plots available for those who request them. There is a lot of bureaucracy in public tenders for access against housing built with public funds. It is recommended that the planned and projected plots of land for directed self-construction be published in the official gazette, and that all citizens have access to housing credit and resolvable income in public housing projects.

5.3. 146,167. Continue working to guarantee the right to health care in a universal and free manner.

21. Partially fulfilled. We commend the government for building new hospitals and health posts throughout the country. However, there are still challenges in accessing and guaranteeing health care especially in rural and peri-urban areas, especially early childhood care, natal and prenatal care, and pregnant women. Therefore, there are many challenges, including a lack of funds for the health sector and insufficient investment at the national level in access to care and treatment, means of prevention, and health promotion. It is recommended to build health posts in all municipalities in the country, especially in peri-urban and rural areas, to ensure early childhood care, natal and prenatal care, and care for pregnant women.

5.4. 146.145. Continue efforts to reduce poverty and improve the living standards of populations and establish a sound basis for the enjoyment of human rights.

22. This recommendation has yet to be fully implemented. Despite existing programs poverty rates have increased, according to the National Institute of Statistics, Angola's Multidimensional Poverty Index 2020, the national poverty incidence rate (H) is estimated at 54.0%, which means that approximately 5 out of every 10 people in the country are multidimensionally poor. The multidimensional poverty incidence rate in rural areas (87.8%) is more than double that of urban areas (35.0%)⁹.

23. The economic and financial crisis that has affected the country in recent years has aggravated poverty and the difficulties of families, but also by the lack of responses at the level of health and education, whose weight in the General State Budget remains far from international parameters. According to the United Nations Development Program report, which measures human development in 191 countries, the average life expectancy of Angolans has been falling since 2019, when on average each Angolan lived 62.4 years, falling to 62.3 years in

⁹ <https://mercado.co.ao/opiniao/o-idh-esperanca-de-vida-escolaridade-e-diversificacao-LX1220409>

2020 and 61.6 years in 2021/2022. It is recommended to increase investment in anti-poverty programs. The Angolan State should allocate about 30% of the General State Budget to the social sector.

5.5. 146.160 - Ensure property rights and that forced evictions are used only as a last resort, ensure alternative housing and adequate compensation.

24. This recommendation has yet to be fully implemented. There are norms that guarantee the right to property, however, the rights of citizens in cases of evictions and forced evictions are not safeguarded and fair processes, compensation and indemnity for evicted people are not guaranteed. The National Assembly approved the Resolution nº37/09, but it is not fulfilled by the Public Administration and the judiciary. The land conflicts that go to court are silenced or concealed¹⁰. It is recommended that articles 15 and 29 of the Angolan Constitution and Resolution nº 37/09 of the National Assembly of Angola be fulfilled.

5.6. 146.163. Continue to take concrete measures on access to potable water and develop appropriate programs and policies for the construction of water supply infrastructure for irrigation and livestock management.

25. This recommendation has yet to be fully implemented. A legal, institutional and policy framework exists however, despite the various hydrographic projects the vast majority of the population does not have access to piped water and water quality needs to be improved¹¹. According to the 2020 Multidimensional Poverty Index, the most common deprivations affecting the population of Angola are civil registration, the quality of the housing in which the household resides, access to appropriate water and lack of adequate fuel for cooking; all of these deprivations affect more than half of the country's population.¹²

26. Pollution of the waters of the Tchikapa river, in Saurimo province of Lunda-sul, Tchihumbwe river, in the province of Lunda-Norte in the municipality of Lukapa in the localities of Kashinakaji, Satchindele and Maludi in the province of Lunda-Norte is caused by the mining activities of the Wuari and Luarica company. Meanwhile the same situation that occurs by the mining activities of the Luaxi Catoca Project, has affected families in the villages of Sapapa, Cafula and Samusseleka, limiting fishing activities. It is recommended to implement the distribution of water and irrigation projects with the participation of communities, associations, cooperatives and NGOs, allowing the direct participation of beneficiaries in water distribution programs and projects.

5.7. 146.180. Intensify its efforts to improve equal access to education for all, especially for vulnerable groups such as women, minorities, children with special needs, and those living in rural areas.

27. This recommendation has yet to be fully implemented. The number of schools and classrooms does not match the needs. Every year more than 2 million children are without access to primary education. Many schools in peri urban and rural areas have no chairs for children to sit on. The quality of the education system needs to be improved, including the remuneration of teachers. The budget for education is 6.5% of the General State Budget

¹⁰ An example is the case of the Communities of Curoca against the Municipal Administration of Ombanja (Curoca), Cunene province.

¹¹ Índice de Pobreza Multidimensional de Angola, p.23

¹² Índice de Pobreza Multidimensional de Angola, p.20

(OGE)¹³, however the Angolan State has made a regional and continental commitment to allocate 20% of the OGE to education, but this is not fulfilled.

28. Angola has, on average, only one classroom for a group of 90 students, a number three times higher than the Legal Regime of the General Education Subsystem, which sets the number of students per class at 36. Although the Presidential Decree is against overcrowding in public general education schools. However,¹⁴ three years later, the goal is still far from being achieved, as shown even in data from the public authorities themselves.

5.8. 146,144 - Continue efforts to reduce informality in the labor sector, especially for women, to ensure the greatest labor protection for all.

29. This recommendation has yet to be fully implemented. The vast majority of citizens work in the informal market and more than 70% are women without any social protection. Although some micro-credit initiatives for informal market vendors are implemented by the government, the number of beneficiaries is still very insignificant. We witness daily police violence against street vendors. We recommend to appeal to the Angolan State to stop the use of force against street vendors, especially women, and to find ways to organize and protect street vendors.

5.9. 146.76. Develop specific policies and programs to ensure that mining activities contribute to the sustainable, social and economic development of the communities in the mining areas of exploration.

30. This recommendation has yet to be fully implemented. Despite the international commitments made by the Angolan state on reducing the consumption of fossil fuels, the renewable energy plan is still not producing its results in the lives of Angolans. The government intends in the next five (5) years to open 35 new oil wells in natural reserve areas with impact on marine life, flora and animal life. The explorations will be done in the Okavango basin, in the coastal area of Namibe and in the Cassange Lowlands¹⁵.

31. The income tax for the mining industry is 25%, of which 5% must revert to the municipality or municipality under whose jurisdiction the mine is (No. 1 art. 245 of the Mining Code), the companies pay the taxes, but the government does not invest in the municipality as established by the Mining Code. It is also notorious that the extractive industry company does not comply with measures to preserve the environment and social corporate responsibility towards local communities. It is recommended that the Angolan state comply with the application of Article 245.1 of the Mining Code and make investments in the social sector in favor of the municipalities especially in the communities together in the mining areas.

¹³ See State General Budget (OGE) 2020, 2021 and 2020. Information about OGE consult ADRA and OPSA Position Proposal of OGE 2021, Luanda, December 2020. p,3

¹⁴ <https://novojornal.co.ao/sociedade/interior/pais-tem-em-media-apanas-uma-sala-de-aulas-para-mais-de-90-alunos-110494.html>

¹⁵ Statement made by the Researcher Cesaltina Abreu, coordinator of the thematic group on Public Debt and Natural Resources, during the public presentation of the Analytical Study on Public Debt: Transparency, Accountability, Justice and Human Rights. PACDP (Angolan Citizenship Platform on Public Debt), Luanda, October 20, 2022.

146.260. Adopt legislation and measures to recognize the status of indigenous peoples.

32. Negative assessment. No legislation has been passed to recognize the status of indigenous peoples. Non-governmental organizations have appealed to the Angolan State to pass law to guarantee the protection of the communities and assigning park title to natural reserves.

33. The government approved Presidential Order No. 14/18 of February 19 creating an inter-ministerial commission and the "Minha Terra" program for the promotion of recognition of the communities' lands through land titling. The program has ended and no recognition or titling of indigenous peoples' lands has been granted. It is recommended that indigenous communities' lands be protected especially the Sans communities in southern Angola and through the Law of Natural Reserves.

146.261. Strengthen legislative and administrative measures to guarantee the rights of minorities and indigenous peoples, and obtain the consent of indigenous peoples before undertaking development projects or granting licenses to companies to conduct economic activities in indigenous territories.

34. Evaluation is not positive. Legislation needs to be passed to ensure the protection of ethnic minority territories including Sans peoples in southern Angola.

35. Presidential Order No. 14/18 of February 19 was approved that creates an inter-ministerial commission and the "Minha Terra" program to promote the recognition of community lands through land titling. The deadline for the program has passed, but it has not even reached pilot title in 18 municipalities out of the 164 existing municipalities in the country.

36. Presidential Decree No. 216/11 calls for the promotion of investment (farming or otherwise) that does not harm the resident population (minority or otherwise) and local interests. However, the rights of minorities and indigenous peoples are permanently violated. The law is not respected, and one example is the exploitation of hydrocarbons in the Okavango Basin¹⁶, which is considered the largest reserve of biodiversity in the country and in the southern part of the African continent. It is recommended to respect and comply with the Presidential Decree No. 14/18 of February 19 and with the Presidential Decree No. 216/11, Law on the Environment (Law No. 5/98), Law of Environmental Conservation Areas (Law No. 8/20). The exploitation of mineral resources on land inhabited by indigenous peoples must respect and ensure their survival according to their habits and customs.

146,262. strengthen initiatives to recognize land ownership and use by minority communities and indigenous peoples, including the San people and pastoralist communities of the Southwest.

37. Negative assessment. There is no specific policy instrument, administrative measure or normative for the recognition of land ownership and use by minority communities. We have witnessed the granting of land rights, in many cases, in disrespect of national priorities and current legislation. It is recommended that a policy instrument be created to evaluate

¹⁶ The LAW AMENDING LAW NO. 8/20, OF APRIL 16 - LAW OF ENVIRONMENTAL CONSERVATION AREAS - has been amended and the Government has granted licenses for hydrocarbon exploration in the Okavango Basin refer to the amendments made to articles 3, 13, 14, and to paragraphs a) and e) of article 40 of Law No. 8/20, of April 16 - Law of Environmental Conservation Areas.

compliance with the recommendation on recognizing the ownership and use of land by minority communities and indigenous peoples.

38. Presidential Decree No. 216/11 of 8 August on the National Policy for the Granting of Land Rights guarantees access and use of land to citizens, recognizing the customary rights of access and management of land of rural resident communities by promoting social and economic justice in the countryside (Art. 3(2)(b)). The Presidential Decree requires the State/Government to identify areas of occupation and access to land by families and local communities, whose areas should be demarcated and, if possible, registered in the National Land Cadastre to be created. The cadastral identification should serve to establish land access and management rights for families and local or rural communities (article 6). But the Government has not yet complied with this norm since 2011. It is recommended that the Angolan State comply with the National Policy for the Granting of Land Rights, guaranteeing access and use of land to citizens without exception especially in the peri-urban and rural areas.

146.79. Strengthen efforts to mitigate land conflicts between rural communities and companies

39. Negative assessment. Land conflicts between communities, Government or private investment communities have not been decided expeditiously by State administration institutions and in the Courts.

40. The private "Agro-Industrial Project Horizon 2020" of Silvetre Tulumba, private, with external financing, occupied in a coercive way 85 thousand Hectares of land (80 kilometers long and 40 kilometers wide)¹⁷. And many villages and "kimbos" were destroyed, as well as dozens of cemeteries without any previous negotiation process, in the locality of Covango, municipality of Curoca, Cunene province. Such project also calls into question the survival of 39 communities and various ethnic groups that make up the Angolan population diversity, many on the road to extinction such as: ovahimbos, ovangâmbwes, ovahumbis, ovandimbos and ovandongos ethnic groups in Cunene province, which make up the Angolan population diversity, as the biodiversity of the region quite ecologically unstable. On 18 July 2016, the Working Group for the Monitoring of Human Rights in Angola (GTMDH) addressed an Open Letter to the President of the Republic of Angola informing that litigation exists. "Based on the illegitimacies identified above, under the terms of Article 226 of the CRA, combined with Articles 76, 78 and 81 of Decree-Law No. 16-A/95 of December 15 (Administrative Rules and Procedures) and Article 16 No. 1 and 2 of Decree No. 51/04 of July 23 (of the Environmental Impact Assessment) we request, the annulment of the said project." Despite the dialogue established, the project continues. The communities, through their lawyer, have filed a lawsuit with the Provincial Court of Cunene against the Provincial Government and private investors. After six years, the Provincial Court of Cunene has not set a trial date and the 39 communities are suffering the consequences of drought and forced eviction. It is recommended to comply with the Constitution and the Law and to create rapid mechanisms for the resolution of land conflicts.

146.159. Continue to promote the adequate right to housing for all citizens.

41. This recommendation has yet to be fully implemented. There is a program to build social housing and promote targeted construction, but the administration does not make the land plots

¹⁷ http://euroeste.pt/public/NewsText.php?news_text_id=94 consultada dia 19.08.2016.

available to those who request them. It is recommended that public housing projects the criteria for access should be transparent, available and accessible to all citizens.

146.77 Consider enacting laws requiring mining companies to contribute to the sustainable socioeconomic development of the areas in which they operate.

42. Negative assessment. Corporate social responsibility is not observed. The state has a duty to protect and promote the rule of law, including by adopting measures to ensure equality before the law and its just application by establishing adequate measures of accountability, legal certainty, and procedural and legal transparency. However, the social responsibility of companies, due to the absence of their own legislation, is voluntary and depends on good social practices in the production of goods or the provision of services to the communities in which they operate. It is recommended that a Law on Corporate Social Responsibility in Angola and the Regulation of the Angolan Mining Code be approved.

Annex:

- Relatório Intermédio RPU - Universal Periodic Review of The UN Human Rights Council – Angola – Information jointly submitted by Angolan Civil Society Organizations (original version of the mid-term report 2022).