

Compilation of information for the Universal Periodic Review prepared by Angola UNCT

Context and Methodology for the elaboration of the report

1. In April 2009, the Angolan Government's Inter-sectorial Committee for Treaty Reporting presented a formal request for assistance in the preparation for Angola's Universal Periodic Report to the UN Resident Coordinator. It opened the way for improving cooperation with OHCHR and continuing dialogue with the UN. This was a welcome development considering that in May 2008 the Government of Angola closed down the Office of the High Commissioner for Human Rights (OHCHR).
2. Through the technical assistance of the Office of High Commissioner for Human Rights (OHCHR) and financial support of the UN agencies and the Government of Angola, a two day training workshop was organized in June with objective of briefing the Inter-Sectoral Committee as well as Civil Society Organizations on the Universal Periodic Report process and the guidelines in the preparation of the report.
3. Following the training the UNCT established an inter-agency task force that was responsible for preparing the contribution of the UNCT to Angola's Periodic Report.
4. One should be aware that the principal social indicators date from 2000/2001, prior to the end of the conflict. A major household survey is currently underway through the National Statistics Institute that will update social indicators but the lack of data has been a limitation in the report. Wherever possible, the report has drawn on current data from routine statistics sources.
5. UNCT recommends to the Human Rights Council to encourage the Angolan Government to submit its updated disaggregated indicators before the official presentation of the Governmental report takes place in January 2010.

HR situation on the ground

6. Angola is a State Party to the International Covenant on Civil and Political Rights and its Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Political Rights of Women, the Convention on the Rights of the Child, and the Optional Protocols to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, on the Child Relative to the Involvement of Children in Armed Conflicts and the Sale of Children. This in

¹ Estrategia de Comabate a Pobreza, Reinsercao Social, Rehabilitacao e Construcacao Nacional e Estabilizacao Economica, (Accessed at :<http://mirror.undp.org/angola/LinkRtf/ECP-Angola2005.pdf>, 10.09.2009)

addition to the Convention relating to the Status of Refugees and the 1967 Protocol, the African Charter of Human Rights and People the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and the African Charter on the Rights and Well-Being of the Child, Convention governing the specific aspects of refugee problem in Africa, and the Geneva Conventions on Humanitarian Rights in Armed Conflicts.

7. It is noted, nonetheless, that The country has not ratified 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 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Convention on the Rights of Persons with Disabilities and its Optional Protocol and the International Convention for the Protection of All Persons from Enforced Disappearance, Angola has signed but not yet ratified the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
8. Following the end of the long civil war in 2002 and the more recent signing of a peace settlement in Cabinda (August 2006), the country has entered into a period of stability and recovery, of national reconciliation and economic reconstruction, and this has enabled significant progress in the human rights sphere. Nevertheless, as the UN High Commissioner for Human Rights, pointed out in April 2008, the country still faces many challenges on the human rights front.

- a. Equality and non discrimination

9. The current revision of the Constitutional Law creates an excellent opportunity for strengthening the overall legislative and administrative frameworks for the equality of women and non discrimination against children and to reinforce protective legislation (including the establishment of positive discriminatory measures) in relation to specific vulnerable groups *inter alia* persons living with HIV/AIDS, victims of human trafficking, refugees, asylum seekers and migrant workers.
10. Social justice and the reduction of poverty are the major issues in relation to equality. Statistics from 2000/1 showed 68 % of the population in Angola living below the poverty line and 28% below the extreme poverty line.¹ As noted above, a revision of these statistics is underway but until the data is released, Angola has remained ranked at 157 out of 179 countries in the international human development index² in 2008. As part of the Medium Term Development Plan (2009 to 2013) the Government has pledged to gain some 30 points on the HDI and make significant progress on reducing poverty.
11. This will require a comprehensive social protection programme to accompany economic growth and employment opportunities. Thus, UNCT welcomes and is ready to support the decision of the Angolan Government to establish and strengthen multi sectoral social protection programmes that could reduce

¹ Updated statistics will only be available when the current household income and expenditure study is published in 2010

² UNDP Human Development Report, 2008

poverty and vulnerability. Recognition is given to the inclusion of a pledge within the revised 2009 State Commitments to Children to develop rights and procedures in social protection systems for the most vulnerable children.

12. In relation to gender equality, impressive progress has been made on women's participation in parliament and in government; however there remains the need to address such issues as equal access for women to training and to labor markets. Since the legislative elections in September 2008, Angola has the second highest percentage of women in parliament within Africa at 37% of all parliamentarians, together with a growing number of key ministries and provincial governments. The challenge is to turn representation into real changes on gender issues, including developing a national gender policy, mainstreaming of a gender perspective into different governmental policies and plan and the consistent reporting on violations of women's rights³. In addition, specific issues require concerted attention in particular, curbing widespread gender based violence, reducing maternal mortality and addressing the rights of particularly vulnerable groups such as refugee women and girls.

a. Civil and political rights

i. Right to life, liberty and security of person

13. Overall the right to life, liberty and security has improved drastically since the end of the conflict in 2002. However, numerous issues, such as arbitrary arrests in Cabinda or the conditions in which irregular migrants are rounded up and expelled, still remain to be addressed. This section also calls attention to the rights of refugees, the need for further and persistent work in the area of reducing violence against women and children and concerted efforts to address human trafficking.

14. Angola has introduced a reservation to article 26 of the 1951 Geneva Convention on refugee status (freedom of movement) to the effect that the Government of Angola reserves the right to prescribe, transfer or circumscribe the place of residence of certain refugees or groups of refugees, and to restrict their freedom of movement, whenever considerations of national or international order make it advisable to do so. The limitation to freedom of movement for security reasons is also enshrined in article 6 of the Immigration Act and requires the refugee to obtain a transit permit for circulation in restricted areas. Law number 17/94 further establishes restricted movement in diamond extraction areas.

15. In practice, these reservations 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. Freedom of movement could further be impeded by lack of documentation. Asylum seekers or refugees without proper documentation are not allowed to pass the check points erected in numerous places to control illegal migrants. Even for those asylum seekers who have proper documents, the Immigration Department

³ For example, the last report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was done in 2004.

developed the practice of restricting their freedom of movement if they intend to travel to other provinces in Angola. A request to travel to another province has to be presented to the Immigration Office, after which a so called “Guia de Marcha“ may be issued to the applicant.

16. A fundamental problem that affects in particular women and children is violence. As reported to the CEDAW Committee in 2004, women and girls are more likely to become victim of sexual and gender based violence. UNCT congratulates the effort of the Ministry of Family and Women in developing a system of monitoring of gender related human rights violations and encourages other stakeholders to use the database as a tool for ensuring impunity
17. The National Institute for Child, in collaboration with other sectors and civil society is leading the process of designing a national strategy for prevention and mitigation of violence against children that addresses 5 principal areas: violence in the family, sexual exploitation, child trafficking, child labor, and use of children in criminal activities.
18. The phenomenon of children being accused of witchcraft is still a great concern. While in the most recent case of 40 children (September 2008) the Court of Minors declared protection measures and the children were reunited with their families, an integrated coordinated systematic response is lacking from the judicial and the social system, including psycho social-assistance to children and families and follow up assistance at community level is still weak.
19. Human trafficking has become a concern for the Government of Angola in recent years as there are signs that human trafficking, including of children indeed occurs in Angola. Certain aspects of human trafficking, like kidnapping, rape, etc are punishable based on the current Penal Code, but there is no specific legislation covering the crime of human trafficking as such. However, due to the absence of official complaints lodged with the law enforcement authorities and of a study on this subject, comprehensive data are not yet available. An inter-ministerial committee has been created by Presidential Decree to reflect on the elaboration of a specific legislation and UN Agencies are advocating for the establishment of systematic victim assistance program.

i. Administration of justice and the rule of law

20. There is considerable effort invested in the revision of the legislation governing the administration of justice (e.g. ongoing revision of the Penal Code, Procedural Code,). However, due to limited number and poor quality of infrastructure, shortage of qualified personnel and, inadequate coverage of lawyers, access to justice remains a challenge for most of the population. In addition, there is need to address the lack of diversion programmes to decrease substantially the number of cases referred to the courts, and the excessive formalism that is required for formal procedures.
21. Several partners, including UN agencies are targeting the strengthening and capacity building of those that provides legal aid, such us professional associations (e.g. the Bar Association) and civil society organizations, together

with awareness raising of the population that, in the long run, can positively impact on access to justice.

22. Detention is one of the most complex and challenged areas of the justice system in Angola, since the correct and fair application of this measure requires not only close cooperation between the office of the prosecutor general, ministry of interior and the courts but also full respect for rule of law, independence of judges and a strong commitment to fight impunity.
23. UNCT is concerned that the current system of detention is dominated by the Ministry of the Interior and the Office of the General Attorney. Judges are not involved in verifying the lawfulness of detention during the criminal investigation, and strict, objective, transparent and cross-sectoral control mechanism is still lacking.
24. Cases of excessive pretrial detention are still reported widely in the media, as well as cases of minors (reported by the Provinces during the Child Forum) of age 16 or under being kept at police station for 24 hours before being referred to the observation centre where they await hearing by a judge. In addition in view of their reintegration and reeducation cooperation between the social and judicial sectors clearly needs to be strengthened. As it stands today alternative measures to deprivation of liberty (socio-educational measures) though being applied, are not implemented by the Court, due to lack of conditions created for such. In relation to minors above the age of 16, with the exception of reduction of the sentence, there is no special juvenile justice system applicable to them. They are detained together with adults irrespective of their age.
25. Lack of access for humanitarian purposes to prisoners, as well as consular access to detained foreigners, and by UNHCR and IOM to detained asylum seekers, refugees or migrants, remains a serious problem. The closure of the mission of the International Committee of the Red Cross to Angola in 2009 has removed the facility, which the only international organization that had been granted access to prisons.
26. While the Government continues to strengthen border control to deal with irregular migrants, genuine asylum-seekers suffer for lack of capacity to differentiate the two categories and are frequently detained and expelled. The administrative detention of asylum seekers is not subject to independent monitoring, and takes place without prior authorization from a judicial body. The provincial immigration authorities do not have any specific arrangements in place for the reception of asylum-seekers at border points and there is a general lack of capacity to process them promptly. Asylum-seekers and border police are not adequately informed of the existing national law related to the rights of asylum-seekers and refugees and the national eligibility determination process.
27. Irregular migrants and foreigners without proper documentation are often detained in harsh conditions falling short of international standards, including being denied the right to access legal counsel. Most are expelled. As part of their continuing campaign against irregular migrants, especially in the diamond producing areas in the north, since 2003 Angolan security forces have reportedly

expelled hundreds of thousands of irregular migrants, mainly Congolese, in degrading conditions accompanied by human rights violations. In May 2009 reports started reaching the UN that refugees and asylum seekers in Lunda Norte had also been detained and ill-treated during the operations against irregular migrants and that their documents issued by the Government were not being respected.

28. In the Cabinda region arbitrary arrests and detentions have continued to be reported. In August 2009 the unconditional release of the journalist Fernando Lelo, whom, after his arrest in 2007, international human rights NGOs had considered a prisoner of conscience, was an encouraging development. Lelo was held in detention without charge or trial for more than the 90 days permitted by Angolan law for preventive detention, making his detention not only a violation of international human rights law and standards but also of Angolan national law. At his trial behind closed doors in September 2008, he was sentenced for 12 years. Five co-defendants, however, who were given 13-year sentences and claimed that they had been tortured, were not released with him.
29. While political and administrative decentralization is ongoing as one of the government's priorities, judicial structures are not yet present at municipal level. Out of the 164 municipalities only 19 have municipal courts and out of 18 provinces only the capital has Court of Minors; however the process of establishment of further 10 is under process. No special court has been yet created for dealing with cases of child victims; thus in the courtroom they are often confronted with the perpetrator and being dealt with by a magistrate without specific training on child protection. Neither social nor psychological assistance is given on a permanent basis to child victims in none of the stages of a judicial process. Recruitment and professional training is ongoing at each of the sectors (i.e. social and justice) including with external support but building of new infrastructures and creation of conditions for those to be placed at isolated municipalities is at a slow pace.
30. A further issue in relation to the administration of justice relates to birth registration. While decree n 31/07 of 14 May exempts all children between 0 and 5 from paying fees for birth registration, it also creates conditions that ensure that registration services work with maternities, health posts, local administrations so all children have easier access to this right. However, much remains to be done to ensure that birth registration reaches all: the Ministry of Justice report to the Child Forum on birth registration noted that some 70% of children are not registered.

i. Freedom of opinion and expression

31. The new press law, which entered into force on May 15 2006, represents an improvement over Angola's previous press law in many respects. It provides for the elimination of the state monopoly over TV broadcasting and the creation of public TV and radio that are to be governed by principles of public interest (such as ensuring the plurality of opinions, providing accurate and impartial information that is widely accessible and providing politically balanced information during election periods). This has created an enabling environment

in which the Angolan media landscape has grown over the past three years, with addition of several private weekly papers to complement the state-owned daily newspaper, *Jornal de Angola*. Also, there is now a private TV station, *TV Zimbo*. Radio is still the most widely used medium, state radio reaches most if not all communities across Angola, but there are also new local radio stations in Luanda that broadcast across the political spectrum. The major broadcasters are National Radio of Angola (state radio) and Radio Ecclesia (run by the Catholic Church), the latter however broadcasting only at capital city.

32. While the new legislation is positive, there remain areas of concern. In particular, it still includes provisions that may result in excessive limitations on press freedom (e.g. criminalizing defamation and excessive licensing procedures). In addition, the establishment of an independent overseeing body is a remaining challenge.
33. No comprehensive survey has been undertaken to examine the extent of freedom of expression and access to information in Angola over the last three years, but one might take the proliferation of new media as an indication that more people are having their say. In *Jornal de Angola's* on-line edition, readers are voicing their opinions *ad libertum*, although many choose to do so anonymously. Civil society organizations are also participating in national debates, with different levels of unity. One example is OPSA, (Social-Political Observatory of Angola) a socio-political observatory providing opinion and analysis on national affairs, with a focus on poverty reduction. There remains a need to transform the state-owned Televisão Pública de Angola (TPA) into a public service broadcaster and enact laws that guarantee access to information. Commendably the government-run Angola Press Agency (ANGOP) does play a key information distribution role, touching on developmental issues such as poverty, education and health. The news agency is, however, limited by the nature of its state ownership.

i. Participation in public and political life

34. There have been four important developments in the last three years in relation to participation in public and political life. First and foremost the legislative elections of 5th September 2008. Second, a strengthened drive towards enhancing the democratic institutions. Thirdly, deconcentration with eventual decentralization and local elections on the horizon and finally, the growing number of official 'spaces' for citizen-state dialogue.
35. The national elections were considered internationally to be "*free, fair and transparent*" despite some organizational problems faced on polling day, although due to administrative difficulties Angolans citizens living outside of the country did not exercise the right to vote. As noted earlier, women's representation in both parliament and government has increased, providing a strong basis to address gender issues during this administration. Strengthening Angola's democratic institutions remains one of the top priorities and although the UNCT recognizes the establishment of State Institutions such as the Tax and Audit Court, Constitutional Court, *Provedor da Justiça* (Ombudsman) and National Council for Children as the most significant improvements also encourages the further enhancement of accountability mechanisms as well as the

improvement of access and use of judicial recourse in particular at local level. Since the establishment of the new legislative body improvements have been noted in relation to the Parliament's oversight over the executive and there are signs that the legislative process is likely to be more participatory than before (e.g. public consultations are planned to discuss the draft constitutional law).

36. Public administration, local service availability and delivery still suffers from a range of institutional barriers (challenges in planning, budgeting, financial management, auditing and procurement systems) and human resource capacity gap problems that may hamper the effective use of the available resources if not supported by adequate policies. As a result, decentralization is high on the agenda in Angola, and Government has begun the process for empowering the municipalities for local decision making and better service delivery by addressing the challenges already cited, including financial management.
37. Despite establishing a detailed framework for deconcentration through the Local Administration Decree in 1999 and the recently approved Decree 2/07 which paves the way for further decentralization as selected municipalities become increasingly responsible for their budgets and move towards greater territorial authority, and whilst access to basic services is improving in some parts of the country, increasing concern is being directed now to the quality of these services.
38. The prospects for holding legislative, presidential elections and local elections (in 2009 and 2010 respectively) have drawn the attention of all electoral stakeholders, especially the civil society organizations. A small number of vibrant civil society organizations have become more engaged in lobbying, monitoring of certain public policies and demanding rights from the duty bearers.
39. Formal 'spaces' have been created through Joint Consultative Councils (Conselhos de Auscultação e Concertação Social) at all administrative levels (national, provincial, municipal and communal). Trade Unions and business representatives are fully recognized members of these bodies which show a progressive improvement of freedom of association and collective bargaining. The objective is to provide for dialogue between state administration, civil society, traditional authorities and the private sector to identify development priorities and approve plans. However, grasping these opportunities to strengthen citizen-state dialogue remains a challenge both for the state and for civil society. It will require a gradual increase in the capacity of the state to listen and debate and better organization and capacity to articulate demands and positions on the part of civil society. Furthermore, pursuant to Article 6 of the Angolan refugee law (Law No 8/90), refugees are by law excluded from participating in political life.

- a. Socio economic and cultural rights

Overview

40. Angola has experienced rapid and prolonged economic growth since the end of the civil war in 2002 which has been accompanied by solid stability at macro-economic level including impressive progress in reducing inflation since the end of the war. In 2007 Angola registered a growth rate of 23.3% and inflation dropped from 106% in 2002 to 11.8%. Despite this strong economic performance and a wealth of natural resources, Angola's Human Development Index is still low, at 0,446 (2007/2008 World Human Development, 2008) and although a positive trend has been registered with a slight improvement in the index (0.445 in 2005), Angola's overall ranking is 162 out of 177 placing it amongst the countries with the lowest ranking for human development. Official poverty indicators place 68% of population living below the poverty line and 28% considered extremely poor. Unemployment remains a serious problem at some 27-32% of the economically active age group.
41. Rapid urbanisation as a consequence of prolonged war has had a number of negative consequences, from the deterioration of living conditions in overcrowded urban and peri-urban areas to the abandonment of the countryside and of many agricultural activities. Currently, some 53% of the population lives in urban centres with disproportional representation of the economically active⁴, leaving a relatively higher percentage of the elderly and children in the rural areas. Food insecurity is a recurring problem affecting the rural populations, caused largely by limited crop diversification, crop destruction and low harvests through floods, droughts and pests, low coverage of irrigation and poor quality inputs (seeds, fertilizers).
42. Environmental threats including deforestation caused by the burning of woodlands due to the high demand for wood as fuel by the poor as well as due to commercial wood cutters, leading to a reduction in Angola's once rich biodiversity. Angola is also affected by seasonal floods leading to water resource scarcity and water pollution as well as soil erosion. Other key threats are offshore oil pollution, and the need to mitigate the impact of global climate change particularly for the poor and vulnerable populations
43. As result, Angola also scores poorly with respect socio-economic rights such right to health, right to education, and right to adequate housing, as demonstrated by the poor socio-economic indicators in these sectors, and addressing should remain a top priority.
44. In recent years, budgeting for the social sectors has increased significantly but the challenge remains to ensure quality budget execution in a context of limited administrative capacity for efficient and timely delivery.
45. UNCT is concerned in relation to the realization of some of the MDGs, especially those relating to extreme income poverty, health and environment which are likely to be difficult to achieve by 2015 without profound reforms.

i. Right to privacy, marriage and family life, including reproductive rights

⁴ Ministry of Planning, Key Indicators, 2009

46. Overall, the rights to privacy, marriage and family life are adequately protected within the legislation and respected by the State. However, concerns remain about two areas: provisions to promote reproductive health and forms of preventing the cultural practice of child marriage.
47. The Ministry of Health promotes a holistic approach to reproductive health care but the very high statistics on maternal mortality estimated at 1,400 per 100,000 live births, speak to the need to strengthen national capacities to ensure universal access to pre natal care and safe birth practices. In particular the Emergency Obstetric study in 2008 pointed to the need to promote access to pre natal care for all pregnant women and to encourage all women to seek trained professional support at delivery. In addition, there is a need for more accurate information on reproductive health, a range of safe and affordable and accessible contraceptive methods and sensitive counselling, quality reproductive health care services available to all men and women, especially for pregnant women, and young people.
48. Child marriage and early sexual debut remains a major concern in several areas of the country, as it compromises the development of girls and often resulting in early pregnancy and social isolation. Young married girls face onerous domestic burdens, constrained decision-making, reduced life choices and difficulty in access to education. While universal access to primary education will be the most effective method in reducing child marriage, much positive work could also be done in changing attitudes and opinions through traditional authorities and community leaders.

i. Right to health

49. The Angolan Government has increased the allocation to health from USD 1 billion in 2007 to more than USD 3.5 billion in 2009. In addition, and responding the critical situation of lack of access to quality and affordable services, the Ministry of Health has instituted a major programme to revitalize services at municipal level, including 70 of the 164 municipalities in the country that together house the majority of the population. The programme is supporting local health services to implement high impact low cost health interventions, water and sanitation, and HIV services to the population, with a focus on pregnant mothers and children. This programme faces major challenges due to lack of adequate infrastructure at the primary, secondary and tertiary levels, equipment, trained personnel, referral and logistics systems but progress is gradually being made.
50. Based on the last official statistics under five mortality at 260 and infant mortality at 154 per 1,000 live births, Angola is rated amongst the highest in the world for child and infant mortality. However, these statistics are expected to improve considerably when new data is released. The main causes of child deaths are malaria, diarrhea, acute respiratory infections and malnutrition. While child malnutrition remains widespread, there have been improvements since the end of the armed conflict. While in 2001, the Multiple Indicator Cluster Survey found that 45% of children under five were stunted (3 standard deviations below

height for age), a nutrition study in 2007⁵ found that this had fallen to 29.2% and underweight prevalence had fallen from 31% in 2001 to 15.6% in 2007. For all indicators there is a difference of two to three percentage points between children in urban/periurban and rural areas with the rural areas showing greater malnutrition.

51. Finally, the proportion of the population with access to improved water and sanitation were respectively at 61.6% and 59.6% in 2001 (MICS,2001) although this is expected to have improved, especially in the urban areas, with major investments through the Water for All programme.

i. Right to education

52. As a result of increased government funding (from USD 1 billion in 2005 to more than 3.1 in 2009) primary school enrolment has increased in the recent years. Drop out and repetition rates remain high at 15 percent and 29.4 percent respectively. Completion rates were only 32.2 percent for primary education. However, Angola is still far from meeting the goal of universal quality education. Angola faces the huge challenge of more than doubling the number of children in primary education from an estimated 2.1 million in 2003 to 5 million by 2015. The fact that only 56% of children of the right age are attending primary schools, together with data showing clear disparities by gender, socio-economic group and geographical area, highlights the fundamental issue that a large number of Angolan children (approximately 1.2 million in total) do not have access to their basic right to a free quality primary education.
53. Poor school quality, such as management, community participation, school health and hygiene, lack of training material, overcrowded classrooms, poorly designed and equipped school and classroom environments negatively influence the capability of teachers to focus on the learning needs of the children and the opportunity for a child to learn. Moreover teachers are often unqualified and generally have limited proper training opportunities. All these elements may eventually lead to a high number of drop outs.
54. To address the key issues, the Ministry of Education drafted a 5 year strategic plan for 2009-2013, covering all sub-sectors from early childhood development (ECD) to tertiary education, which includes a national framework for teacher training and a national Accelerated Learning programme targeting out-of-school school adolescents. A major new initiative to enhance school quality equality and access through introduction of Child Friendly Schools (CFS) is being developed to ensure that children's right to education are upheld through provision of safe and healthy environments which are inclusive of all children, gender sensitive, well managed and with sufficiently trained teachers, complimented by high level of community participation. Early Childhood Development is still a new concept in Angola and Ministry of Social Welfare is spearheading the development of a national holistic strategic plan to enhance quality and access.

⁵ República de Angola (2007) Relatório do Inquérito sobre a Nutrição em Angola, UNICEF/OMS, Luanda.

⁶ Source: Angola Medium-Term Development Plan (2009-2013)

- i. Right to social security and to an adequate standard of living*
- ii. (housing and food security)*

55. While there has been considerable work in the last two to three years to roll out contributory systems and a rapid rise in the percentage of the national budget dedicated to social security, less progress has been made in setting the parameters for basic social protection addressing the needs of the poorest. However, the Ministry of Social Affairs (MINARS) has grasped the issue and is taking responsibility for driving the agenda towards multi sectoral interventions on social protection for the most vulnerable. To add weight to the argument to increase resources and social transfers to the poorest, MINARS – with UNICEF support – has continued the process of identifying the most vulnerable children (MVC) through local mapping, and a database of 260,000 children in 8 provinces has been compiled, providing considerable evidence of the urgent need to develop policies and scale up interventions to reach MVC through social transfers.

56. The Government of Angola has introduced, since the September 2008 elections, a major social housing programme aimed at provided 1 million units of social housing for low income groups within four years. The programme is developing housing both through the distribution of legalized land units for self construction as well as the construction of major housing projects. The programme is reaching all 18 Provinces. UNHCR is also assisting extremely vulnerable refugees by providing them with money to rent rooms or small houses and IOM supports flood victims with temporary shelter. While these developments are extremely positive, there is a major concern about the way in which slum clearance and rehousing is taking place. Human rights and procedural steps must be in place in order to ensure that rehousing does not in fact amount to forced eviction, a concern that has been expressed especially in Luanda and for which the Provincial Governor has been called to answer to parliament. The rights of population under relocation to basic social services (in particular for children), prior information, effective consultation and adequate alternative housing must be respected.

a. Prevention and Treatment of HIV

57. Significant development has taken place with regard to the HIV national response concerning the access to voluntary, counseling and testing (82 units in 2006 and 221 in 2008), antiretroviral therapy (25 units in 2006 and 85 in 2008) and mother-to-child transmission prevention (23 units in 2006 and 87 in 2008). Although the number of services has increased each year it still has not reached full coverage. It has been observed and reported by persons living with HIV/AIDS as well as RNP+ (an NGO that works with people affected by HIV/aids) that there is lack of ART supplies at certain public health facilities. Adherence to treatment remains difficult due to lack of food, long distances to the health centres, and lack of confidentiality was one major barrier to services reported by CSOs (RNP+ and AJPD).

58. The Angolan Network of persons living with HIV, RNP+, reported the fact that health facilities for persons living with HIV are not integrated into the general health services, contributes to the increase of stigma & discrimination.

59. Although Angola has a relatively low estimated HIV prevalence rate of 2.1% (UNGASS 2008) as compared to neighbouring countries, there currently exist certain contextual determinants that may potentially contribute to rapid spread of the epidemic in the coming years

- The overall youth of the population in which 18% are in the 15-24 age group⁷
- Increased risk behaviors among the population such as early sexual intercourse (32% before age 15) and high number of multiple concurrent partners (38% among 15-49)⁸.
- Limited knowledge and understanding of the modes of HIV transmission and inconsistent use of condom (23% of 15-24 year old were able to correctly identify the forms of HIV transmission in ??)⁶
- Increased number of new infections (10.000 among adults; 500 among children between 2006 and 2008.⁶
- Despite progress achieved, still limited capacity for accelerated scale up of HIV Testing & Counselling, PMCTC & treatment services.

60. The revision of the HIV/AIDS National Strategic Plan 2007-2010 and the elaboration of the new one will start in the next few months with the support of the United Nations Joint Team on AIDS (UNJTA). Support from the UN will focus on evidence-based advocacy towards more cost-effective scale up of services that include integrated and combined HIV prevention approaches.

Achievements and best practices

61. The recent parliamentary elections, strengthening of decentralization and growing public investment in the social sectors marked Angola's capacity to achieve positive change for most of its vulnerable population.

62. The new GoA programme for the four year mandate is highly ambitious and watchwords are social justice, inclusion, equality of opportunity and sustainable economic growth.

63. Moves to strengthen decentralization have provided increased opportunities for defining local development priorities as a participatory process between Municipal Administrations and citizens. A pilot group of 68 (of 164) municipalities became budget units for the first time in 2008 with US\$ 5 million to develop locally agreed projects financially independent of Provincial

⁷ Ministry of Planning, Key Indicators, 2009

⁸ (INLS Annual Report 2008)

Government and, as referred to above, joint municipal consultative councils were created from 2007.

64. 2007 saw evidence of a positive shift and stronger resolve by Government to push towards attainment of the MDGs. The most notable movement was the establishment of the National Council for Children (CNAC) responsible for implementation and monitoring of the 11 Commitments for Children – a series of commitments for child survival, development and protection signed by the Government of Angola and its development partners.
65. The recognized need for more social data to monitor the Commitments led to the establishment of SICA – the Indicator System for Angolan Children. The aim is to bring survey statistics together with routine data to create an integrated system provided information on the situation of children at least at Provincial level (if not at municipal level). This remains at an early stage but the National Institute of Statistics is determined to make the system function.
66. The creation of the National Network of People Living With HIV in 2007 supported by UNJTA can be considered as a crucial achievement for the engagement of CSO in the fight against HIV. Ensuring access to services and treatment, and avoiding an increase of HIV incidence remains the main challenge for upcoming years. The revision of the Law 8/04 on HIV and AIDS has to take place according to SADC recommendations.⁹ More particularly, the elimination of the article 15 of the Law related to criminalization of HIV transmission¹⁰ and the provision of broader protection for those vulnerable groups of HIV.
67. 2008 saw the launch of the third Multiple Indicator Cluster Survey in conjunction with a World Bank backed Household Expenditure and Income Survey that will provide essential data on the situation of children and women to measure change since the end of the conflict in 2002. This survey should provide an accurate picture of the impact of socio-economic measures undertaken since the end of the war and more importantly provide updated statistics on levels of poverty in the country and on the status of health and education which are crucial for determining the human development in the country.

Key national priorities, initiatives and commitments

Pledges by the State

68. The adoption – in June 2007 – by the Government of 11 “Commitments for Children” provides a clear roadmap for the achievement of children’s rights to development, survival and protection.
69. The Declaration of Commitment on HIV/AIDS issued in 2001 and adopted by the Government—the first worldwide pledge to address the epidemic— reflects a global consensus on a comprehensive framework to achieve the Millennium Development Goal of halting and beginning to reverse the HIV epidemic by 2015.

⁹ Model Law on HIV/ AIDS in Southern Africa. 2008

¹⁰ International Guidelines on HIV/ AIDS and Human Rights. 2006. OHCHR and UNAIDS

70. After the parliamentary elections in September 2008, the Angolan Government indicated a new willingness to resolve outstanding issues related to refugee and asylum issues. In October 2008 it announced that it intended to make a further effort to permit the repatriation of remaining Angolan refugees still willing to return to their homeland, to identify a durable solution for some 12,000 Katangan Congolese who have been refugees in Angola for over 30 years, and to be proactive in addressing challenges of mixed flows in a sub-regional context. In November 2008, the President established an inter-ministerial Working Group to deal with these issues chaired by the Ministry of Foreign Affairs..
71. According to UNHCR's statistics, at the beginning of 2008 there were still around 150,000 Angolans in neighbouring countries registered as refugees and some of them were still living in camps. Of these, approximately 83,000 had indicated their willingness to return home. The renewed organized repatriation was scheduled to start in May 2009 with returns from Zambia, but in fact the process was put on hold by the Government. Nevertheless, over 1,200 Angolan refugees are known to have returned spontaneously from Zambia between January and September 2009 even though reception facilities had not yet been put in place by the Angolan Government. In the meantime the identities and intentions of over 40,000 Angolan refugees were verified by UNHCR jointly with the DRC and Angolan authorities in the neighbouring Democratic Republic of Congo and confirmed that around 70 per cent of them still wish to return to Angola as soon as possible. Monitoring of the conditions of the returns will need to be carried out in due course.
72. The Government has emphasized in its Medium-Term Development Plan [2009-2013] the need for faster and more inclusive growth, the reduction by 90% the infant mortality and by 95% the maternal mortality [LTP, VIII-66, February, 2007] and promoting universal primary education by 2015, meeting the MDG Goal 2. [LTP, VIII-28, February, 2007].
73. Furthermore, the Government committed itself to promote sustainable human development, increase the HDI by, at least, 30 point, reaching the medium human development countries with 0,691 and reducing poverty by up to 75%.

Specific areas of concerns identified by UNCT

74. On 10 August 2009, OCHA-DRC sent the UN system in Angola a report dated 30 July 2009 relating to the various human rights abuses that foreigners deported from Angola to DRC had been subjected to. The report estimates that as of 15 July 2009, more than 114. 629 persons had been deported since December 2008, amongst whom 257 West Africans (inter alia Guineans, Ivorians, Malians, Senegalese, Sierra Leoneans, Gambians etc). The deported persons comprised 55.487 men, 26.788 women and 32.196 children. Amongst the children were unaccompanied minors, including below the age of 5, who were reportedly malnourished in a number of cases. The expelled individuals were deprived of all their belongings and arrived in deplorable conditions. It is reported that during the process of deportation, human rights abuses are committed allegedly by members of the armed forces, and private security companies with such practice as rape and cavity searches taken place in unacceptable hygienic circumstances. Alleged cases of rape range between 436

and 740 with one women reporting gang rape. The manner and scale of the expulsions are cause for serious concern as expressed in formal communication by the UN, as they seem to indicate a long-standing pattern that have continued despite calls for investigation by the UN's representatives in Angola.

75. There is a major concern about the way in which slum clearance and re-housing is taking place. Human rights and procedural steps must be in place in order to ensure that re-housing does not in fact amount to forced eviction. The rights of population under relocation to basic social services (in particular for children), must be respected, a concern that has been expressed especially in Luanda upon a visit of a technical team composed of several UN agencies to Viana in May 29, 2009

Capacity building and technical assistance

76. The United Nations Country Team in Angola is committed to supporting the Government of Angola in the implementation of its Draft Medium-Term Development Plan [2009-2013]. The UN works closely with the Government and other development partners towards the achievement of the Millennium Development Goals.

77. The UNDAF (2009-2013) was based on six of the Government's National Priorities, as outlined in the Draft National Medium-Term Development Plan [2009-2013]:

- Promote national unity and cohesion and the consolidation of democracy and national institutions
- Guarantee sound and sustainable economic development, with macroeconomic stability, transformation and diversification of economic structures
- Promote human development and social well being;
- Stimulate the development of the private sector and support national entrepreneurship;
- Promote the equitable development of the national territory
- Strengthen national competitiveness in international trade

New areas to propose

78. The UNCT encourages the Angolan Government to strengthen its interventions by:

- Ensuring that the new Constitution under preparation complies with international human rights instruments and create a strong normative and institutional framework for full respect of human rights.
- Adhering to all international human rights instruments that it has not yet signed or ratified
- Developing a comprehensive and integrated program in the area of rule of law, aiming to guarantee increased access to justice and fight against impunity

- Strengthening the mandate of the Office of the Ombudsman in relation to monitoring of human rights
 - Ensuring access to detention facilities and prisons for the purposes of human rights monitoring
 - Investing in awareness raising among the population on human rights and recourse to redress
 - Developing a system-wide policy to provide justice for children (juvenile courts, assessment and social work services, community service)
 - Developing a coherent, effective and humane migration management policy that would include provision for asylum and the return of rejected cases or irregular migrants in conditions complying with human rights norms
 - Ensuring the human rights monitoring of the return and reception of Angolan refugees returning from abroad
 - Establishing a comprehensive policy on forced evictions (in line with Angola's human rights obligations)
 - Strengthening internal data gathering and monitoring capacity at sectorial level
 - Strengthening the enabling environment for citizen participation in defining local development priorities through municipal and provincial level joint consultative councils
 - Supporting the Government in the defining policies for mitigating climate change and other environmental threats, especially those affecting the poor and vulnerable
 - Promoting an enabling environment for private sector development focused on job creation and pro-poor economic growth
79. UNCT Angola is ready to continue support through capacity building, training and providing technical expertise to government's effort to improve human rights situation. To this effect stronger collaboration with OHCHR is required.