

UNIVERSAL PERIODIC REVIEW OF THE UN HUMAN RIGHTS COUNCIL

- ANGOLA -

INFORMATION SUBMITTED BY ANGOLAN CIVIL SOCIETY ORGANISATIONS

PART 1 – Presentation

This document was produced by the Working Group on Human Rights Monitoring in Angola (GTMDH), a network that brings together¹ associations and civil society organisations with nationwide coverage. The Group has been monitoring the Universal Periodic Review process since 2009.

PART 2 – Executive Summary and Methodology

The Angolan organisations that subscribe to this document intend to provide their inputs in view of the passage of Angola through the Universal Periodic Review Mechanism. This document provides a real analysis of the human rights implementation in Angola, as well as provides recommendations that promote improvements of the human rights situation.

Ten human rights themes were identified and for each of those the underlying concerns of organisations are identified and a number of alternatives are provided with an aim to guarantee the related rights and freedoms. Reference is made to information previously submitted to the UN human Rights System by the Angolan Government.

Keywords: *Angola; international standards; right to housing; right to education; right to health; right to land; right of association; independent national human rights institutions; arrest; arbitrary arrest and torture; discrimination against women and children; sustainable development; hunger and poverty.*

PART 3 – Thematic Analysis

A) RATIFICATION OF PROTOCOLS, COVENANTS, CONVENTIONS AND THE DOMESTICATION OF THE INTERNATIONAL REGULATORY FRAMEWORK INTO DOMESTIC LEGISLATION

- Recommendations and remarks made under the UPR process (A/HRC/WG/7/6. L.10-conclusions/recommendations Nos 1-26, and 166):

1 AAM, ACC, AJPD, AJUDECA, ANGOLA 2000, FORDU, MBAKITA, MOSAIKO, NCC, OMUNGA, OSISA-ANGOLA, PMA, RNP+Angola, SCARJOV, SOS HABITAT.

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1. To consider ratifying ICERD, CAT and ICRMW, and the Second Optional Protocol to ICCPR, CRPD and the Optional Protocol as a further step in its progress towards full enjoyment of human rights.

- Underlying concerns raised by Angolan civil society organisations:

2. In its bid for membership of the Human Rights Council, the Angolan Government undertook to ratify several international treaties. However, after two tenures as a member, it has only presented a Statement of Intent.
3. Since 2010, a number of events involving abuse of authority, cases against activists, torture and police brutality in prisons, were reported by the media and denounced by civil society organisations. These have resulted in unfair and non-transparent cases that do not conform to the international standards ratified by the Angolan Government.

- Alternatives to improve the situation:

4. The Angolan Government should report on the degree to which it has implemented the recommendations according with report, A/HRC/WG/7/6. L.10- conclusions/recommendations Nos. 1-26, and 166.

B) RIGHT TO HOUSING

- Recommendations and remarks made under the UPR process (A/HRC/WG/7/6. L.10 - conclusions/recommendations Nos. 130-135, 131,134-137,141, and161-162):

5. To carry out indispensable urban rehabilitation and reconstruction in accordance with the relevant legislation and internationally accepted human rights standards;
6. To take the necessary measures to ensure that eviction is a last resort, and to adopt legislation and guidelines that strictly define the circumstances and safeguards in place for the moment when an eviction is carried out;
7. To invite the Special Rapporteur on Adequate Housing to assist, as part of the effort to ensure a dignified standard of living, in the process of creating or reforming legislation and policies to bring them into conformity with international standards.

- Underlying concerns raised by Angolan civil society organisations:

8. It is feared that the number of evictions will be even higher in the years to come, due to, *inter alia*, the following factors: the ongoing definition of land reserves throughout the country will set aside the land where construction will be considered lawful. Further, guidelines for evictions, suitable alternatives for accommodation, compensation, and access to legal remedies are lacking.
9. Since the elections of 2008, the Government has announced the building of one million houses in four years, but until now the conditions for access to these homes have not

been transparent. A number of housing projects have been planned and a special fund for loans to young people was created, but they are required to have formal employment to qualify for the loan, and the majority of people earn wages in an informal manner.

10. The National Assembly (NA) adopted resolution 37/09 which addressed the issue of forced evictions. However, there has been no oversight by the NA on the implementation of this resolution.

- Clarifications needed to improve the situation:

11. What mechanisms are in place for fair compensation of those families whose houses were demolished? What mechanisms are in place for negotiations between those affected by demolitions and the government?
12. Why does the government refuse to give title deeds to displaced families, or those made homeless, where they are re-settled?
13. Provide information on the programme to build one million houses and the procedures to be undertaken to obtain one.
14. What mechanisms are in place to ensure access to adequate housing by the most disadvantaged people?

- Alternatives for improving the situation:

15. Prepare a master plan on housing with pro-poor policies and disseminate clear public information on the requirements to access the housing;
16. Construct decent housing for families made homeless by demolitions and forced evictions, and construct such housing in places where their rights to education and health are provided;
17. Implement a mechanism for the provision of permanent title deeds for land where people are re-settled;
18. Base government policies, programmes, budgets, urban housing, and land use on the right to housing, which should systematically include a pro-poor component so as to start reversing the prevalence of social inequalities in the country;
19. Address the right to housing, as well as all other human rights, in decrees and bilateral and multilateral agreements.

C) RIGHT TO EDUCATION

- Recommendations and remarks made under the UPR process (A/HRC/WG/7/6. L.10-conclusions/recommendations Nos. 140,142, and147-157):

20. To place priority on the vital area of education, especially the education of girls and people with disabilities in rural areas ;
21. To continue to strengthen policies aimed at increasing the enrolment rate in primary and secondary education, and to implement the measures necessary to achieve the Millennium Development Goals in terms of reducing illiteracy rates;
22. To develop a programme for education and human rights training, as that could enhance the capacity of all stakeholders, including civil society, to facilitate such activities and ensure greater awareness among citizens with regard to human rights.

- Remarks already made by regional and international bodies:

23. The illiteracy rate is very high among those over the age of 15; children of poorer families; those with disabilities, including the victims of landmine accidents; those living in either remote rural areas, or urban areas with limited access to education; and those that drop out of school too early (E/C.12/AGO/CO/3/CRP.1, para. 38 and 39).
24. There is a lack of government investment in training on human rights. Such training is needed, particularly for professionals who play a direct role in the promotion and protection of human rights (E/C.12/AGO/CO/3/CRP.1, para. 38 and 39).

- Underlying concerns raised by Angolan civil society organisations:

25. The enrolment rate of primary school (class 1-6) is 56%. More than 30% of those over the age of 15 are illiterate. Half of those are women (A/HRC/WG.6/7/AGO/2, para. 111).
26. Although the law on the basic education system provides for free primary education, this is not always the case as there is a shortage of classrooms, lack of adequate teaching conditions in schools, and corruption. Thus, most students pay tuition in addition to paying for exams. In certain cases, students also have to pay for maintenance of the school.
27. As of yet, the Coordinating Committee for the Integration of Human Rights in the Educational Subsystems has not submitted a national plan for a human rights oriented education, nor have manuals for primary and basic education been produced.

- Clarifications needed to improve the situation:

28. What are the existing support and oversight mechanisms that could ensure free primary education and access to education by people with disabilities as recognised by law?
29. Bearing in mind that corruption affects education in Angola, what measures are taken to allow for the participation of civil society in the monitoring of the resources allocated to the education budget?

30. Is there a specific budget to fund the teaching of literacy teachers?
31. What measures have been taken to ensure that the different social actors can contribute to the preparation of a National Plan for Education in Human Rights?

- Alternatives for improving the situation:

32. Implement mechanisms for monitoring tuition and fees charged by schools, and provide support to disadvantaged children and adults, and people with disabilities, to access education;
33. Establish a bureau for adult and youth education, or a department within the Ministry of Education, to address specific problems related to the education of youth, adults, and people with disabilities;
34. Implement mechanisms that allow greater interaction between civil society and public bodies involved in adult and youth education;
35. Implement mechanisms that set the remuneration of literacy teachers;
36. Incorporate the subject of human rights into the academic syllabus at all school levels and establish a human rights specialisation at the public university level.

D) RIGHT TO HEALTH

- Recommendations and remarks made under the UPR process (A/HRC/WG.7/6. L.10-conclusions/recommendations Nos. 113, 114 and 117):

37. To allocate additional resources to improving the country's health infrastructure, while ensuring that ongoing health reforms take into account the rights of women, children, and people with disabilities.

- Recommendations and remarks already made by regional and international bodies:

38. There are high rates of maternal and child mortality, particularly of children under the age of five, as well as high rates of cholera and HIV/AIDS (E/C.12/AGO/CO/3/CRP.1, para. 35 and 36); and,
39. Investment in health infrastructures is insufficient (E/C.12/AGO/CO/3/CRP.1, para. 35 and 36).

- Underlying concerns raised by the Angolan civil society organisations:

40. Although the gross amounts have increased, the proportion of the government's budget for 2014 allocated to the social sector, which includes health, education and social

welfare, is 6.3%. It should be noted that the combined budgets allocated to education and health are still lower than those allocated to defence and police;

41. The infrastructure is inadequate and there is a shortage of equipment, medications, and qualified health professionals;
42. There is a lack of competent health personnel as well as equipment adapted for people with disabilities.

- Clarifications needed to improve the situation:

43. What is the government plan for reforming the national health system?

- Alternatives for improving the situation:

44. Increase investment in the health system, while taking into account the needs of communities in the delivery of health services;
45. Implement mechanisms for the participation of civil society in monitoring the resources allocated to the healthcare sector;
46. Operationalize the national institute for the rehabilitation of people with disabilities.

E) AGRO-PASTORAL INDIGENOUS COMMUNITIES RIGHTS TO LAND: ACCESS TO LAND AND RESOURCES

- Recommendations and remarks made under the UPR process (A/HRC/WG.7/6. L.10-conclusions/recommendations No 161):

47. To implement measures to end internal displacements, and to undertake social housing and land reform initiatives that benefit low-income, vulnerable, and marginalised individuals living in informal settlements.

- Recommendations and remarks already made by regional and international systems:

48. The Committee on Economic, Social and Cultural Rights noted with great concern that the massive migrations of communities and ethnic groups from rural to urban areas has undermined the preservation of their cultural heritage (E/C.12/AGO/CO/3/CRP.1, para. 39).

- Underlying concerns raised by the Angolan civil society organisations:

49. Despite the fact that the land law has made significant advances, the law is not clear on the rights of traditional groups, particularly those of agro-pastoral societies, whose

survival and development lies on their explicit recognition and defence by the government;

50. Conflict caused by the unlawful occupation of pastoral communities' land by business people is increasing, threatening food security, social stability, as well as the survival of the communities;
51. Farmers and cattle breeders, especially the agro-pastoral groups in the south, have no access as a group to bank loans, particularly to the loans available through the Angolan Development Bank.

- Clarifications needed to improve the situation:

52. What mechanisms will be used to protect the ecosystem, the culture, and the equality of rights of native peoples (i.e. the *San*, the *Vatua*, the agro-pastoral communities of the south and southwest Angola)?
53. How will the Angolan Government facilitate access to bank loans and to other mechanisms aimed at developing and promoting agro-livestock production by traditional groups?
54. What practical measures are in place on indigenous lands to halt the destruction of the environment?
55. With conflicts between agro-pastoral communities and businesspeople on the rise, what is the stance of the Angolan Government regarding the defence of community and family-owned lands?
56. What mechanisms are in place to compel mining companies, especially in agro-pastoral territories, to respect human rights and to contribute towards the development of local communities, through building necessary infrastructure, improving education, and providing drinking water and basic sanitation?

- Alternatives for improving the situation:

57. Pass specific legislation that recognises the existence of land belonging to indigenous agro-pastoral communities and implement concrete mechanisms for the defence of, and promotion of, their economy based on cattle breeding and agriculture;
58. Implement a system requiring corporate responsibility of extractive companies in the areas of indigenous communities, respect for human rights, preservation of the environment, and free access of communities to legal remedies.

F) RECOGNITION OF ORGANISATIONS AND ASSOCIATIONS OF HUMAN RIGHTS PROTECTION AND DEFENDERS

- Recommendations and remarks made under the UPR process (A/HRC/WG/7/6. L.10-conclusions/recommendations Nos. 106,106,107,108, 109 and110):

59. To guarantee human rights defenders full legitimacy and protection, in accordance with the United Nations Declaration on Human Rights Defenders;
60. To clarify the procedures for the establishment and recognition of associations and civil society organisations, and to guarantee their participation in the reform process;
61. To ensure that the procedures for the registration of civil society organisations are transparent, non-discriminatory, and expeditious.

- Recommendations and remarks already made by regional and international systems:

62. Expressed concerns regarding that civil society organisations are allegedly still under strict oversight, coordination, evaluation and inspections carried out by the Technical Unit of the Coordination of the Humanitarian Assistance (E/C.12/AGO/CO/3/CRP.1, para. 13).

- Underlying concerns raised by Angolan civil society organisations:

63. The Technical Unit of the Coordination of the Humanitarian Assistance was established in a context of war and, therefore, had a mandate of coordinating the humanitarian assistance operations. Its role has not been re-defined since the end of the war;
64. There is no standardisation in the implementation of the Law of Associations and the process is difficult for organisations of certain provinces, some who have to travel to Luanda to get registered/licensed;
65. There is hostility and pressure from the Angolan Government to label human rights associations and organisations as opposing the government, and whose actions are a threat to social peace and public order;
66. There is a lack of will (criteria) to give human rights organisations and association of human rights defenders public utility status;
67. Judicial harassment against human rights defenders, including journalists, has been on the increase over the past few years.

- Clarifications needed to improve the situation:

68. What steps are being taken by the Angolan Government towards the preparation of a regulation, or regulating of the Law of Associations?
69. What has already been done to ensure that the process of registering and licencing human rights defence associations and organisations is more expeditious and less

bureaucratic per Decree-Law 16-A/95 of 15 December and the Law of Association?

70. In light of the arrests and disappearance of citizens and human rights defenders, what mechanisms are in place to hold those institutions that engage in unlawful arrests accountable?
71. Why aren't the procedures and administrative costs related to setting up and registering human rights associations in Angola standardised in every province, especially if compared with the capital Luanda?
72. Why aren't associations and organisations at the local level (provinces and municipalities) invited to participate in the Council for Social Hearing and Concentration (ACSH) pursuant to law No. 17/10?

- Alternatives for improving the situation:

73. Standardise administrative procedures for the set-up, registration and licencing of associations, including the required costs.
74. Align the process of registering and licencing associations to be in accordance with Decree-Law 16-A/95, of 15 December.
75. Take all necessary measures to ensure that human rights defenders, including journalists, are able to carry out their activities, free from any kind of harassment, including judicial.

G) ESTABLISHMENT OF A NATIONAL INDEPENDENT HUMAN RIGHTS INSTITUTION ACCORDING TO THE PARIS PRINCIPLES

- Recommendations and remarks made under the UPR process (A/HRC/WG.7/6. L.10-conclusions/recommendations Nos. 27, 28, 29, 30, 31, and 32):

76. To continue to work to improve national mechanisms for the protection of human rights;
77. To establish a fully independent National Human Rights Institution in accordance with the Paris Principles.

- Underlying concerns raised by the Angolan civil society organisations

78. There are no independent bodies set up by the Angolan Government tasked with monitoring human rights violations;
79. The Angolan Government neither makes public nor disseminates the reports and recommendations of the UN Organ treaties, which would thereby allow citizens to become familiar with their responsibilities;
80. There is an absence of cooperation between the Angolan Government and civil society

organisations concerning compliance with the guidelines issued by regional and international human rights institutions;

81. The law establishing the Ombudsman prevents the reports on the complaints submitted by the public regarding violations of human rights from being made public.

- Clarifications needed to improve the situation:

82. What are the barriers faced by the Angolan Government to establish a National Independent Human Rights Institution in accordance with the recommendations of the UPR process in 2010?
83. Why aren't human rights associations or organisations allowed to conduct visits to prisons, or prison cells in police stations and municipal police commands?
84. What are the obstacles faced by the Angolan Government in preparing its human rights reports, making them public, and allowing the participation of associations, civil society organisations, and professional institutions with regard to the treaties ratified by Angola?

- Alternatives for improving the situation:

85. Implement the UPR Recommendations Nos. 27, 28, 29, 30, 31, and 32.

H) ARBITRARY ARREST, DETENTION AND TORTURE

Recommendations and remarks made under the UPR process (A/HRC/WG.7/6. L.10-conclusions/recommendations Nos. 72, 73,74,75,76, and 77):

- Underlying concerns raised by Angolan civil society organisations:

86. In most prisons of Angola, people detained or arrested arbitrarily have been found and are still being found, including minors, whose pre-trial detention period has expired. Other prisoners are serving the time of their sentences penalty, in a clear violation of the law. The country has 34 prison facilities, currently housing 21,634 inmates, well above the planned capacity of 12,970;
87. In recent years, Angolan prisons have recorded a number of brawls among inmates that have caused serious injury even fatalities. The clashes of 4 December 2013 at the Luanda Central Prison (CCL) resulted in the deaths of nine inmates and twenty-two wounded;²

² http://www.portalangop.co.ao/angola/pt_pt/noticias/politica/2013/11/49/Angola-Autoridades-apoiam-familiares-sinistrados-CCL,d16368ea-80d5-4f80-8ee3-238f2ec41539.html (Portuguese) or http://www.portalangop.co.ao/angola/en_us/noticias/politica/2013/11/49/Prison-authorities-support-deceased-inmates-next-kin,74504a34-5c26-4871-acba-1beef7d18561.html (English).

88. There has been dissemination of videos showing prisoners being tortured at the CCL and the Viana Prison. Despite reports by civil society organisations and journalists, proceedings against perpetrators are often weak, and in many cases perpetrators are not held criminally accountable, nor are they even brought to court;
89. Civil society organisations have found it difficult to access detainees and prisoners, making it challenging to conduct their work due to the obstacles orchestrated by prison authorities;
90. There are records of arbitrary arrests, violence against peaceful demonstrations, proceedings against protesters resulting in sentences that require payment of hefty sums for bail;
91. There are records of police brutality in public places, and gunshots in public places resulting in death of informal saleswomen and moto-taxi operators. The officers involved in these incidents are not held accountable;
92. The judiciary is perceived as an institution subservient to political direction, influence and pressure, that does not effectively play its critical role in the defence, protection and enforcement of fundamental rights and freedoms;
93. An independent and impartial investigation is needed on the forced disappearance of demonstrators Alves Camulingue and Isaias Cassule, as well as on four cases of torture against prisoners in CCL.

- Clarifications needed to improve the situation:

94. What mechanisms will be adopted to ensure that all citizens, irrespective of their origin, race, gender, social and economic background, can access legal representation to safeguard of their fundamental rights?
95. What measures will be adopted to combat arbitrary arrests, torture and unlawful arrests, especially when citizens exercise their right to peaceful demonstration and without weapons, which is enshrined in the Angolan Constitution, Article 47 and in Article 4 of the African Charter?

- Alternatives for improving the situation

96. Angolan prisons need to be more humanized, and suitable policies for the management of prison activity, in accordance with the Guidelines of Robben Island, should be adopted in order to guarantee the rights of detainees. Clear policies, which make the lives of inmates less painful, must also be established in order to reintegrate and re-socialise inmates in communities after they serve their sentence;
97. Prioritise the expansion of municipal courts and related support services, and facilitate mechanisms to access legal representation and improve the fees of lawyers assigned to defend underprivileged citizens;
98. Adopt policies for incentives, attract new qualified staff to increase the number of magistrates, implement existing legal instruments, and strengthen existing mechanisms

to combat corruption in the judiciary;

99. Bring an end to the climate of repression, arbitrary arrests, torture, and illegal prisons, thereby respecting Article 47 of the Angolan Constitution.
100. Guarantee the independence, impartiality and effectiveness of the judiciary, in accordance with Angola's regional and international obligations

I) LEGISLATIVE MEASURES FOR PROHIBITING ALL FORMS OF DISCRIMINATION AGAINST WOMEN AND CHILDREN, AND FOR THE PROMOTION OF GENDER EQUALITY

- Recommendations and remarks made under the UPR process (A/HRC/WG.7/6. L.10-conclusions/recommendations Nos. 46-71):

101. Take legislative measures to explicitly prohibit all forms of discrimination, especially against children with disabilities, girls, and children belonging to San communities, and to protect children accused of witchcraft;
102. In collaboration with civil society organisations and public personalities, take measures aimed at ensuring women's right to non-discrimination and equality, as proposed by the Committee on the Elimination of Discrimination against Women (CEDAW);
103. To strengthen its policy aimed at the full guarantee of children's rights, with attention to the implementation of the Guidelines for the Alternative Care of Children, in accordance with Human Rights Council resolution 11/7 and General Assembly resolution 64/142.

- Underlying concerns raised by Angolan civil society organisations:

104. There has been no effective implementation of Law 25/11 of 14 July (law against domestic violence) and, further, the tendency of the Government is to encourage women to opt for mediation rather than prosecution in cases of domestic violence;
105. Information on the extent of the implementation of the CEDAW recommendations on Angola is lacking;
106. Prostitution continues to thrive because poverty practically forces families to send their girls out to prostitute themselves;
107. Firearms are involved in domestic violence crimes;
108. A low proportion of women are in formal employment. Instead, most work in the informal sector with no legal protection, social security, or other benefits.

- Clarifications needed to improve the situation:

109. When will the draft law on the National Gender Policy be adopted?
110. What steps have been taken towards the establishment of shelter institutions for victims of domestic violence and for the training of personnel to care for the victims?
111. When will a specific law on the use and carrying of firearms be passed/drafted?

- Alternatives for improving the situation:

112. The Angolan Government should disclose the data on cases of gender-based violence, including the number of complaints, prosecutions, convictions, and sentences of perpetrators of sexual and gender-based violence, as well as provide data on the number of shelters, and/or counselling and rehabilitation services for women victims of such violence;
113. The Government must take steps to adopt legislation and policies on gender equality, and to ensure that the recommendations of the CEDAW Committee are disseminated and applied;
114. Existing mechanisms to better protect children accused of witchcraft must be strengthened;
115. The United Nations Convention against Transnational Organised Crime and its Protocol must be ratified to prevent, suppress, and punish those involved in human trafficking, especially of women and children;
116. A specific law on the use and carrying of firearms must be drafted/passed.

J) SUSTAINABLE DEVELOPMENT AND FIGHT AGAINST HUNGER AND POVERTY

- Recommendations and remarks made under the UPR process (A/HRC/WG.7/6.L.10-conclusions/recommendations Nos. 46, 116, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 132, 145, and 163):

117. To continue to promote solidarity among all regions and provinces in order to ensure sustainable and harmonious economic and social development. Consider as a priority the most vulnerable population groups, particularly women and children.

- Underlying concerns raised by the Angolan civil society organisations:

118. The policies and strategies to combat hunger and poverty are not clear, transparent, or participatory;
119. The civil society organisations are excluded when the projects and programmes to combat poverty are designed and considered, especially those concerning the mitigation

of drought and hunger.

- Clarifications needed to improve the situation:

- 120.** We became aware of the drought in southern Angola. What measures have been adopted to mitigate and reduce its impact over the next few years?
- 121.** What plans are in place to ensure access to drinking water and by cattle in those regions affected by drought?

- Alternatives for improving the situation:

- 122.** Prepare/draft policies to subsidise farming activities with the goal to accelerate the fight against hunger and poverty;
- 123.** Create homes for senior citizens and ensure regular food assistance to elderly and disabled persons in rural, peri-urban, and urban areas;
- 124.** Ensure that the school meal programme covers all public schools in rural areas as an incentive for students and invite civil society organisations to oversee and monitor its implementation;
- 125.** Make provisions of special food baskets for poorer and disadvantaged families in the agro-pastoral communities to mitigate the endemic hunger exacerbated by reduced rainfall and shortage of food products;
- 126.** Implement measures that help to protect the environment by involving local communities, and implement wastewater and rainfall utilisation programmes to reduce the impact of drought and to prevent the displacement of communities.