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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

ANGOLA

Concluding Observations of the Committee on Economic, Social and Cultural Rights

1. The Committee on Economic, Social and Cultural Rights considered the initial to third periodic report of Angola on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/AGO/3) at its 42nd, 43rd and 44th meetings, held on 12 and 13 November 2008 (E/C.12/2008/SR. 42, 43 and 44), and adopted, at its 54th meeting held on 20 November 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined initial to third periodic report of Angola and the opportunity thus offered to engage in a constructive dialogue with the State party. The Committee also welcomes the State party's written replies to its list of issues, as well as the answers provided by experts from the delegation of the State party to the Committee's oral questions. It regrets however that several of its questions have remained unanswered.

B. Positive aspects

3. The Committee notes with appreciation the ratification by the State party of the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption, in 2006.

4. The Committee welcomes the creation of the Ministry of the Family and Women in 1997.

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5. The Committee notes with appreciation the progress made by the State party to reach Millennium Development Goal 2 related to achieving universal primary education, between 1999 and 2006.
6. The Committee takes note of the programmes carried out by the State party to reintegrate Internally Displaced Persons (IDPs) affected by the armed conflict, such as the programme for reintegrating displaced persons and the Angolan Refugee Repatriation Programme.

C. Factors and difficulties impeding the implementation of the covenant

7. The Committee notes that it is only since 2002 that the State party has enjoyed a period of peace. Twenty seven years of civil war, which followed a 13-year independence war had a serious negative impact on the implementation of economic, social and cultural rights in the State party.

D. Principal subjects of concern and suggestions and recommendations

General

8. The Committee notes with concern that the last census in the State party was carried out in 1972 and that, despite the existence of the National Statistics Institute and the Survey on Core Welfare Indicators carried out, the State party did not provide updated disaggregated statistical data in the report, which would have contributed to the adoption of more relevant decisions in the field of domestic social, economic and cultural policies enabling the Committee to better assess the implementation of the Covenant.

The Committee recommends that when carrying out its next census in 2009, the State party adopt rights-based indicators and benchmarks to monitor the progressive realization of the rights recognized in the Covenant and that to this end establish a data collection, and provide in its second periodic report updated statistical data on the enjoyment of economic, social and cultural rights, disaggregated by gender, age, rural/urban population and by refugee/IDPs, HIV/AIDS and disability status.

9. While noting article 21 (2) of the Constitutional Law, the Committee is concerned that it did not receive either a clarification about whether the Covenant has been given full effect into the domestic law, or examples of cases in which provisions have been directly applied in the courts of the State party.

The Committee recommends that the State party strengthen its efforts to give full effect to the Covenant in domestic law and to provide relevant case law in its next periodic report. In this respect, the Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant. The State party should ensure that judicial training take full account of the justiciability of Covenant rights and take measures to increase awareness of the possibility of invoking its provisions before the courts.

10. The Committee notes with concern that the State party has not yet adopted strong and efficient measures to combat corruption and impunity, despite the fact that the State party is a country with a high level of corruption. It regrets the lack of concrete information regarding the cases of politicians, civil servants, judges and other officials having been prosecuted and sanctioned on charges of corruption.

The Committee recommends that the State party: (a) enact domestic legislation to incorporate the international conventions against corruption ratified by the State party in 2006; (b) train politicians, law makers, national and local civil servants and law enforcement officers on the economic and social costs of corruption (c) train judges, prosecutors, the police and other law enforcement officers on the strict application of anti-corruption laws; (d) review its sentencing policy for corruption-related offences; (e) ensure the transparency of the conduct of public authorities, in law and in practice; (f) elaborate, in cooperation with relevant organizations and institutions, guidelines and a code of ethics, as well as conduct awareness-raising campaigns.

11. The Committee notes with concern that the mandate of the *Provedor de Justica in Angola* is very limited and that this institution appears not to be an independent national human rights institution established in accordance with the Paris Principles of 1991.

The Committee recommends that the State party strengthen the mandate of the *Provedor de Justica in Angola*, increase its budget in order for this institution to have a wider presence at the provincial level, and seek its accreditation to the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC) to ensure it functions in accordance with the Paris Principles relating to the Status of National Institutions (General Assembly resolution 48/13 of 20 December 1993, annex).

12. The Committee notes with concern that the Constitutional Law does not fully guarantee the independence of the judiciary, which is allegedly often subjected to executive influence, lacks adequate financial means and suffers from widespread corruption. It regrets that the majority of Angolans do not have access to a formal justice system and the lack of judicial officials at municipal levels.

The Committee urges the State party to take the appropriate measures to ensure that the independence of the judiciary is guaranteed, and that this principle is fully implemented and promoted. The State party is invited to conduct training for judges and lawyers on economic, social and cultural rights.

13. The Committee is concerned that NGOs involved in the realization of economic, social and cultural rights are allegedly still under strict oversight, subject to coordination, evaluation and inspections carried out by the Technical Unit for the Coordination of Humanitarian Assistance, and that human rights defenders are still subjected to many legal and de facto restrictions, which constitutes a serious obstacle to the promotion and protection of economic, social and cultural rights.

The Committee urges the State party to establish legal guarantees to enable NGOs to carry out their activities for the promotion and protection of economic, social and cultural rights without arbitrary interferences. The Committee further urges the State party should to ensure that perpetrators of attacks to the human rights defenders are brought to justice.

14. The Committee regrets the closure of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Angola, in May 2008, and is concerned about related potential negative impact for the promotion and protection of economic, social and cultural rights in the State party.

The Committee urges the State party to strengthen its national capacities by cooperating with the Office of the High Commissioner for Human Rights, including on the follow-up to the implementation of these concluding observations. It invites the State party to facilitate the OHCHR's activities in the promotion and protection of human rights, including economic, social and cultural rights, and to explore the ways in which more concrete cooperation between OHCHR and the State party may take form.

Article 2, paragraph 2

15. The Committee is concerned about the discrimination against women, migrants, IDPs, poor people, disabled people and persons affected with HIV/AIDS who suffer from inadequate access to basic education, adequate housing, and health services.

The Committee urges the State party to take all appropriate and effective measures, including the adoption of a global policy, to combat and eliminate discrimination against women, migrants, IDPs, poor people, disabled people, persons affected with HIV/AIDS.

16. While taking note of the adoption of the programme “Vem comigo”, the Committee is concerned at the inadequacy of measures to ensure adequate standards of living for persons with disabilities, including the mentally ill.

The Committee encourages the State party to continue its efforts towards the adoption of concrete measures to enable persons with disabilities to enjoy fully the rights guaranteed by the Covenant.

Article 3

17. The Committee notes with concern that some public and private companies do not comply with the principle of equal wage for men and women.

The Committee urges the State party to effectively implement measures recently adopted to ensure equal pay for work of equal value, as provided for in the Covenant, and to reduce the wage gap between men and women.

18. The Committee is concerned at the low representation of women in Parliament, in senior Government positions and in the Judiciary.

The Committee recommends that the State party adopt special affirmative measures, such as guaranteed seats in Parliament and statutory minimum quota for the appointment, recruitment and promotion of women in Government positions and in the judiciary, including at senior levels and in the highest courts.

Articles 6, 7 and 8

19. The Committee regrets that, despite its macroeconomic growth in last years, the State party has not created sufficient jobs for men and women, in particular those living in slums, persons with disabilities and IDPs. The Committee regrets that supervision by the General Labour Inspectorate is inadequate.

The Committee recommends that the benefits of the State party's macroeconomic growth be used to promote policies to create jobs specially for the most marginalized and disadvantaged individuals. It also recommends that the State party intensify its efforts, in both urban and rural areas to: (a) achieve higher level of employment, e.g. through vocational training and infrastructural measures; (b) ensure that labour inspectors act independently and effectively to combat violations of basic labour rights; and (c) establish a data collection system to monitor unemployment and informal sector employment.

20. The Committee notes with concern that despite an increase in the rate of the economic growth in last three years, the vast majority of those employed in the State party work in the informal economy, have been deprived of the enjoyment of their rights under the Covenant, including labour rights and right to social security, and exposed to economic exploitation and to other forms of discrimination.

The Committee recommends the State party to adopt legal, economic and educational measures to encourage employers and those working in family business or self-employed to join the formal sector, and requests the State party to provide the Committee with information in its next report to assess the level of progress achieved in this area.

21. The Committee, while noticing that the minimum wage has been recently increased by the State party, regrets that it still does not provide an adequate standard of living for workers and their families.

The Committee recommends that the State party increase the minimum wage to ensure it provides workers with an adequate standard of living for themselves and their families, in accordance with article 7 (a) (ii) of the Covenant.

22. The Committee notes with concern the obstacles reported to the establishment of trade unions and the low participation and limited membership. It also concerned at excessive restrictions on the right to strike.

The Committee recommends to the State party to take appropriated measures to ensure freedom to form and join trade unions, to prevent interference in the management and operation of trade unions, and to remove excessive restrictions on the right to strike in law and in practice.

Article 9

23. The Committee notes with concern that the social security system in place in the State party does not ensure access for all workers and that the amount of social security benefits do not enable workers and other families to enjoy an adequate standard of living.

The Committee recommends that the State party take all necessary measures to ensure access to all workers to the social security system and progressively increase the amounts of social security benefits so as to enable workers and their families to enjoy an adequate standard of living. The Committee recommends that the State party take immediate steps to incorporate non-contributory benefits for those who are unable to pay social security contributions and are therefore still not covered by social security, including the unemployed, persons with disabilities, older persons and other disadvantaged and marginalized individuals and groups. It also recommends that the State party consider ratifying ILO Convention No. 102 concerning Minimum Standards of Social Security (1952).

Article 10

24. The Committee notes with concern the absence of statistical data on the incidence of domestic violence in the State party, as well as the lack of information on complaints filed by victims of domestic violence, including spousal rape, and the absence of criminal law provisions specifically criminalizing such violence.

The Committee recommends that the State party: (a) strengthen its efforts to enact legislation specifically criminalizing domestic violence, including spousal rape, and customary practices that degrade and harm women; (b) train judges, prosecutors and the police on the strict application of such criminal law provisions; (c) raise public awareness, in particular at the community level, about the criminal nature of domestic violence and harmful customary practices; and (d) provide in its next periodic report updated data on the number and nature of reported cases of domestic and sexual violence, investigations and on the sanctions imposed on perpetrators.

25. The Committee notes with concern that the phenomenon of children being accused of witchcraft is still common in the State party, particularly in remote provinces, and has a very negative impact in the enjoyment of their rights established in the Covenant, including the right to education and health.

The Committee urges the State party to take efficient measures aimed to eradicate the phenomenon of children being accused of witchcraft and to protect the victims. The State party is invited to conduct awareness-raising campaigns about the negative impact of this phenomenon in the realization of the rights of children established in the Covenant.

Article 11

26. The Committee notes with concern that, in spite of the State party's significant economic growth and huge natural wealth, the resources allocated to social services and public infrastructure are far from adequate.

The Committee the State party take all appropriate measures, including by allocating product of oil and diamond revenues, to accelerate the rehabilitation and reconstruction of public infrastructure and social services in both the urban and rural areas.

27. While noting the facilities provided for the return of persons who were internally displaced by the armed conflicts (IDPs), the Committee notes with concern that the State party has not taken sufficient and efficient measures to assist those who have not returned yet, and that IDPs are among the poorest groups in the State party.

The Committee recommends that the State party provide adequate assistance, including financial, for the resettlement of internally displaced persons and for their reintegration into society, and ensure that those IDPs who have not been resettled or returned to their homes have adequate access to housing and employment in places of new settlements.

28. The Committee notes with concern that, despite the unprecedented economic growth, a high percentage of the population of the State party lives in poverty and extreme poverty, including persons living in rural and deprived urban areas, the landless persons, women, children, female-headed households, families affected by HIV/AIDS, persons with disabilities and IDPs. The Committee is concerned that its Poverty Reduction Strategy is apparently ineffective. The Committee in particular notes that the State party has not yet created an efficient coordination mechanism to combat poverty.

The Committee urges the State party to take all necessary measures to implement a poverty reduction strategy which should integrate the economic, social and cultural rights, in line with statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E.12/2001/17, annex VII). The Committee recommends that the State Party include evaluation measures to assess

the impact of its strategy and identify its weaknesses. The Committee requests that the State party include in its next report comparative data disaggregated by gender, age, rural and urban populations, as well as indicators on the number of persons living in extreme poverty, and on the progress made in its efforts to combat poverty.

29. The Committee is concerned about the high incidence of acute malnutrition and chronic malnutrition in all the provinces of the State party, particularly affecting children. The Committee notes with concern the reports of widespread hunger in Lunda provinces due to the expropriation of farmlands for the purpose of commercial diamond mining.

The Committee recommends that the State party effectively implement and allocate sufficient resources to relevant programmes and funds to ensure physical and economic access for everyone, especially those from the most disadvantaged social groups, to the minimum essential food, which is sufficient, nutritionally adequate and safe, to ensure freedom from hunger, in line with the Committee's general comment No. 12 (1999) on the right to adequate food as well as its Statement on the world food crisis (E/C.12/2008/1). The Committee also urges the State party to ensure that expropriations of farmerlands do not have a negative impact on the right to food of those who have been expropriated.

30. The Committee is concerned about the large proportion of the population living in slum conditions and about the lack of effective measures to provide social housing for low-income, vulnerable and marginalized individuals who are living in informal settlements and are frequently deprived of affordable access to adequate water and sanitation.

The Committee recommends that the State party adopt a comprehensive housing plan and policies, and allocate sufficient budgetary resources to ensure its implementation, especially for low-income groups and marginalized individuals and groups. The Committee also recommends that the State party take immediate measures to ensure safe access to adequate water and sanitation in informal settlements in Luanda and other big cities in line with the Committee's general comment No. 15 (2002) on the right to water.

31. The Committee is concerned about the forced evictions which have taken place in the Luanda neighbourhoods, informal settlements and agricultural areas, reportedly without prior notice and provision of adequate alternative housing or compensation, and sometimes with excessive use of force and abuse.

32. **The Committee recommends that the State party: (a) take appropriate measures to ensure that evictions are only used as a last resort, adopt legislation or guidelines strictly defining the circumstances and safeguards under which evictions must take place, in accordance with the Committee's general comment No. 7 (1997) on the right to adequate housing (art. 11.1); forced evictions; (b) investigate all allegations of excessive use of force by police and state officials involved in forced evictions and bring all those responsible to justice; (c) ensure that every victim of forced evictions is provided with adequate alternative housing or compensation and that he or she has access to an effective remedy;**

(d) ensure that any forced evictions carried out in the context of the African Cup of Nations, a sport event which will take place in 2010, meet the requirements and guidelines of the general comment No. 7 and (e) include in its next periodic report disaggregated data by gender, age, rural/urban population, concerning forced evictions.

33. The Committee regrets that, despite the efforts initiated by the State party at the end of the war, it remains heavily landmined, with disastrous effects on the enjoyment of rights of individuals and groups, in particular the most disadvantaged and marginalized.

The Committee urges the State party to accelerate its efforts to deactivate the anti-personnel mines, and other relics of war, to prevent landmine accidents and assist the victims, and to seek all bilateral and international cooperation in this regard.

34. The Committee notes with concern that the State party has not sufficiently extended the coverage of the civil registration facilities, in particular with respect to birth registration, and that this fact deprives those not registered of the equal enjoyment of economic, social and cultural rights.

The Committee recommends to the State party to take effective steps to ensure registration of all new children without any discrimination and to extend the coverage of civil status registration to all other persons not yet registered.

35. The Committee is concerned about the poor physical conditions, poor access to adequate food and water, severe overcrowding, and lack of adequate medical treatment in the psychiatric hospitals and prisons in the State party.

The Committee urges the State party to adopt a Plan of Action to guarantee human conditions of life and health care to all psychiatric hospital patients and to all prisons' inmates, according to the United Nations relevant standard minimum rules, and to provide the Committee with adequate information on progress achieved in those institutions in the next periodic report.

Article 12

36. The Committee is concerned about the very high maternal, infant and under-five mortality rates, as well as at the very high incidence of cholera and HIV/AIDS. The Committee notes with deep concern that life expectancy in the State party is only 41 years. The Committee is also concerned at the negative impact of the war on the right to health of a high percentage of the population, who suffer from war post-traumatic mental disorders, and serious war related health problems.

The Committee recommends that the State party should step up its efforts in the area of health and requests it to adopt a global health policy that includes prevention programmes which will ensure that the poorest sectors of the population have access to free, high-quality and universal primary health care, including dental care, as well as policies targeted to individuals who suffer from war post-traumatic

mental disorders. The Committee requests the State party to provide detailed and updated information in its next report, including disaggregated statistical data and indicators, that will allow it to assess the level of progress achieved in that area.

37. The Committee is concerned about the limited access to sexual and reproductive health services and contraceptives, especially in rural and deprived urban areas.

The Committee recommends that the State party ensure affordable access for everyone, including adolescents, to comprehensive family planning services and contraceptives, especially in rural and deprived urban areas, adequately funding the free distribution of contraceptives, raising public awareness and strengthening school education on sexual and reproductive health.

Article 13

38. The Committee notes with concern that: (a) indicators for education in the State party are very low; (b) the illiteracy rate among people over 15 years is very high; (c) children from poor families, girls, children with disabilities, victims of mine accidents and children living in both urban and remote rural areas have limited access to education, including education in their mother tongue, and often drop out of school.

39. The Committee regrets that the budget allocated to the education decreased between 2004 and 2006, despite the rapidly rising number of children in the school age. It is also concerned at the lack of schools and training of teachers, especially in remote areas and in slums settlements.

The Committee recommends that the State party: (a) adopt a comprehensive plan of action concerning the educational system; (b) ensure the availability of teachers in remote rural areas, and that they are fully trained and qualified; and (c) increase public expenditure on education in general, and take deliberate and targeted measures towards the progressive realization of the right to education for the disadvantaged and marginalized groups throughout the country.

Article 15

40. The Committee notes with concern that, due to the massive migrations of communities and ethnic groups from the rural to urban areas, the preservation of their cultural heritage has been undermined.

The Committee requests information from the State party in its next periodic report on the enjoyment of the right to participate in and benefit from cultural life, such as access to cultural activities and cultural property, especially by disadvantaged and marginalized groups in society, and on measures undertaken to implement the right of Angolan communities, including San people, to the preservation, protection and development of their cultural heritage.

41. The Committee encourages the State party to deploy all its efforts to promote the realization of human rights, including economic, social and cultural rights, and to implement a rights-based strategy to combat poverty.

42. The Committee recommends that the State party provide education on economic, social and cultural rights to students at all levels of education and extensive human rights training for members of all professions and sectors that have a direct role in the promotion and protection of human rights, including judges, lawyers, civil servants, teachers, law enforcement officers, migration officers, the police and the military.

43. The Committee recommends that the State party consider ratifying ILO Conventions No. 102 (1952) concerning Social Security; No. 103 (1952) concerning Maternity Protection; No. 111 (1958) concerning Discrimination in Employment and Occupation and No. 183 (2000) concerning the Revision of the Maternity Protection Convention..

44. The Committee recommends that the State party consider ratifying ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries..

45. The Committee recommends that the State party accelerate its efforts to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

46. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

47. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among State officials, the judiciary and civil society organizations, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

47. The Committee requests the State party to submit its fourth and fifth periodic reports by 30 June [2013.]
