

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
<small>No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 441 05 05 /441 05 06, Fax: (220) 441 05 04 E-mail: au-banjul@africa-union.org; Web www.achpr.org</small>		

**Twelfth Extraordinary Session
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**Concluding Observations on the Cumulative Periodic Reports (2nd, 3rd, 4th and 5th) of the
Republic of Angola**

I - INTRODUCTION

1. The Republic of Angola is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), having ratified the latter on 2 March 1990.
2. Angola also ratified the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa (the Maputo Protocol), on 30 August 2007.
3. Angola submitted its Initial Report to the African Commission on Human and Peoples' Rights (the African Commission) at the 24th Ordinary Session, held from 22 - 31 October 1998 in Banjul, The Gambia.
4. The present Report, which covers the period from 2002 to 2010, combines the Second, Third, Fourth and Fifth Periodic Reports. It was considered by the African Commission during its 51st Ordinary Session, held from 18 April - 2 May 2012 in Banjul, The Gambia.
5. The Report was presented to the African Commission by the Delegation from Angola (the Delegation), led by His Excellency, the Secretary of State for External Relations, Ministry for Political Affairs, Hon. Mr. Manuel Domingos Augusto.
6. The Report highlights developments which have taken place in the country in the area of the promotion and protection of human and peoples' rights, and measures put in place to comply with the country's obligations under the African Charter.
7. The present Concluding Observations give an account of the positive aspects, the factors restricting the enjoyment of human rights and the areas of concern identified in the Report. Finally, the Commission makes recommendations to the

Republic of Angola on measures needed to strengthen the enjoyment of human rights as guaranteed by the African Charter, as well as other relevant legal instruments.

8. The African Commission reiterates the conclusions and recommendations stated in its report of the mission to Angola in April 2010.

II - Positive Aspects

The African Commission:

9. Welcomes the efforts made by the State Party in preparing and presenting its report and commends the latter for its commitment to implementing the provisions of Article 62 of the African Charter.
10. Commends Angola for establishing the Inter-sectoral Commission in Charge of Preparing Human Rights Reports (CIERDH), a broad-based inter-departmental Commission responsible for preparing State reports which is open to civil society organizations.
11. Notes with satisfaction the enactment of a new Constitution on 3 February 2010, which guarantees fundamental rights in accordance with the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant international treaties ratified by the Republic of Angola.
12. Commends the enactment of the following laws:
 - The Labour Law, Law no. 2/00, which enshrines the principles of the Convention concerning the Night Work of Young Persons Employed in Industry (no.6), the Convention on the Worst Forms of Child Labour (no.182) and the Convention concerning Minimum Age for Admission to Employment (no.138);
 - The Law against Domestic Violence, Law no. 25/11;
 - The Law on Prisons, Law no. 8/08, which is in harmony with principles contained in international legal instruments, including the Standard Minimum Rules for the Treatment of Prisoners.
13. Welcomes the establishment of new institutions for the promotion of human rights, such as the Secretariat of State for Human Rights and the Office of the Ombudsman of the Republic.
14. Commends Angola for establishing the following programmes to ensure the promotion and protection of human rights:

- The Training and Evaluation Programmes related to the respect of human rights by citizens and institutions in all provinces of the country;
 - The Human Rights Monitor Training Programme; and
 - The Mediator Training and Capacity Building Programme.
15. Welcomes the abolition of the death penalty, as stipulated in Section II of the Constitution.
16. Welcomes with satisfaction the measures adopted by Angola to provide free birth registration for Angolan children, ensuring their right of citizenship.
17. Commends the Government for its policy to provide free and compulsory primary education.
18. Welcomes the adoption of the National Strategy and the Strategic Framework for the Promotion of Gender Equality, based on the Beijing and Dakar Platforms for Action, and the enactment of the General Labour Law which comprises norms for preventing and combating discrimination.
19. Welcomes the measures adopted to give effect to the right to the best attainable state of health, including:
- immunization campaigns against poliomyelitis and measles;
 - the Accelerated Child Survival and Development Plan;
 - the free distribution of insecticide-treated mosquito nets;
 - the provision of free medical assistance to women with cervical cancer; and
 - the National Strategic Plan to Reduce Maternal and Child Mortality.
20. Welcomes with satisfaction the policies and programmes put in place by the Government to alleviate poverty and improve the living conditions of the population, including:
- The Poverty Alleviation Strategy;
 - The Development Programme;
 - The National Rural Development Strategy;
 - The Plan for Accelerating Child Survival and Development Actions;
 - The 2009-2013 National Food Security and Nutritional Strategy;
 - The National HIV/AIDS Strategic Plan;
 - The National Institute for AIDS Control (INLS); and
 - The National Programme for Preventing Mother-to-Child Transmission.
21. Commends the Government for constructing new HIV/AIDS screening centres, which increased from 8 in 2003 to 599 in 2011, and centres providing anti-

retroviral treatment, which increased from 3 in 2004 to 146 for adults and 125 for children in 2011.

22. Welcomes the construction of 5 new prisons in 2011 and 2012, and on-going measures including the Action Programme for the Development of the Prison System, aimed at improving living conditions in prisons.
23. Welcomes the efforts of the Angolan Government in promoting the integration of human rights in the educational curriculum of primary and secondary schools.

III - Factors Restricting the Enjoyment of the Rights Guaranteed in the African Charter on Human and Peoples' Rights

24. Angola has emerged from more than two decades of civil war, and since the end of the war in 2002 the Angolan Government has endeavoured to rebuild the country; however, it is not easy to overcome the effects of the prolonged armed conflict.
25. The war in Angola was undoubtedly a fundamental factor which prevented citizens from fully exercising and enjoying their rights. The protracted armed conflict in the country incapacitated most of the country's socio-economic structures and institutions. Moreover, the conflict caused the loss of many lives and injuries which resulted in physical disabilities and the massive displacement of the population, both within the country and to neighbouring countries. Access to essential basic services such as health facilities, schools and birth registration offices was affected for a long time.
26. Despite the end of the war, Angola still faces the problem of the existence of mines and unexploded devices of various types on over 35% of its territory, with the additional factor that the exact location of these minefields is unknown. The Government notes that 75% of the people living with disabilities in Angola are amputees as a result of explosive ordinances and landmines. Thus, in order to prevent the death or maiming of its citizens so as to be able to ensure its ongoing development programmes, Angola has to tackle the enormous task of de-mining.

III - Areas of concern

27. The Report does not conform neither to the African Commission's Guidelines on State Reporting under Article 62 of the African Charter, nor to the Guidelines on the Maputo Protocol.
28. The Report does not highlight the challenges faced by the State Party in ensuring the rights of citizens.

29. The Government has not yet ratified a number of relevant regional and international human rights treaties.
30. With the exception of information on laws and regulations, the Report does not indicate practical measures taken to give effect to the provisions of the African Charter, and other relevant instruments duly ratified by Angola in various important areas such as:
 - The criminalization of torture;
 - The exercise of freedom of association;
 - Freedom of expression and access to information;
 - The protection of human rights defenders; and
 - The protection of the rights of indigenous populations.
31. The statistical data presented is not current, in particular with reference to the employment of women in public institutions at local and national levels.
32. The African Commission is concerned by the reduction by 30% in 2009 of public spending in the health sector and the fact that the overall health budget dropped from 3.2% to 2.38%.
33. The Report does not indicate measures taken to ensure access by women and adolescent girls to reproductive health services and family planning.
34. It does not provide any information on the prevalence of harmful customary practices which affect women and young girls, nor does it refer to any legislative measures taken by the Government to prohibit early marriages or protect the rights of widows in the rural areas.
35. It does not indicate the existence of a legal framework for combating human trafficking in Angola, in particular trafficking in women.
36. It does not touch on specific measures adopted to guarantee the effective participation of indigenous populations at the decision-making level, within local and national institutions, and the right to education and health of indigenous children.
37. It does not provide any information on revenue obtained from the extractive industries, nor on initiatives taken to ensure transparency in the exploitation and utilization of mineral and natural resources in Angola.
38. It does not give any information on legislative or institutional measures introduced by the Government to criminalize torture and bring before the relevant courts the perpetrators of such practices.

39. The African Commission is concerned by the allegations of forced evictions without prior consultation with the affected citizens, and without adequate compensation.
40. The Commission is concerned by the allegations of harassment of human rights defenders, and the poor collaboration between the Government and some human rights NGOs.

V - Recommendations

41. The African Commission recommends that the Government of Angola should:
 - I. Ensure that all the relevant stakeholders, including human rights NGOs, are involved in the preparation of periodic reports;
 - II. Ensure that future reports conform to the Guidelines on State Reporting under the African Charter and the Maputo Protocol;
 - III. Take the necessary measures to ratify and domesticate the following regional and international legal instruments:
 - The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Court Protocol), and make the declaration under Article 34(6) of the Court Protocol to allow direct access for individuals and NGOs to the African Court on Human and Peoples' Rights;
 - The African Charter on Democracy, Elections and Governance;
 - The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);
 - The African Union Convention on Preventing and Combating Corruption;
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
 - The International Convention on the Elimination of All Forms of Racial Discrimination;
 - The Convention on the Rights of Persons with Disabilities and its Optional Protocol;
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
 - The Convention on the Prevention and Punishment of the Crime of Genocide;
 - The Second Optional Protocol to the International Covenant on Civil and Political Rights; and
 - The Optional Protocol to the International Convention on Economic, Social and Cultural Rights.

- IV. Adopt the appropriate legislative measures, plans, policies and programmes to give effect to the provisions of the African Charter and the Maputo Protocol;
- V. Ensure dissemination of the African Charter and the Maputo Protocol to the public, including through translating the texts into the local languages;
- VI. Include current statistics and gender disaggregated data in the next periodic report;
- VII. Include, in the next periodic report, specific information on the provision of legal and judicial assistance services to underprivileged citizens;
- VIII. Establish an independent national human rights institution in accordance with the Paris Principles;
- IX. Adopt specific legislation criminalizing torture in accordance with the provisions of the Guidelines and Measures on the Prohibition and Prevention of Torture, Cruel, Inhuman and Degrading Treatment or Punishment (the Robben Island Guidelines);
- X. Ensure training on and dissemination of the Robben Island Guidelines to all judicial personnel and prison officers;
- XI. Provide in its next Periodic Report, comprehensive information on prisons and conditions of detention;
- XII. Take all necessary measures to reduce overcrowding in prisons, such as adopting alternative sentencing policies and imposing non-custodial sentences such as community service;
- XIII. Adopt all appropriate measures to ban forced evictions without prior consultation and ensure adequate compensation to people who are evicted from their homes;
- XIV. Take all necessary measures to ensure allocation of the required budget to the health sector;
- XV. Strengthen reproductive health programmes and policies in order to ensure increased access to family planning by women and adolescent girls;
- XVI. Increase the number of health centres in order to reduce the high maternal and child mortality rate, with emphasis on providing free, adequate and available services to rural women and women from indigenous communities;
- XVII. Strengthen existing education policies and programmes to ensure reduced gender disparity at all levels of education;

- XVIII. Take all necessary measures to implement the Law against Domestic Violence enacted in 2011, including through adopting a national plan of action on violence against women and girls;
- XIX. Adopt a national plan of action for implementing UN Security Council Resolution 1325, in order to increase the participation of women in conflict prevention and management;
- XX. Adopt affirmative action measures in order to increase the representation and participation of Angolan women in all decision-making institutions;
- XXI. Ensure that relevant programmes are put in place to protect and provide assistance to migrants and refugees living in the country;
- XXII. Expedite the process to finalize the study and review of the Law on the Status of Refugees by the Inter-sectoral Commission, in order to guarantee the rights of refugees in Angola;
- XXIII. Expedite measures taken in the area of programmes to remove anti-personnel mines and other explosive ordinances;
- XXIV. Strengthen its public policy services, programmes and projects which ensure protection of the rights of people with disabilities;
- XXV. Continue to take all necessary measures to improve care for the elderly, including through development of a National Action Plan for the Protection of Older Persons, and concerted implementation of Decree No.14/06 on the Regulation of the Conditions of Installation and Operation of Elderly Care Homes;
- XXVI. Adopt legislative measures and establish relevant policies and programmes to address human trafficking, with emphasis on the protection of women and children;
- XXVII. Adopt legislative measures to recognize the rights of indigenous communities in Angola, and strengthen the existing programmes and policies regarding them, with adequate financial resources provided;
- XXVIII. Take all necessary measures to guarantee the rights of persons working in extractive industries;
- XXIX. Guarantee free access to anti-retroviral drugs, ensuring access to vulnerable groups, specifically women, children and indigenous communities;

- XXX. Strengthen programmes to raise awareness about HIV/AIDS, in particular programmes targeting youths;
- XXXI. Continue to take all necessary measures to guarantee that free and compulsory primary education is universal, including ensuring access to children from indigenous communities;
- XXXII. Take the appropriate legislative measures to decriminalize press offences and guarantee freedom of expression and access to information;
- XXXIII. Adopt legislative measures to guarantee freedom of association and ensure the protection of human rights defenders;
- XXXIV. Inform the African Commission, in its next Periodic Report, of measures taken to ensure implementation of the recommendations contained in the present Concluding Observations, and in the Promotion Mission report of April 2010.

Adopted at the 12th Extra-Ordinary Session of the African Commission on Human and Peoples' Rights held from 30 July - 4 August 2012 in Algiers, Algeria