


AFRICAN UNION		UNION AFRICAINE
<b>الاتحاد الأفريقي</b> African Commission on Human & Peoples' Rights		<b>UNIÃO AFRICANA</b> Commission Africaine des Droits de l'Homme & des Peuples
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**ACHRP SUBMISSION ON THE HUMAN RIGHTS  
SITUATION IN THE REPUBLIC OF ANGOLA FOR THE  
SEVENTH SESSION OF THE UNIVERSAL PERIODIC  
REVIEW WORKING GROUP SESSION**

## I. INTRODUCTION

1. The African Commission on Human and Peoples' Rights (the ACHPR, the African Commission or the Commission) is the African regional mechanism for the promotion and protection of human rights. It was created by the Organisation of African Unity (OAU) in 1987, under the terms of the African Charter on Human and Peoples' Rights (the African Charter or the Charter). The Charter was adopted by the Assembly of Heads of State and Government of member States of the OAU on 25<sup>th</sup> June, 1981 in Nairobi, Kenya. The African Charter entered into force on 21<sup>st</sup> October 1986.
2. The Republic of Angola ratified the African Charter on 2<sup>nd</sup> March 1990.
3. From November 1975, this State party, which won its independence after a valiant armed struggle against Portugal, was torn apart by a bloody internal war that caused the deaths of hundreds of thousands of people, injured thousands and led to hundreds of thousands becoming displaced persons or refugees. This lethal war, which often led to or fostered sometimes grave and massive violations of human rights ended in February 2002, following the death of the rebel leader of the Union for Total Independence in Angola (UNITA). The State and civil society are thus now working towards national reconciliation and the reconstruction of the country.
4. The situation of a very lengthy armed conflict in Angola led to violations of human rights and in particular the rights vulnerable groups such as children, women and older persons, who in such circumstances often bear the heaviest burden and pay the highest price. The African Commission was able to obtain some very credible accounts of many violations of Women's Rights
5. Angola has presented its initial Report in October 1998 during the 24th Ordinary Session of the Commission. But there were 4 periodic reports in arrears at the time of this report with regard to article 62 of the African Charter. Angola does not attend the biannual sessions of the Commission.
6. The African Commission have ruled on 3 communications<sup>1</sup> against Angola. In two of the Communications Angola was found to have violated different articles<sup>2</sup> of the Charter.

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<sup>1</sup> See Comm. 24/89 Union Nationale de Libération de Cabinda/Angola, Comm. 159/96 Union Interafricaine des Droits de l'Homme, Fédération Internationales des Ligues de Droits de l'Homme, Rencontre Africaine des Droits de l'Homme, Organisation Nationale des Droits de l'Homme au Senegal et Association Malienne des Droits de l'Homme/Angola, Comm. 292/04 Institute for Human Rights and Development in Africa/Angola.

<sup>2</sup> In Comm. 156/96, the Commission finds that Angola has violated articles 2, 7(1) (a), 12 (4 and 5), 14 and 18. In Comm. 292/04, the Commission finds that Angola has violated articles 1, 2, 5, 6, 7 (1), 12 (4 and 5), 14 and 15 of the Charter but hold that there was not enough evidence to establish a violation of article 3 of the Charter.

7. Angola has not yet ratified the African Charter on the Rights and Well-being of the Child nor the Protocol on the Creation of an African Court on Human and Peoples' Rights, adopted by the OAU in 1990 and 1998 respectively.
8. From 27<sup>th</sup> September to 2<sup>nd</sup> October 2002, Mrs. Angela Melo carried out a mission to Angola in her capacity as Special Rapporteur on the Rights of Women in Africa and as a member of the African Commission, in order to take stock of the human rights situation in general and the rights of women in particular in the country.
9. This submission on the Republic of Angola for the seventh session of the Universal Periodic Review Working Group is based on report of the above mentioned mission.

## **II. SITUATION IN THE COUNTRY AND CONCERNS**

10. The visits to various Government institutions by the delegation of the African Commission and the meetings with the representatives and members of Angolan institutions, representatives of civil society and other contacts, and the visits to prisons enabled the delegation to make an initial analysis of the general situation of human rights and particularly the rights of women in the Republic of Angola.

### **A- GENERAL SITUATION OF HUMAN RIGHTS**

11. The general situation of human rights in Angola is defined by the decades of civil war that wreaked havoc in the country, causing enormous loss of human life, injury to persons, displacement of populations, widespread damage to poverty, the emergence of phenomena such as war displaced children and street children, prostitution of minors, high costs of living and insecurity. The war also led to serious disruptions of the public service that the Government is finding hard to resolve, in spite of its obvious good will and the support of civil society organisations.
12. The Angolan capital is also prone to serious environmental problems, which undoubtedly affect the population. Such a situation requires the attention of the Authorities and other civil society actors, since a healthy environment is the guarantee of good health.
13. The war situation in which the country found itself until recently has prevented the Government from according the necessary attention to the effective and sustained implementation of economic and social rights. Issues like HIV/AIDS, illiteracy and unemployment are some of the grave problems which the authorities had to address. Better management is needed to tackle the situation in prisons and detention centres; the processing of cases of detainees, and their right to a fair trial and to legal assistance.

### **B. SITUATION OF THE RIGHTS OF WOMEN**

14. The mission of the African Commission to Angola was also able to note that although the rights of women are guaranteed institutionally and by national

- instruments, albeit still bearing a colonial imprint, these are quite often violated and the status of women still needs to be consolidated. In particular, there has been no major reform of the colonial code which does not recognise the right of Women to *de cuius* succession.
15. The Family Code still remains as it was during the colonial period. There is no specific legislation to combat violence against Women, which is quite widespread. The Special Rapporteur was pleased to note the existence of a Strategic Plan and a Programme for the Promotion of Gender Equality for the period 2000-2005, designed by the Ministry of the Family and Promotion of Women's Affairs. The preparation of brochures and other documents to disseminate this programme is also a laudable initiative.
  16. At the institutional level, and even where a Government Policy on the promotion of Women's Affairs exists by means of a Five Year Strategy for Women, the implementation of this Policy encounters serious problems as the war situation which prevailed for years in the country and the slow return of peace render the uniform implementation of this strategy countrywide rather difficult. Furthermore, Angola is faced with the major challenge of mobilising the resources required for the promotion of Women's Rights. Women remain largely under-represented in Government and in parliament, as well as in the governing structures of political parties.
  17. On the legal front, Angola may be congratulated for having ratified the Convention on the Elimination of all forms of Discrimination against Women on 17<sup>th</sup> September 1986, a very important instrument for the promotion and protection of Women's Rights. However, it should be noted that since that date, this State has neither submitted nor presented a report to the Committee of Experts on the Convention.
  18. Generalised poverty and the consequences of unemployment are taking a heavier toll on women who, as in many other African countries, *de facto* carry the burden and responsibility of the family.
  19. The control of sexually transmitted diseases (STDs), including HIV/AIDS, remains a major challenge for the Government as the spread of these diseases is fostered by the prevailing situation of poverty which pushes certain girls and women to prostitution as the only available source of income. They resort to this activity with no means of protection and without any accurate information on the risks involved. In this area, all the Authorities that the mission encountered admitted that the war had prevented the sensitization effort on STDs throughout the Angolan territory.
  20. Insecurity remains a very serious concern in the country and it is to be feared that the situation could worsen with the demobilisation of UNITA soldiers who will have to return to civilian life after having become used to manipulating arms, which were their means of existence. In this context, women's vulnerability is well known because they are defenceless and as such are the ideal victims of criminals.

### **III. RECOMMENDATIONS**

#### **A. TO THE ANGOLAN GOVERNMENT**

After the mission, the African Commission adopted the report of the mission with the following recommendations:

- Ensure the respect for and improvement of human rights, in particular the rights of Women in Angola by creating and maintaining an enabling environment to this end, for the benefit of the population.
- Draw up a national programme for the eradication of poverty and integrating the gender perspective;
- Prepare annual pro-gender national budgets.
- Implement specific strategies accompanied by legislative and other measures to combat violence against Women;
- Intensify the integration of the gender perspective in all economic, social, cultural and political areas;
- Institutionalize gender units in all the Ministries;
- Promote the equal or equitable representation of women in the decision making process;
- Take the necessary corrective and positive measures wherever discrimination against women exists
- Create a national monitoring and evaluation system of all action plans and integrate civil society therein;
- Draw up indicators for the programmes on poverty eradication and other programmes, notably those relating to gender issues;
- Draw up a national policy, specific strategies and a consistent plan of action on HIV/AIDS with a pro-gender approach;
- Embark on the reform of the family and succession code;
- Set up a data system on violence against women;
- Protect and guarantee the rights of women to reproductive and sexual health;
- Involve women in the peace process and in the implementation of national programmes;
- Encourage human rights NGOs to participate more actively in the work of the African Commission and of the Special Rapporteur on the Rights of Women in Africa.
- Pursue efforts to improve conditions of detention and focus the required attention on the cases of detainees.
- Embark on legal, penal and judicial reform and guarantee social participation in all reform projects;
- Pay close attention to the need for and create the necessary conditions for free legal assistance to those requiring it;
- Strengthen the judicial control and fiscal system of the prisons;
- Set up a multidisciplinary mechanism for the control of legality in the courts, among the prosecutors, heads of institutions and other detention centres;

- Intensify efforts for the successful demobilisation of rebel forces and implementation of the policy of national reconciliation with all factions of the opposition.
- Protect displaced and repatriated persons, including women and children;
- Improve and guarantee the social security system;
- Ensure the protection of the environment and promote the participation of women in this area;
- Support and facilitate the work of NGOs and various Associations, in particular women's organisations, in order to promote their effective empowerment in Angola.
- Involve civil society organisations, in particular NGOs in the drafting of Angola's Report to the ACHPR in accordance with the provisions of Article 62 of the African Charter;
- Create a permanent framework for dialogue between the Ministry of Justice and the Ministry of the Family, and human rights NGOs and all those concerned with such issues.
- Create a national system for vulgarising legislation and information, in order to teach the population about human rights and the rights of women, and provide strong support to the Ministry of the Family in its initiatives to provide assistance to women at grassroots level.
- Create a National Human Rights Institute whose membership and functioning would be in line with existing international principles in this field, in particular the Paris Principles.
- Create courts for minors and promote specific mechanisms for settlement of disputes, such as mediation and conciliation in the area of labour disputes. Improve and strengthen the system of control of periods of preventive custody.
- Intensify the training of prison guards on human rights issues and ensure that the conditions of treatment of detainees conform to international standards.
- Ensure that conditions of detention and treatment of detainees are in conformity with international standards;

#### **A. TO CIVIL SOCIETY ORGANISATIONS**

- Maintain the contact established with the African Commission and endeavour to participate in its work/sessions by applying for observer status with the Commission.
- Continue to support the Government in its efforts to improve the human rights situation in the country and in the fight against poverty.
- Create an effective network to engage in discussions with other organisations in the region on human rights issues, and provide reliable information to the Special Rapporteur on the Rights of Women in Africa.

- Closely monitor the situation in the prisons, in particular by organising legal and judicial assistance services for poor detainees, especially women.
- The Bar Association should set up relations of cooperation with the Government in order to establish effective systems of legal assistance for the poor populations.

**B. TO THE INTERNATIONAL COMMUNITY**

- Continue to assist Angola in its efforts to ensure a permanent return of peace, and for national reconciliation of all Angolans.
- Support Angola in the country's reconstruction process and the re-launching of activities in the all vital sectors, in order to improve the living conditions of the population, and in particular for women and children.
- Closely monitor developments in the general situation of Angola, in particular the humanitarian aspects.