



Economic and Social Council

Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth and fifth periodic report of Angola**

1. The Committee on Economic, Social and Cultural Rights considered the fourth and fifth periodic reports of Angola on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/AGO/4-5) at its 34th and 35th meetings (E/C.12/2016/SR.34 and 35), held on 14 and 15 June 2016, and adopted the following concluding observations at its 49th meeting, held on 24 June 2016.

A. Introduction

2. The Committee welcomes the fourth and fifth periodic reports submitted by the State party and the supplementary information provided in the written replies to the list of issues (E/C.12/AGO/Q/4-5/Add.1). The Committee also appreciates the opportunity to engage with the State party's interministerial delegation.

B. Positive aspects

3. The Committee welcomes the State party's ratification in 2014 of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

4. The Committee notes with appreciation the adoption of the following legislative and policy measures by the State party to enhance the promotion and protection of economic, social and cultural rights:

(a) Presidential Decree No. 36/15, which approves the Legal Regime for the Recognition of De Facto Unions by Mutual Consent and the Dissolution of Recognized De Facto Unions;

(b) Law No. 13/01 on the Education System;

(c) National Development Plan, 2013-2017;

(d) National Strategic Programme for Water, 2013-2017;

(e) National Policy for Gender Equality and Equity, 2013;

(f) National Strategy for Food and Nutrition Security, 2009.

C. Principal subjects of concern and recommendations

Justiciability of economic, social and cultural rights

5. The Committee regrets the lack of information on judicial cases in which the provisions of the Covenant have been invoked before, or applied by, domestic courts, despite article 26 of the Constitution which enables the Covenant to be directly applied in domestic courts.

6. The Committee recommends that the State party undertake to raise awareness of the Covenant rights and their justiciability, in particular among the judiciary, parliament, lawyers and law enforcement officials, as well as among rights holders. The Committee requests the State party to submit information in its next periodic report on cases before the courts in which the provisions of the Covenant have been invoked. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

Maximum available resources

7. The Committee is concerned about the insufficient resources allocated to areas covered by the Covenant, which have been subjected to further cuts in 2015, negatively affecting the enjoyment of economic, social, and cultural rights in the State party.

8. The Committee recommends that the State party increase the resources allocated to the realization of Covenant rights, including social protection, housing, health and education, in accordance with article 2 (1) of the Covenant. While acknowledging that certain adjustments are at times inevitable, the Committee draws the State party's attention to its

open letter on economic, social and cultural rights and austerity measures dated 16 May 2012, which outlines the requirements that must be met by any proposed policy change or adjustment by States parties in response to the economic crisis. The State party should also ensure that any measures adopted with a view to stabilizing the current economic situation do not disproportionately affect the most disadvantaged and marginalized individuals and groups and ensure, at all times, the protection of the core content of the rights.

9. The Committee is concerned about the persistence of corruption and illicit financial flows in the State party, leading to the draining of resources and increasing inequalities between geographic regions and social groups (art. 2 (1)).

10. The Committee urges the State party to:

(a) Intensify its efforts to combat corruption and illicit financial flows, as well as to reinforce good governance, by ensuring that public affairs, in law and in practice, are conducted in a transparent and accountable manner;

(b) Carry out awareness-raising campaigns on the economic and social costs of corruption among politicians, members of parliament, national and local government officials and the population in general;

(c) Ensure strict enforcement of its anti-corruption legislation, including the Law on Public Probity and the Public Procurement Law, and sensitize and train judges, prosecutors and the police on the need to combat corruption.

Administration of justice

11. While noting measures undertaken to reform the judiciary, the Committee remains concerned about persisting shortcomings in the administration of justice, particularly with regard to the independence of the judiciary and the availability of adequate resources, as well as legal aid and capacity-building. The Committee is also concerned that the State party, together with the other members of the Southern African Development Community, has removed the right of access of natural and legal persons to the Southern African Development Community Tribunal (art. 2 (1)).

12. The Committee reiterates its recommendation that the State party intensify its efforts to improve the administration of justice, in particular regarding access to justice, independence of the judiciary, availability of legal aid, resources allocated to the justice system and capacity-building. The Committee also recommends that the State party reconsider its position and take the initiative of promoting the reinstatement of the right of access of natural and legal persons to the Southern African Development Community Tribunal, with a view to providing the citizens of the member States of the Community with the right to assert their human rights, including economic, social and cultural rights.

National human rights institution

13. The Committee is concerned that there is still no national human rights institution in the State party that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as well as about the limited independence of, and inadequate financial resources allocated to, the Ombudsman's Office.

14. The Committee recommends that the State party pursue its intention, as expressed during the dialogue, to bring the Ombudsman's Office into line with the Paris Principles, ensuring that due attention is given to economic, social and cultural rights in its mandate, and that the Ombudsman's Office be given the necessary human and technical resources to fulfil its mandate. The Committee invites the State party to continue seeking the support of the Office of the United Nations High Commissioner for Human Rights in this regard.

Data collection

15. The Committee welcomes the fact that a population census was carried out in 2014 as well as State party's efforts to collect disaggregated data, among others, on the basis of household surveys. It is concerned, however, that the State party has not provided sufficiently disaggregated and detailed data in its report or its written replies to the list of issues to allow the Committee to assess the impact of the measures taken by the State party to give full effect to the provisions of the Covenant (art. 2).

16. The Committee recommends that the State party establish a statistical data collection system to assess the level of enjoyment of economic, social and cultural rights, in particular by disadvantaged and marginalized individuals and groups, including persons living in rural areas, internally displaced persons, indigenous peoples and ethnic minorities and persons with disabilities.

Civil society

17. The Committee is concerned that human rights defenders, including those working on economic, social and cultural rights, as well as journalists operate under restrictive conditions in the State party and face police and judicial harassment, including arbitrary detention. The Committee is also concerned that the Presidential Decree on Non-Governmental Organizations (NGOs) of 2015 imposed further and excessive restrictions on the activities of NGOs in the State party.

18. The Committee urges the State party to adopt all measures necessary to protect human rights defenders and activists, including those working in the area of economic, social and cultural rights, from any act of intimidation and harassment and to ensure that perpetrators of such acts are brought to justice. The Committee reiterates its previous recommendation that the State party take immediate steps to ensure that civil society organizations, including those working on economic, social and cultural rights, enjoy the right to register and function freely. To that end, the State party is requested to review the Presidential Decree on Non-Governmental Organizations of 2015 with a view to

fostering an environment in which NGOs can carry out their activities without any interference.

Indigenous peoples

19. The Committee is concerned that the State party does not recognize indigenous peoples living in its territory. The Committee is also concerned about reported discrimination in access to food, water, health and education experienced by indigenous peoples, combined with an inadequate response from the State party. The Committee is further concerned that development activities are impeding indigenous peoples from accessing their lands, and about the lack of a legal framework for consultation with the affected communities prior to embarking on such activities (arts. 1 and 2).

20. The Committee recommends that the State party:

(a) Adopt legislation and measures to recognize the status of indigenous peoples living in the State party and strengthen legislative and administrative measures in order to guarantee the rights of indigenous peoples to their land and to freely dispose of their natural wealth and resources;

(b) Adopt specific measures targeted at improving access to social services by indigenous peoples;

(c) Seek the free, prior and informed consent of indigenous peoples before granting licences to businesses for economic activities on territories traditionally owned, occupied or otherwise used by indigenous peoples;

(d) Ensure that licensing agreements with businesses provide for adequate compensation of the affected communities;

(e) Consider adopting the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

Anti-discrimination legislation

21. The Committee expresses concern at the lack of comprehensive anti-discrimination legislation in the State party (art. 2).

22. The Committee recommends that the State party take steps to adopt comprehensive anti-discrimination legislation that covers all prohibited grounds of discrimination set out in article 2 of the Covenant, including discrimination on the basis of “any other status”, taking also into account the Committee’s general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Asylum seekers and refugees

23. While welcoming the new law on the right of asylum and refugee status adopted in 2015, the Committee regrets the lack of implementation mechanisms, including asylum procedures. It is also concerned about:

(a) Reports of mass expulsions of migrants and asylum seekers, including those in need of international protection, without carrying out the necessary individual assessments;

(b) The large number of undocumented asylum seekers and refugees owing to the suspension of registration procedures, subjecting many of them to automatic detention for allegedly illegal stay in the State party;

(c) The limited access to basic social services by asylum seekers staying in reception centres and that they are obliged to stay in immigration centres, which are in poor condition, throughout the adjudication process.

24. The Committee urges the State party to:

(a) Ensure the implementation of the law on the right of asylum and refugee status and put in place fair and effective asylum procedures, embracing protection against refoulement;

(b) Ensure that detention of asylum seekers and refugees is used only as a last resort and that those detained in reception centres are provided with legal safeguards and have access to legal counsel as well as interpretation services;

(c) Establish alternatives to the detention of children and families with children;

(d) Issue and renew identification documents for asylum seekers and refugees in a timely manner so as to facilitate their access to basic social services, and prevent their arbitrary detention;

(e) Improve the material conditions of reception centres and ensure that asylum seekers staying in these centres are guaranteed an adequate standard of living and enjoy access to basic social services;

(f) Introduce the necessary legislative and policy amendments to remove the requirement that asylum seekers must reside in closed reception centres.

Equality between women and men

25. The Committee is concerned about the persistence of traditional stereotypes regarding the roles of women and men in the family and in society, which have an adverse impact on the enjoyment by women of their economic, social and cultural rights as well as on their presence and influence in the public and political domains. While noting the information provided by the delegation on the

existence of a constitutional provision on equality before the law, the Committee remains concerned that in reality customary law that perpetuates discrimination against women and girls in property and inheritance rights prevails. The Committee is also concerned about limited access to justice by women and girls who are victims of discrimination, especially in rural areas (art. 3).

26. The Committee recommends that the State party step up its efforts to achieve substantive equality between men and women. It recommends that the State party:

(a) Take measures to effectively prevent all forms of discrimination against women and girls, including in inheritance, and address customary practices as well as patriarchal attitudes and attitudes based on stereotypes;

(b) Facilitate access by women, especially women in rural areas, to justice by removing all impediments to such access, including by providing free legal aid and raising awareness among women and the society in general, with a view to eliminating stigmatization faced by women who claim their rights;

(c) Take measures to change society's perception of gender roles, including through awareness-raising campaigns on shared family responsibilities of men and women and on equal career opportunities, and ensure that women and men have equal access to all areas of political and public life.

Right to work

27. The Committee is concerned about the high unemployment rate, especially among youth and in rural areas. The Committee is also concerned that the economic growth witnessed in recent years did not generate sufficient employment opportunities (art. 6).

28. The Committee recommends that the State party address unemployment more effectively, especially among youth and in the rural areas. The Committee recommends that the State party:

(a) Step up its efforts to ensure that economic growth translates into increased employment opportunities;

(b) Intensify its efforts towards diversification of the economy, with a view to creating a sustainable economy that is resilient to shocks;

(c) Pay due consideration to those groups and individuals that are more vulnerable to unemployment;

(d) Assess the effectiveness of policies implemented to increase employment opportunities and adopt other measures as necessary;

(e) Take into account the Committee's general comment No. 18 (2005) on the right to work.

Minimum wage

29. The Committee notes the information provided on the amounts of minimum wage. However, it is concerned about the significant differences between sectors as regards the level of the minimum wage and about the lack of information available to assess whether the minimum wage is sufficient to ensure a decent living for workers and their families (art. 7).

30. The Committee recommends that the State party regularly revise the level of minimum wage in all sectors and ensure that it is indexed to the cost of living so as to allow for a decent living for all workers and their families.

Informal economy

31. While noting the information provided by the delegation that one of the objectives of the National Development Plan is to gradually regularize the status of workers in the informal economy, the Committee remains concerned about the concentration of the labour force, notably women, in the informal economy, which is characterized by poor working conditions, including low salaries and a lack of labour rights and social protection coverage (art. 7).

32. The Committee recommends that the State party redouble its efforts to gradually decrease the number of workers in the informal economy by integrating them in the formal labour force, including by effectively implementing the National Development Plan and related policies. It also urges the State party to give priority to the extension of social protection coverage to workers in the informal economy. The Committee refers the State party to the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) of the International Labour Organization (ILO).

Just and favourable conditions of work

33. The Committee notes the adoption in 2015 of the new Labour Law, which regulates the participation of children aged 14-16 years in light work and establishes the Office of the Labour Inspector General. However, the Committee is concerned that:

(a) The new Labour Law lacks implementation mechanisms;

(b) Child labour, including in its worst forms, is still prevalent, especially in the informal economy;

(c) Labour inspections are insufficient in the formal labour sector and absent in the informal economy (art. 7).

34. The Committee recommends that the State party take immediate measures to adopt implementation mechanisms for the new Labour Law. The Committee also recommends that the State party ensure that the labour rights of all workers,

including those in the informal economy, are protected. To that end, the Committee recommends that provisions regulating the minimum age for admission to work and the various categories of hazardous work be strictly implemented and the number of visits by labour inspectors significantly increased, at the same time extending these visits to workplaces in the informal economy. The Committee also recommends that the State party ensure that employers who benefit from illegal child labour are prosecuted and punished. In this connection, the Committee refers to its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Trade union rights

35. The Committee notes with regret the lack of information on the enjoyment of trade union rights and on the enjoyment of the right to strike (art. 8).

36. The Committee recommends that the State party provide detailed information in its next periodic report on the enjoyment of trade union rights and the right to strike. It also encourages the State party to take effective measures to raise awareness among workers and employers about these rights.

Social security

37. The Committee takes note of the existence of conditional cash transfer programmes in the State party. However, the Committee is concerned that the State party still lacks a universal social protection system and that a high percentage of the population, in particular workers in the informal economy and economically disadvantaged individuals and families, are not adequately covered by the public social security system (art. 9).

38. The Committee recommends that the State party step up its efforts to develop a social security system that will guarantee coverage and appropriate benefits for all workers and non-contributory benefits to all disadvantaged persons and families so that they may enjoy an adequate standard of living. In that connection, the Committee refers the State party to its general comment No. 19 (2007) on the right to social security and recommends that the State party work towards the establishment of a social protection floor, in line with the ILO Social Protection Floors Recommendation, 2012 (No. 202) and the Committee's statement on social protection floors: an essential element of the right to social security and of the sustainable development goals (E/C.12/2015/1), seeking, if necessary, technical assistance from ILO.

Harmful practices

39. The Committee is concerned that polygamy, despite being outlawed in the State party, is still widely practised and that child marriage, though permitted only in exceptional cases, in reality remains widespread. The Committee is also concerned about the persistence of domestic violence in the State party (art. 10).

40. The Committee recommends that the State party take the necessary legislative and awareness-raising measures to effectively put an end to all harmful practices, including polygamy and child marriage, as well as domestic violence.

Birth registration

41. The Committee is concerned at the persistence of a low rate of birth registration despite measures taken, such as abolishing related fees. The Committee is particularly concerned that foreigners, including asylum seekers and refugees, are excluded from registering their children born in Angola, thus depriving them from accessing a range of social services (arts. 2 and 10).

42. The Committee urges the State party to intensify its efforts to increase birth registration, including by conducting awareness-raising campaigns on birth registration procedures within the communities concerned, in particular in rural areas. The State party should also extend the free registration campaign to cover all foreigners, including asylum seekers and refugees, with a view to ensuring their access to social services without discrimination.

Poverty and inequality

43. The Committee takes note of the information on the decrease in poverty in the State party during the reporting period. It remains concerned, however, that a large proportion of the State party's population still lives in poverty, including extreme poverty. The Committee is also concerned about the persistence of high social inequalities and that poverty-reduction programmes have had limited impact, especially among the most disadvantaged and marginalized groups and individuals (art. 11).

44. The Committee urges the State party to ensure that economic growth is prioritized to decrease poverty, especially among disadvantaged and marginalized groups and individuals. The Committee also recommends that the State party effectively implement the national strategy for combating poverty and the 2012 national programme to support rural women. The Committee further recommends that the State party develop specific strategies to address social inequalities and that, as a matter of priority, it increase its efforts and take targeted measures, using a rights-based approach, to combat poverty among marginalized and disadvantaged groups and individuals, especially persons with disabilities, internally displaced persons, persons with a low income and persons living in rural areas. In this regard, the Committee refers to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

Right to adequate housing

45. The Committee is concerned that a large proportion of the State party's population does not enjoy the right to adequate housing.

The Committee is also concerned that the majority of the State party's urban population lives in informal settlements without security of tenure and in poor housing conditions. The Committee is further concerned about the persistence of forced evictions in the State party, including from informal settlements and in the context of development projects, without the necessary procedural guarantees or the provision of alternative housing or adequate compensation to the affected individuals and groups (art. 11).

46. The Committee recommends that the State party increase the availability of adequate and affordable housing units by effectively implementing existing housing programmes. The Committee also calls on the State party to:

- (a) Adopt and implement a rights-based housing policy aimed at enabling disadvantaged and marginalized groups and individuals to access housing, including affordable housing units and social housing units;**
- (b) Ensure that persons living in informal settlements enjoy access to basic services;**
- (c) Enact legislation to determine the circumstances and safeguards under which evictions can take place and ensure that evictions are used only as a last resort;**
- (d) Ensure that victims of forced evictions are provided with alternative housing and/or adequate compensation;**
- (e) Provide information in its next periodic report on the number of homeless persons in the State party;**
- (f) Take into account the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions, as well as the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I).**

Right to food

47. The Committee commends the State party for having halved the number of persons living in hunger in 2013. It remains concerned, however, about the prevalence of under- and malnutrition in the State party. The Committee is also concerned about the lack of related disaggregated data (art. 11).

48. The Committee recommends that the State party adopt a framework law on the right to food. It also recommends that the State party address effectively the remaining challenges to the enjoyment of the right to food, including by fully implementing the 2009 National Strategy for Food and Nutrition Security and ensuring adequate representation of civil society actors in the bodies established to guide and monitor the Strategy. The Committee also recommends that the State party collect disaggregated data on the prevalence of hunger and under- and malnutrition, including by sex, age, urban/rural area and origin. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security adopted by the Food and Agriculture Organization of the United Nations.

Access to health

49. The Committee welcomes the significant efforts made by the State party to facilitate access to health-care services, including the construction and reconstruction of infrastructure, as well as the decentralization of the national health system. The Committee is concerned, however, that access to basic health services, especially in rural areas, remains inadequate, owing in part to the insufficient resources allocated to the health sector (art. 12).

50. The Committee recommends that the State party strengthen its efforts to ensure universal access to basic health-care services, including by effectively implementing the 2010 National Health Policy, allocating increased resources to the health sector while paying particular attention to improving infrastructure and increasing health-care facilities supported by qualified medical personnel in rural areas. In this regard, the Committee refers to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Right to sexual and reproductive health

51. The Committee, while aware of progress made, is concerned about the persistently high rates of maternal and under-five mortality and the inconsistent data provided by the State party on their prevalence. The Committee is also concerned that teenage pregnancy remains prevalent, especially in rural areas, owing among other reasons to limited access to sexual and reproductive health services and information (art. 12).

52. The Committee recommends that the State party step up its efforts to address maternal and under-five mortality, as well as teenage pregnancy, by taking the following measures:

- (a) Effectively implement existing programmes aimed at reducing mortality rates. In doing so, the State party is encouraged to take into consideration technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2) and, in particular, to ensure that births are assisted by a skilled attendant and that all women have access to basic obstetric and neonatal care;**
- (b) Ensure the accessibility and availability of sexual and reproductive health services, including access to affordable, safe and effective contraceptives and emergency contraceptives, including for adolescents and particularly in rural areas;**

- (c) Provide comprehensive, human rights-based and age-appropriate education and information on sexual and reproductive health to all, including men and adolescent boys;
- (d) Expedite the adoption of the integrated teenage and youth health action strategy;
- (e) Take into consideration the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.

Right to education

53. The Committee is concerned about the low enrolment rates at all school levels. It is also concerned at the high dropout rates, even at the primary school level and particularly among girls, leading to low attendance at secondary-level schools. The Committee is also concerned about the limited access to quality education in rural areas (arts. 13 and 14).

54. The Committee recommends that the State party continue prioritizing education and intensify its efforts to ensure universal access to free compulsory education, while paying particular attention to children living in rural areas and girls. The Committee also recommends that the State party:

- (a) Continue implementing the National Development Plan, which identifies education as one of the main priority areas, as well as the national integrated strategy for improving the education system and the master plan for teacher education;
- (b) Develop specific strategies to address the high dropout rates, especially of girls;
- (c) Increase significantly its investments in the education sector, improve the quality of education and expand investment in teacher training;
- (d) Take into account the Committee's general comment No. 13 (1999) on the right to education.

Minority languages

55. The Committee is concerned about the limited measures taken by the State party to promote minority languages, which could lead to the risk of extinction of a number of them (art. 15).

56. The Committee recommends that the State party step up its measures to preserve minority languages. To that end, the State party is encouraged to take measures aimed at ensuring that ethnic minority groups and indigenous peoples have ample opportunities to learn their languages, as well as to use these languages in public life.

Access to the Internet

57. The Committee is concerned about the limited access to the Internet in the State party, particularly by disadvantaged and marginalized groups and individuals (art. 15).

58. The Committee recommends that the State party redouble its efforts to increase access to the Internet, especially by disadvantaged and marginalized groups and individuals and in rural areas.

D. Other recommendations

59. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

60. The Committee invites the State party to consider ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

61. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

62. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society at national, provincial and territorial levels, particularly among parliamentarians, public officials and judicial authorities, and that it inform the Committee, in its next periodic report, about the steps taken to implement the recommendations herein. The Committee also encourages the State party to engage non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

63. The Committee requests the State party to submit its sixth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 June 2021. It also invites the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).

