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African Commission on Human & Peoples' Rights

Commission Africaine des Droits de l'Homme et des Peuples

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AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
REPORT OF THE MISSION TO THE REPUBLIC OF ANGOLA BY
COMMISSIONER ANGELA MELO, SPECIAL RAPPORTEUR ON
THE RIGHTS OF WOMEN IN AFRICA,
(From 27th September to 2nd October 2002)

REPORT OF THE PROMOTIONAL MISSION TO THE REPUBLIC OF ANGOLA

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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 25th June, 1981 in Nairobi, Kenya. The African Charter entered into force on 21st October 1986.
2. The Republic of Angola ratified the African Charter on 2nd 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 of women, 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. Furthermore, as it was preoccupied with the war, the State has not been capable of meeting the expectations of the population in the area of human rights and particularly the rights of women. The required resources have not always been allocated to ensure the implementation of the African Charter and the pacts relating to socio-economic rights, among others.
5. Mrs. Angela Melo decided to carry 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 personally take stock of the human rights situation in general and the rights of women in particular in the country. The mission to Angola of the Special Rapporteur took place from 27th September to 2nd October 2002.
6. The Special Rapporteur would like to express her gratitude to the Government of the Republic of Angola, and in particular to the Ministries of Justice and Foreign Affairs, for the cooperation and assistance that she received in carrying out her mission in this State party. The Special Rapporteur would also like to express her gratitude to the civil society organisations, particularly the human rights NGOs that contributed to the success of her mission.
7. It must be pointed out that the mission to Angola was carried out in accordance with the terms of reference that had been prepared for this purpose and whose essential points are set out below.

II- TERMS OF REFERENCE AND PRELIMINARY REMARKS

A. Terms of reference and legal framework of the mission to Angola:

A-1- Terms of reference

8. The delegation of the mission to Angola was made up of Commissioner Angela Melo, Special Rapporteur on the Rights of Women in Africa, and Mr. Robert Kotchani, Legal Expert at the Secretariat of the African Commission. The objective of the mission was as follows:
- a) *To establish a formal contact for the first time with the political and administrative authorities of this State party and to inform them, if need be, of the activities of the Commission.*
 - b) *To disseminate information about the African Charter on Human and Peoples' Rights to NGOs, women's associations, workers of the justice system, security forces and other contacts.*
 - c) *To promote human rights in general and the rights of women in particular by educating the various parties on the mandate of the Commission and that of the Special Rapporteur, through meetings with intellectuals, trade unionists and members of human rights defence associations, for the establishment of partnerships based on consultation and the exchange of information.*
 - d) *To collect first hand information on the human rights situation in Angola in the post-conflict period from the Government, NGOs, and other civil society agents.*
 - e) *To visit certain places, in particular, detention centres and camps for displaced persons, in order to assess the human rights situation.*
 - f) *To draw the attention of the competent Angolan authorities to the need for this State party to respect its obligations under the African Charter, in particular the provisions of articles 1 and 62 of the Charter, relating to the presentation of initial and periodic reports to the Commission.*
 - g) *To urge the Angolan Government to accelerate the process of ratifying the Protocol on the Creation of an African Court on Human and Peoples' Rights and the African Charter on the Rights and Well-being of the Child.*
 - h) *To sensitize the Angolan Government on the need to prepare the draft Protocol to the African Charter on the Rights of Women in Africa.*

A-2- Legal framework of the mission:

9. The Republic of Angola has accepted some obligations arising from international and regional human rights instruments that it has ratified or to which it has acceded.
10. At the regional level, Angola ratified the African Charter on Human and Peoples' Rights on 2nd March, 1990. The Charter thus became an integral part of the Angolan Constitution since this State applies a monist system.
11. 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. Angola presented its initial Report in October 1998 during the 24th Ordinary Session of the Commission.
12. At the international level, right from the time it attained independence in 1975, the Republic of Angola acceded to the Universal Declaration of Human Rights.
13. Angola has ratified the Convention on the Elimination of all Forms of Discrimination against Women.
14. Finally, where the African human rights system is specifically concerned, as Angola is a party to the African Charter, it is committed to cooperating with this African regional institution and with the organs of the institution such as the system of the Special Rapporteur on the Rights of Women in Africa. It should also be noted that Commissioner Angela Melo carried out her mission in Angola both in her capacity as the Commissioner in charge of promotional activities in this State party and as the Special Rapporteur on the Rights of Women in Africa. The exchange of correspondence between the Government of Angola and the Secretariat of the Commission allowed the authorisation of the mission by the Angolan authorities and made possible the fixing of dates for the mission.

B. Preliminary remarks:

15. Angola is a southern African State bordered in the North by Congo and the D. R. Congo (former Zaire), in the East by Zambia, in the West by the Atlantic Ocean and in the South by Namibia. The territory covers about 1,246, 700 Km², including the Cabinda enclave (7, 270 Km²), situated in the North of the country.
16. Upon attaining independence in 1975, the country became the theatre of several conflicts, massacres and population movements. Despite the efforts of the international community and that of the United Nations in particular, the MPLA and UNITA were unable to share power. The war therefore continued for many years and only ended with the death of Jonas Savimbi, leader of UNITA, on 22nd February 2002.
17. Angola has about 12,500,000 (twelve million, five hundred thousand) inhabitants of whom about 300,000 live in the Cabinda enclave. The population density is 10 inhabitants to the square km. The population density is higher in Luanda the Capital, which has more than 6 million inhabitants (13 inhabitants per square km) and at Lobito. The majority of the population

lives in the rural areas. The country has about 600,000 (six hundred thousand) displaced persons.

18. The country's natural resources and sources of revenue are: agriculture, water, mineral extraction (uranium, oil), but the major sources of revenue are diamonds, iron and oil, particularly in the Cabinda enclave where oil production is above 600 thousand barrels per day. Energy for electricity is derived from hydraulic power. The industry is not highly developed.
19. The main religions are animism and Catholicism.

III- ORGANISATION OF THE MISSION:

A- ARRIVAL OF THE DELEGATION AND ORGANISATION OF WORK:

20. Upon arrival in Luanda on the 26th of September 2002, the delegation contacted the authorities of the Ministry of Justice and the Ministry of Foreign Affairs. A programme of work and visits was thus established for the duration of the mission. The programme of work included a timetable of meetings with various personalities and agents, as well as places to be visited.
21. The Special Rapporteur would like to express her gratitude to the Ministry of Justice for the constant readiness of the staff made available to her mission, as well as for the kind attention accorded to her delegation, which contributed largely to ensuring the success of the mission.

B- CONSULTATIONS AND SITE TOURS

27th September 2002

- *Meeting with Dr Alice Maria Lisabet, Legal expert in the Human Rights Department of the Ministry of Justice and with Mr. Milecamene Antonio, Interim Director for Legal Studies in the Ministry of Justice:*
22. The staff of the Ministry of Justice welcomed the delegation and presented the draft programme of the mission, which was examined and adopted after some amendments proposed by the Special Rapporteur.
 23. The Special Rapporteur explained that in view of fact that her mission to Angola had a dual mandate (promotional mission as the Commissioner in charge of Angola and as the Special Rapporteur on the Rights of Women), it was necessary for her delegation to meet not only Government Authorities and the heads of the institutions listed, but also human rights NGOs and Women's Rights Associations, as well as the Speaker of the Angolan Parliament.
- *Audience with the Deputy Minister of Foreign Affairs, H. E. Dr Toko SERRAÓ*
24. The Commissioner thanked H.E. for the authorisation of her mission to Angola and congratulated him for Angola's election to the UN Security Council for two years. She explained the content of her mandate as a

Commissioner and the substance of her mandate as Special Rapporteur, which she has been carrying out since her appointment in October 2001. She then described the operations of the ACHPR, underscoring its relations of cooperation with States and NGOs in the implementation of the provisions of the said Charter.

25. Mrs. Melo further recalled that Angola had ratified the Charter since 2nd March 1990 and thus the State party must present reports to the Commission, in accordance with Article 62 of the Charter. She explained that Angola had already presented its initial report in October 1998 (24th Session of the Commission), but that there were two periodic reports in arrears at the time of the mission. The Commissioner also dealt at length with the protection role of the ACHPR, which supplements its mission of promotion and expressed her satisfaction with the fact that her visit was the first mission by the ACHPR to this country. The Commissioner concluded her remarks by asking a number of questions on how the Government was preparing to manage the post-conflict situation and what constituted the role of the Ministry of Foreign Affairs in this context.
26. The Deputy Minister thanked the delegation for its visit and stated that he himself had presented Angola's initial report and thus, he was familiar with the functioning of the ACHPR and with human rights issues. He indicated that Angola's delay in submitting its periodic reports was due to various difficulties and not to the fear of stating what was really happening in the country. He blamed this on bureaucracy and stated that Angola is always ready to collaborate with human rights institutions because this country has only become what it is as the result of a bitter struggle for its independence.
27. Commenting on the recent end of the war in the country, the Deputy Minister stated that if elsewhere the victory of one faction was due to the rule of the survival of the fittest, in Angola the policy is that of reaching out to others and avoiding the settlement of scores. He said the dignity of the defeated faction is strictly respected, in order to allow true national reconciliation.
28. The Deputy Minister also spoke about the various efforts that had been made to resolve the conflict and emphasising the fact that humanitarian activities figured in priority. He further intimated that the State was running about 37 camps for former UNITA soldiers with their families in adjacent camps and this represented enormous financial investment. He went on to state that the Government allocates considerable resources for the care of former UNITA soldiers, most of who were in an advanced state of under-nourishment when they surrendered.
29. The Government, declared the Deputy Minister, is trying to deal with the situation of the 80 000 demobilised UNITA soldiers and their families, as well as with some 4 million people displaced by the war. At the same time, it is taking care of the matter of refugees seeking to return to Angola, whereas there are still landmines in most areas and poverty is widespread within the population.

30. He concluded by saying that it was encouraging to see the will for forgiveness, reconciliation and patriotism which prevailed within the population, which has decided to set itself new bearings based on the principles of democracy and healthy competition, and a rejection of violence. This gives a better chance to the irreversible peace process which started six months before. If the war had been the principal factor for the violation of human rights in Angola, it is clear that the end of the war should now lead to respect for the said rights.
 31. Questioned about the existence of a National Poverty Reduction Programme, the Deputy Minister responded that there was a programme aimed at combating and eliminating poverty in Angola. He went on to indicate that general elections were to be held in the country within three years, in accordance with the agreements between the Government and the various opposition groups, who believe that this timeframe will allow them to prepare for such elections.
 32. On Women's Rights and a policy for the promotion of Women's Affairs, the Deputy Minister said that there was a Department in charge of Women's Affairs, which was doing a good job. He also said that this Ministry could not resolve the problems of women and that it would be more appropriate to put women in prominent positions in Political Parties, in the Public Service, etc. He said that no post in Angola was closed to women and that many women had occupied and continue to occupy prestigious positions in the country. Women parliamentarians (about 16% of the 290 members) are very active and the Chairperson of one of the Political Parties represented in Parliament, the Liberal Party, is a woman.
 33. Concerning Angola's delayed Reports, the Deputy Minister said that the Ministry of Foreign Affairs would do its duty by regularly forwarding the reminders from the ACHPR to the Ministries concerned and drawing their attention to the importance of those Reports for the work of the ACHPR.
 34. The Commissioner urged the Government to send qualified experts to the next meeting of Experts on the Protocol to the African Charter on Women's Rights scheduled for December 2002, as had been the case in the past, and spoke in favour of NGOs and their work in the field in Angola.
- *Meeting with H.E. the Minister of Justice.*
35. The delegation held brief talks with H.E. the Minister of Justice. The latter, who was very busy with preparations for the SADC¹ Summit assured the Commissioner and Special Rapporteur of his support for the success of her mission in Angola and wished her good luck in this regard.
 36. The delegation also received information that the national human rights Department which had been created within the Ministry of Justice, organizes technical seminars, meetings on Human and Women's Rights, civil society and the international community. Thus, in 2001, this

¹ Southern Africa Development Community.

Department organized training sessions for legal assistants, representatives of churches and NGOs. Furthermore, in April 2001, this Department had initiated a weekly radio programme on human rights titled : “Knowing one’s Rights”. However, the Department is undergoing serious problems in terms of human, material and financial resources,

- *Meeting with the Director of the National Institute for Children, Mrs. Eufrazina Maiato*
37. The Commissioner introduced her delegation and made a presentation on the ACHPR and its functions. Mrs. Melo dwelt on the objectives of her mission to Angola in her dual capacity as member of the ACHPR and Special Rapporteur on the Rights of Women in Africa, and invited the Institute to show interest in the work of the Commission and participate in its sessions, with a view to finding the ways and means of guaranteeing the rights of children in Angola.
 38. The Commissioner then requested information on specific activities of the Institute in favour of Angolan children, bearing in mind in particular, the havoc wreaked on the social fabric during the decades of the liberation struggle followed by the civil war.
 39. The Director of the Institute thanked the delegation and indicated that the mission of her Institute was to provide subsistence support to children, as well as providing social and educational care. The Institute, she went on, plays an important role in implementing the United Nations Charter on the Rights of the Child, for which she coordinates the country report. The Institute also draws inspiration from the African Charter in carrying out its activities which focus first and foremost on orphans. Fifty thousand (50 000) children thus benefit from this educational support throughout the country for the Institute has a branch in each Province and has been in existence since 1992. Its most active partners are UNICEF and interested local and foreign NGOs. The Institute carries out activities in collaboration with the Ministry of Social Re-integration and other Ministries like that of Justice, Youth and Sports, Education, the Interior and Health are members of a Technical Council. A programme of Action on Child issues has already been drafted but discussions on the subject are also on the table. There are more than fifty thousand children who have been made orphans by the war. The intention is to enrol all these children in the national educational system by the year 2015. The Institute is also engaged in some activities in the camps of the displaced persons and refugees.
 40. The Director cited polygamy, the war situation and its consequences such as displacement of families, famine and malnutrition among others, as some of the difficulties facing children. She added that the parents of certain children are alive, but are incapable of caring for them. As a result, some 23, 000 children live in the streets of Angola and are involved in virtually illegal activities to survive. Girls enter into prostitution, often from as early as 12 years, following a deadly spiral that is fostered by organised crime, which exploits this situation. There are also cases of early/premature childbirth; drug abuse by young children. There is also a new phenomenon : the children

are sometimes considered as sorcerers by the population, which increases the degree of violence against them.

41. Touching on research programmes carried out by the Institute, the Director commended the on going collaboration with NGOs in this area because they contribute expertise and experience. She also indicated that the Institute's new policy is to promote the education and training of children to enable them fend for themselves in the medium term. The Institute also sensitizes the population on HIV/AIDS, in collaboration with interested NGOs, emphasising the need for couples and people living with HIV/AIDS to refrain from procreating, in order to avoid bearing children infected with the Virus for whom they will not be able to provide the necessary costly and uncertain medical care. There is a large number of children and women infected by HIV/AIDS. The Institute is also engaged in education against domestic violence, the fight against illiteracy in children, the control of drug consumption by children, and the fight for the creation of a juvenile court, and a special Court for heavy sentences against paedophiles.
42. Speaking on the specific problem of child soldiers, the Director pointed out that this was a very serious problem in Angola, given the history of the country. She therefore underscored the need to ensure the effective reinsertion of such children in civilian life by finding them adoptive parents, tutors or counsellors, if necessary. She expressed the hope that the forthcoming national conference on education would closely consider the need to give equal educational opportunities to all Angolan children.
43. In answer to an enquiry about the work of the Institute in favour of children in the camps for displaced persons, the Director stated that this was the responsibility of the Ministry of Reinsertion. Her Institute provided other types of assistance to displaced persons.

1st October 2002

- *Meeting with the Coordinator of the Human Rights Commission of the Bar Association of Luanda*
44. This meeting consisted mainly of providing the lawyers with information on the African human rights system: membership of the ACHPR, the provisions of the African Charter, the work of the Commission, drafting of reports, and the role of the Assembly of Heads of State and Government of the African Union, which adopts and authorises the publication of the Commission's Activity Reports.
 45. Commissioner Melo also underscored the Commission's protection role (reception and consideration of Communications/Complaints) and highlighted the role of NGOs and legal experts in general in the operations of the Commission. The Commissioner's presentation was followed by a fruitful discussion with participants.
 46. The Coordinator of the Lawyers Commission explained that the Human Rights Commission of the Bar Association was a decentralised institution

whose objective is to promote and protect human rights in Angola, and to educate citizens on their rights and on legal assistance before local courts. It participates in the drafting of legislation in general and human rights legislation in particular. The Bar has 591 members and 199 trainees. The speaker also talked about the promotional material that his Organisation produces to sensitize the population, in particular the Preliminary Diagnosis of the Public Administration System, published in 2002.

47. Analysing the human rights situation in the country, the speaker concluded that there has been remarkable improvement in the recent past and calling for this trend to continue, urged human rights activists to be unrelenting in their efforts. He reiterated the fact that the violation of human rights was due to the incapacity of the State to provide the legal assistance services to the population, and urged the Angolan State to pay special attention to human rights in this country which has just come out of conflict.
48. Answering a question on the apparent discrepancy between the wealth of the country and the poverty of the population, the Coordinator said that for a long time, financial resources had been allocated to the war effort. He added that with the end of the war this excuse could no longer be used by the Government and it was now imperative for the latter to tackle the vital issue of eradicating poverty in the country.
49. Participants also put questions about the procedure for bringing Communications before the ACHPR, observer status, the effects of decisions by the Commission, etc.
 - *Meeting with the State Prosecutor*
50. Commissioner Angela Melo made a presentation on the African Commission and its system of Special Rapporteurs and expressed satisfaction at having been able to effect the mission to Angola. She then asked the Prosecutor about problems encountered by the Angolan judicial system in its efforts to guarantee the right to fair trial for the population.
51. The Prosecutor thanked the delegation and said that in spite of all the efforts made, some serious problems still remained in the area of human rights. He admitted, for example, that the lack of an administrative tribunal is one of the causes of overcrowding in prisons, for the files that could have been dealt with by this institution are being dealt with by ordinary civil tribunals.
52. He further intimated that the execution of sentences is the responsibility of the Courts, under the responsibility of the Ministry of the Interior. The State Prosecutor, he said, monitors the legality of detentions, the rights of citizens, respect for human dignity, health condition in prisons and the execution of sentences. The State Prosecutor also validates sentences and may extend the duration of a detention or set a detainee free.
53. The State Prosecutor acknowledged that there are some problems in the management of pretrial detentions and that steps should be taken to remedy this. He mentioned that sometimes steps are taken by the Supreme Court on

being forewarned by the State Prosecutor on cases of remand abuses. The Commissioner and Special Rapporteur asked about the relationship between the Office of the State Prosecutor and the media and the State Prosecutor replied that he envisages holding a day of reflection with journalists in order to discuss issues relating to the dissemination of information because journalists, he said, need to be familiar with legal terminology. He acknowledged that relations between his Office and the media are not good that this should change.

54. The State Prosecutor further stated that the Police Criminal Investigation Unit continues to operate under the National Police. This, he said, was justifiable during war time but with peace restored the situation should change and the criminal investigation Unit should be placed under another entity. The Commissioner and Special Rapporteur asked whether the Executive Power interferes in the activities of the State Prosecutor and the latter responded in the negative. She also wanted to know whether sanctions were applied against police officers guilty of crimes. In reply the State Prosecutor intimated that sanctions are indeed applied, whenever necessary. Asked about the eventual existence of mechanisms for reinforcing law and order, for example, a joint Commission, a public prosecutor, judges, police officers and prison wardens and other partners, the State Prosecutor replied that sometimes meetings are held with the Supreme Court to discuss problems of remand and others. The Commissioner and Special Rapporteur asked about legal assistance for the population which did not have the means to pay for a lawyer, the Prosecutor responded that there is a defense system set up by the State but it was not enough and that the Bar Association, through its Human Rights Commission was supposed to make the necessary arrangements to provide assistance for the citizens.

- *Meeting with member NGOs of FONGA (Network of human rights associations and NGOs operating in the Republic of Angola)*

55. The Commissioner spoke to participants made up of 28 NGOs about the African Charter and the Commission and its work. She also indicated the objectives of her mission to Angola in her dual capacity as member of the Commission and Special Rapporteur on the Rights of Women in Africa. She then asked participants to introduce themselves briefly and indicate the role of their organisations. The Chairperson of FONGA explained that their organisation comprised of 382 local NGOs dealing with various fields: health, education, gender, promotion of women's affairs, women's liberation, environment, control of HIV/AIDS, rights of the child, youth matters, human rights, the culture of peace, rural development, poverty alleviation, social re-integration and training.

56. Commissioner Melo explained how the system of observer status with the Commission functions and emphasised the advantages of this status for the work of the Commission, the NGO and for human rights in Africa as a whole. She dilated on the requirements for applying for observer status and urged the organisations to send applications to the Commission, and if

possible through the delegation or, as soon as possible, to the Secretariat of the Commission.

57. Following the debate on the activities of Angolan human rights organisations and the difficulties that they encounter in the field the NGOs unanimously deplored the serious lack of financial and other support from the Government, to enable them carry out their activities. Despite this, and thanks to their mobilisation, and the support of certain external partners in this time of great need, the NGOs confirmed that they are able to carry out their activities in the field. These cover literacy, health, education, etc., particularly in favour of displaced populations.
58. The NGOs particularly deplored the tremendous difficulties facing Angolan women and children and the lack of Government assistance. They also deplored the lack of resources from Charity Organisations. On HIV/AIDS, the NGOs emphasised the need for greater sensitization of all categories of society, in order to reverse the trend (about 8% of the total population is infected). They also highlighted the need to provide care and psychological support to patients.
59. Asked about major problems in the area of human rights and on Women's Rights in general, the NGOs responded that there is lack of access by women in particular to health facilities (there are very few hospitals and other health centres); access to education is also very crucial, the population cannot afford to send their children to school; there is lack of transport; lack of jobs, and difficult access to land by displaced persons.
60. The NGOs added that displaced persons experience serious health problems and lack sanitary facilities. Some are affected by tuberculosis, malaria and worse still, by HIV/AIDS. Generally speaking, there is no clean drinking water for the population; decent housing is rare, and the environment in Luanda is largely highly polluted with violence against women a frequent occurrence. The individuals living in the camps of displaced persons live in extreme poverty. The security officers seriously lack training in human rights issues and in current legislation and in interpretation of the law.
 - *Meeting with the Director of the Department of Family affairs and the Protection of Women, Mrs. Medina Mpava*
61. Mrs. Mpava welcomed the delegation and described her Ministry, which has Departments in each province and is in charge of Women and Family matters. She indicated that the Ministry operates with the support of international institutions such as UNIFEM, UNDP and many others, and naturally with the collaboration of other Ministries, in the organisation of seminars and training sessions to educate the population on the concept of gender and on Women's Rights, on the interpretation of national and international legislation relative to Women's Rights, as well as other specific instruments, for example CEDAW. Mrs. Mpava lauded in particular the collaboration of the Ministries of Education and Health in the fight against illiteracy and the control of HIV/AIDS. She also intimated that in each

Ministry there is a focal point on gender. A team of trainers had been set up to introduce the concept of gender in all Government Departments.

62. She said that the Ministry, and more specifically the Department of Family Affairs, serves as a focal point for certain United Nations Agencies and ensures the implementation of the Strategy for Women that has been drafted following the recommendations of the Dakar Platform. Describing the structure of her Ministry, she spoke about the Department in charge of the national Family Policy and the Department in charge of HIV/AIDS control; the Department for the promotion of young girls, and the Department in charge of support to rural women (the majority of women in the country live in rural areas and require the concrete assistance of the State through micro-projects that enable them to meet the various needs in their lives). Mrs. Mpava concluded by stating that the action of her Ministry seeks to give women and men equal opportunities in life's competition, through various projects destined to provide women with access to small-scale loans.
63. The Special Rapporteur thanked Mrs. Mpava for her detailed explanations and congratulated her on the concrete activities carried out. She then posed a number of questions relating, among others, to the method of implementing the Plan of Action on the development of Women's Affairs and the strategies put in place by the Ministry. She also enquired about the role of civil society organisations in the drafting of these strategies.
64. Mrs. Melo also asked about the role of the Ministry in the repatriation of refugees and relocation of displaced persons, about the provisions of national legislation that are unfavourable to women, whether there were any prospects for their reform and about legal assistance for women. The Commissioner also wanted to know how the Ministry dealt with Female Genital Mutilation (FGM), the HIV/AIDS scourge, etc. Finally, she proposed that Angola participate in the Education for all on the Rights of Women Project that was currently being drafted, and requested that the Ministry do its best to ensure Angola's participation in the 2nd Experts' meeting on the Draft Protocol on the Rights of Women scheduled for Addis Ababa, Ethiopia in December 2002.
65. In response, Mrs. Mpava indicated that her Ministry's activities were carried out in association with NGOs and other partners, who vary according to the objectives of each project. Thus, the Ministry works with the Association of Women Lawyers, Associations of teachers and literacy promoters, etc. She pointed out that the drafting of the Five-year Strategy and Programme for the promotion of Gender Equality for the period 2000-2005 benefited from the contribution of all related civil society organisations. An evaluative report relative to the period from 1977 to 1999 in response to the requirements of the Beijing and Dakar Platforms had been submitted for discussion between civil society organisations and government entities. The following areas had been covered: Women and Poverty, Violence against Women, Women's Rights, Women and Traditional Society, Women and Diplomatic Missions, Family Relationships, Education and Technical Training, Women and Natural Resources, Women and their participation in the Peace process. A large number of areas still remain to be covered.

66. On the issue of repatriation, Mrs. Mpava said that this was under the sole responsibility of the Ministry of Social Reinsertion. With regard to HIV/AIDS and FGM, she assured the Commissioner that sensitisation was done in association with NGOs and other Ministerial Departments such as the Health Ministry, as well as other interested partners. The Director said that the Head of State had been personally involved in HIV/AIDS control and that this had had such an impact that mentalities were now starting to change in the right direction. Unfortunately the means are lacking to reach all those involved and provide care to patients.
67. In conclusion Mrs. Mpava declared that the Ministry of Justice is better placed to speak about legislation which is unfavourable for women. She however added that the Angolan criminal code, the civil code and the family code all still include remnants of the colonial period and need to be revised in the light of new advances in favour of women both at national and international levels. The Head of the Ministry further admitted that domestic violence is a serious problem in Angola, particularly since national legislation does not provide for the sanctioning of acts of domestic violence. She stated that she was in favour of sanctioning domestic violence. In the area of legal assistance for women, Mrs. Mpava conducted the delegation on a tour of the legal offices established within the Ministry for this purpose.
68. Mrs. Mpava agreed in principle for her country to participate in the Project of Education for All on the Rights of Women and hoped that this would contribute to raise the still very low level of education in the country. She indicated that 80% of the population was illiterate and that 68% of the poor are women, with those living in rural areas being the most affected. The Director was therefore pleased with the fact that her Ministry's policy of according small-scale loans over the past five years is now beginning to bear fruit and many women are very enthusiastic about the project. The evaluation report prepared by the Ministry on the Dakar and Beijing Platforms was submitted to the Commissioner.

- *Tour of the Luanda Central Prison*

69. This prison, which was built in 1902, and which the delegation found considerably dilapidated, was intended to house 500 detainees but in reality it housed about 1400 detainees. This overcrowding led to so much promiscuity and problems that the authorities decided to build a new prison of *Viana* in the North of Luanda which is still under construction. The prison Authorities intimated that out of the 1400 detainees, about 1100 of them had ongoing cases at various stages of the judicial process, whilst 300 who had been tried and sentenced were serving their sentence.
70. The delegation then visited the women's wing of the prison. There were about 81 detainees living in relatively hygienic conditions (despite water problems) and having sometimes equipment like sewing machines to enable them to work. Each cell held two detainees. The delegation noted the presence of numerous babies (about ten) and pregnant women (half a dozen) who all confirmed that they had arrived at the prison with their babies or

already pregnant. This was confirmed by the prison Authorities. Out of the 81 detainees, the delegation noted that only about 20 had been tried and sentenced. The rest all had cases pending at various levels of investigation.

71. The delegation noted above all that most of the detainees had not had a lawyer or any form of legal counsel and that some of them had been held for too long (sometimes for several months) without being arraigned before a judge. The delegation drew up a list of the most pressing cases and submitted it to the competent Authorities for action. In this context, the Commissioner deplored the fact that the Director of the Women's Wing was absent, despite having been informed of the visit of the delegation.
72. A rapid tour of the men's wing enabled the delegation to note that the main court was equipped with certain facilities that allows detainees to practice some sports and other exercises at the allotted times. The Commissioner concluded her visit by providing explanations and advice to the prison Authorities on human rights issues and urging them to do their best for the detainees, who are human beings, even if they have been deprived of their liberty by virtue of the law.
73. The Commissioner questioned the Director of the Prison on the system of controlling the detainees and condemned persons, about the detainees kept beyond their period of remand, and on the system of communication between the institutions administering justice. The Director explained that there are few sentences as there are very few Courts, especially local Courts for sentencing minor offences. The inter-institutional communication system is also very precarious, but he sends a card every month to the Courts and to the prosecutors on penitentiary movements. He does not hold inter-sectorial meetings but they are held at the level of the Directors of justice administration.
 - *Call on the Vice-President of the Supreme Court of Luanda, H.E. Venerando Juiz*
74. After presenting the general framework of her mission, Commissioner Melo mentioned the personalities that she had met and the places she had visited, notably the prison-hospital, the new prison under construction, and the Luanda central prison. In this context, Mrs. Melo expressed her surprise at the fact that out of a total prison population of roughly 1400, the central prison had more than 1000 cases under investigation or in preventive custody and only 300 have been sentenced. She asked for explanations and insisted on the need to examine the cases for possible release on bail, the cases of no action appeals, and other pending cases which have far exceeded legal or reasonable periods.
75. The Commissioner also asked if the use of alternative sanctions was envisaged for certain cases, in order to ease the overcrowding in prisons and prepare prisoners for a return to civilian life. She also wished to know how things stood regarding legal and judicial assistance to indigent offenders.

76. The Vice-President of the Supreme Court stated that the prison system certainly required a reform that would allow it to function better and said that the Authorities were thinking along those lines. On the specific issue of the excessive number of pending cases, the Vice-President of the Supreme Court said that it was a fact that in Angola, cases for preventive custody, remand, investigation and those sentenced were all bundled together, and this could explain the apparent disproportion in the categories of detainees. He admitted that sentencing was indeed slow but that the situation appeared to be improving. He went on to clarify that it was up to the prison authorities to identify those cases that really represented a problem and suggest appropriate measures to the competent Authorities accordingly. He acknowledged, however, that this work was not being done as it should.

77. Concerning legal and judicial assistance, the Vice-President of the Supreme Court said that there was an obvious vacuum in this area that needed to be filled, since there was no organisation or structure carrying out effective and regular action in this area. He revealed the fact that the Supreme Court was studying the possibility of setting up a State financed body that would be responsible for providing the necessary assistance to poor offenders.

- *Meeting with the Director of the Ministry of Labour and Social Security*

78. After having introduced her mission, which she was carrying out in the double context of the promotional mandate of the ACHPR and Special Rapporteur on Women's Rights in Africa, Mrs. Melo enquired as to what measures were being taken to ensure the enjoyment of the right to employment by Angolan citizens in the post-war period that had started in the country several months before.

79. The Director expressed delight at welcoming the delegation and informed it that in 2002 the Labour Act had been promulgated and implemented but that 45% of Angolans are unemployed, particularly in the urban areas. The Director lamented the lack of statistics in the area of employment and informed the delegation that the State employs 212,441 civil servants of whom 40% were women. 75% of these women are employed in junior positions and among them 24% have a level equivalent to 4 years education in primary school, whereas only 1.9% of them have received senior level training. In the private sector, no statistics are available.

80. In the Government, she continued, there are 4 Ministers and 6 Deputy Ministers who are women. Furthermore, there is a Professional Training Institute and many Centres for the Employment Promotion. The Director also informed the delegation that the majority of job applications are from people without the adequate qualifications. Thus, in 2001, there were 17, 989 job applications (among which, 4, 980 were from women) but only 820 were accepted.

81. The Special Rapporteur requested information on social security coverage in Angola and the Director replied that since salaries are very low, the services provided by social security agencies are also poor and it is necessary to increase the social security coverage which was only put in place in 1991. She

however said that there are prospects for the drafting of a new Law on social security but these were yet to materialize.

82. With regard to public service reform, the Director said that there is a new Law dating back to 1990 which had abrogated the colonial law, and since 1977 a reform is underway in the area of human resources. Since it had been noted that the general level of civil servants was very low, a training scheme had been initiated in their favour and a kit of equipment had been provided for setting up civil servants in the private sector: thus, more than half of the the 20,000 civil servants fired from the public service had gone into the Private Sector. Other civil servants had gone on early retirement. However, the Informal Sector is vast, with women included. There is no statistical data. The Director concluded that since the end of the war, a lot of reforms had been initiated but it will take time for the results to be properly evaluated.

- *Talks with Mr. Antonio Andrade, member of the National Commission for Social Reinsertion and Production of Demobilised and Displaced Persons*

83. Mrs. Melo made a brief general introduction on the African human rights system and on the activities of the ACHPR, as well as those of Special Rapporteurs, highlighting the mandate of the Special Rapporteur on the Rights of Women. She then went on to speak about the objectives of her mission to Angola, which is the first by the ACHPR to this State party to the Charter. The Commissioner further explained that her mission to Angola was being carried out under her dual mandate as member of the ACHPR and as the Special Rapporteur on the Rights of Women in Africa. She put a number of questions about the general living conditions of displaced populations on the national territory and asked about the various activities that are being carried out or are envisaged in order to reduce the problems of displaced persons and relocate them, now that the war is over.

84. Mr. Andrade stated that considering the fact that the war had ended only a few months ago, it was not easy to carry out an overall assessment of the situation of displaced persons in the country and as such it may be difficult to provide reliable information to the delegation. He then explained that more than four million people had been displaced by the successive wars in Angola and that their situation was a challenge of titanic proportions, which was further compounded by the fact that several thousand UNITA soldiers are to be demobilised and 5000 of them should be integrated within the army and the national police force. He also mentioned that there were 4 million displaced persons, and the Government had received 353,852 persons of whom 800,000 are military officers with dependants. There are 36 reception zones. 547 UNITA soldiers have already been integrated within the national armed forces.

85. Mr. Andrade further informed the delegation of the need to visit the reception centres for displaced persons which are in the Provinces. He declared that a programme has been set up for the re-integration of displaced persons. Among this group women are in the majority and there is a specific programme for displaced women. Moreover, there is a family re-unification programme with a 4 to 5 year duration. There are several persons affected by

HIV/AIDS, but no statistical data exists in this regard. A project is being prepared for the allocation of micro-credit to the displaced persons to enable them set up micro enterprises. The return of refugees is programmed for December 2002. 80,000 refugees are expected to return voluntarily before May 2003. The refugee voluntary repatriation programme is being organised with the assistance of the UNHCR.

86. Admitting the difficult living conditions of displaced persons and the isolation of certain camps, including *Matungo* and *Mapembe*, Mr. Andrade declared that the State, with the support of certain Charitable Organisations and Associations is doing its best to provide a minimum of assistance. However, diseases like malaria and certain skin conditions seriously affect displaced persons, who sometimes live in very difficult conditions.

- *Meeting with civil servants from the Ministry of Assistance and Social Reinsertion (Mr. José Antonio Ferreira Martins, Director of the Social Rehabilitation Project, and Mrs. Conceição).*

87. Mrs. Melo underlined the importance of such a Ministry in the post-conflict context of Angola and asked about the main activities of the Ministry and its relations with the National Commission for Social Reinsertion and Production of Demobilised and Displaced Persons.

88. The Ministry staff indicated that the activities of the Ministry consisted of implementing the Government's social reinsertion policy, focusing on displaced persons and other vulnerable groups. They said that the Ministry was in charge of coordinating the activities of all the bodies involved in social reinsertion (of civilians, soldiers and their families), which represents a vast amount of work, given the numbers of people involved.

89. Explaining that the Ministry has been in existence since independence, even if its attributions have evolved with the requirements over time, in particular with the wars, including the recently ended one, the officials affirmed that among the concrete activities realised by the Ministry in the post conflict era figure the social reinsertion of displaced persons (about 4 million), the social reintegration of demobilised soldiers with their families, the distribution of foodstuffs and other essential commodities to guarantee their livelihood and, considering their situation, a minimum of comfort for the groups of persons indicated above.

90. The Ministry officials added that various projects were also under study or being implemented to improve the situation of displaced persons and to ensure the re-unification of families that are dispersed all over the national territory. Those who expressed a desire to return to their home regions have been transported there and it is hoped that within the next few months, 50,000 refugees will be repatriated. Even where some refugees return voluntarily, for others, their return needs to be organised. They indicated that the projects for reuniting families enjoy the support of UNICEF because children are involved, and are carried out in collaboration with other Ministries. A number of micro-credit projects are also being developed for displaced women.

- *Visit to the camp for displaced persons close to Luanda:*

91. The delegation toured a camp for displaced persons close to Luanda and noted that the population of the camp was well organised. The inhabitants of the camp especially expressed the wish to be able to return to their land as soon as possible, now that the war is over.
92. Concerning their day to day life, the displaced persons deplored their lack of employment and the absence of schools for their children. The women in particular, requested tools, materials and a minimum of financial resources to enable them carry out activities like sewing and household chores. Drinking water was insufficient for all of them. They had no farmland to produce food for their children. They lack educational materials for their children and have no means of transport.
93. The Special Rapporteur explained the reasons for her presence in Angola and asked the displaced persons not to lose hope. She went on to explain the functions of the ACHPR and the system of the Special Rapporteur on the Rights of Women in Africa.

IV- SITUATION IN THE COUNTRY AND CONCERNS:

94. The visits to various Government institutions by the delegation of the African Commission and the meetings with the representatives and members of Angolan institutions, with 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:

95. The general situation of human rights in Angola is very much affected by the decades of war that wreaked havoc in the country for years, causing enormous loss of human life, injury of persons, displacement of populations, widespread 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.
96. 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.
97. 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 ON THE RIGHTS OF WOMEN

98. 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 no major reform of the colonial code which does not recognise the right of Women to *de cuius* succession.
99. 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.
100. 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. In spite of their numbers, women remain largely under-represented in Government and in parliament, as well as in the governing structures of political parties.
101. On the legal front, Angola may be congratulated for having ratified the Convention on the Elimination of all forms of Discrimination against Women on 17th September 1986, a very important instrument for the promotion and protection of Women's Rights. However, it is deplorable to note that since that date, this State has neither submitted nor presented a report to the Committee of Experts on the Convention. This constitutes a serious discrepancy in the implementation of Women's Rights in Angola and places Angola way behind in the international movement for the promotion and protection of the Women's Rights.
102. The precariousness of the health of Angolan women is a proven fact. 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.
103. 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.

104. 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.

V- **CONCLUSIONS:**

105. At the end of her first mission to Angola, the Commissioner was satisfied with the warm welcome that had been accorded her and the positive appreciation of the Angolan authorities and members of civil society organisations on the initiating of this mission.
106. The Commissioner was also pleased about the opportunity accorded by this mission to disseminate information on the African human rights system and the system of the Special Rapporteur on the Rights of Women in Africa.
107. The general conclusion of the delegation is that the lengthy decades of war in Angola remain the direct cause of several serious violations of human rights in this State party. In addition, the persistence of the war prevented the Government from effectively carrying out the implementation of socio-economic rights and the fight against poverty and the other issues that undermine the society.
108. The mission appreciates the efforts deployed by the Government to give effect to the provisions of the African Charter, despite the difficult conditions prevailing in the country, and urges it to persevere in this direction with the continued collaboration of Human Rights NGOs and other actors involved in this task.

VI- **RECOMMENDATIONS:**

109. *The Angolan Government needs to:*
- *Do everything to ensure that Angola complies with the obligations imposed upon it by the regional and international conventions to which it is a party, in particular the African Charter on Human and Peoples' Rights, notably by submitting and presenting the two outstanding periodic reports in accordance with the principles of Article 62 of the said Charter.*
 - *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 with international standards.*
- *Ensure that conditions of detention and treatment of detainees are in conformity with international standards;*

110. Civil society organisations should undertake the following:

- *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.*

111. The international community should undertake the following:

- *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.*