Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Angola - 7th Session - 2010

12th February, 2.30pm to 5.30pm

National Report

13. Under article 1 of Act No. 10/85 of 19 October, a citizen's name is composed of a given name and family names. There is a procedure for birth registration and issuing of personal record books, which are needed to acquire identity cards and which help protect citizens' identity. At one point, hundreds of thousands of children were deprived of this right and the Government launched two campaigns for the free registration of births covering 658,620 people in 1998 and 2.2 million in 2001. In order to monitor mortality and illness rates, the registration of deaths is free.

14. Decree 31/07 of 14 May exempts children up to the age of 5 years from fee payments and issues identity cards to children from 8 to 11 years. It has enabled registration services to operate in hospitals, maternity clinics, maternal and child health centres and other locations where children are born, as well as municipal and district offices. The system is being extended to communities, so that all children might enjoy this right.

15. A child whose father or mother has Angolan nationality, whether born in Angola or abroad, automatically acquires Angolan nationality. This can also be acquired by children who are underage or lack legal capacity with a father or mother who acquires Angolan nationality. Such children are then free to choose another nationality on attaining legal age. Children with no other nationality who are born in Angola, along with those born in Angola of unknown parents, or whose parents are of unknown nationality or stateless, are also entitled to Angolan nationality. There will be further developments for such cases when the new Nationality Act (No. 1/05 of 1 July), already drafted but awaiting approval by the National Assembly, is passed.

28. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), adopted by resolution No. 40/33 of 29 November 1985, state in article 14.1 the need for a competent authority to deal with juvenile offenders, a recommendation reiterated in the Convention on the Rights of the Child. Act No. 18/88 of 31 December stipulates in article 27 that provincial courts must include specialized chambers to be established according to need. That law had led to the disappearance of the juvenile court system. The enforcement of sentences has been provided for under article 33.3 of Act No. 18/88, which establishes that a special law should deal with juvenile criminal proceedings, under the generic competence of provincial court presidents.

29. Act No. 9/96 of 19 April was adopted in 1996 and establishes the Juvenile Chamber, a specialized judicial body which is part of the provincial courts and referred to as Juvenile Justice ("Justice des Mineurs"), in order to soften the penal connotation conjured up by the term "court". It implements social protection measures for minors of all ages and criminal prevention measures for those aged from 12 to 16. The five-member Commission for the Protection of Minors, a permanent, independent, non-judicial body, works with Juvenile Justice to deal with the minors under its jurisdiction and implement its decisions.

30. The system does not yet work as well as could be wished, as it has not yet been extended to all provinces beyond Luanda, where it has been in place since 2006. This is partly due to the lack of facilities and of law officers and the absence of internment and semi-internment centres.

53. Articles 20, 22, 23, 25, 30 and 46 of the Constitution Act guarantee respect for and the protection of the person and human dignity, outlaw torture and other inhuman treatment, allow freedom of movement, give absolute priority to the protection of children and provide for the right to work. The Criminal Code in force since 1886 does not contemplate the crime of trafficking in persons, but this is being
rectified in amendments to the Code, under which it will become a criminal offence.

54. The Government is taking preventive measures to monitor the movement of persons, especially children, by putting in place appropriate rules and administrative procedures. It is working to raise awareness through training and information programmes for law enforcement officers, creating child protection networks and setting up checkpoints along all external and internal borders, where the identity of unaccompanied minors without travel documents is checked and, in the case of accompanied children, proof of the link between the adult and child, as well as parental permission to travel, have to be shown. It has also created the cross-sectoral Committee on Trafficking in Persons, a national strategic action plan and a national observatory.

55. Measures have been strengthened against all forms of violence linked to trafficking in women and children, who are the most vulnerable to this type of crime, especially in the fight against, inter alia, commercial sexual exploitation and prostitution, slavery, forced labour and the excision of organs.

56. The issues of sexual exploitation and child prostitution are widely debated in round-table discussions, workshops and other forums, in the context of a review of the situation in the country carried out in late 2008. That review had the goal of devising a national strategy to prevent or reduce violence against children, taking in aspects of the National Action and Intervention Plan against the Commercial Sexual Exploitation of Children (Decision No. 24/99). The strategy aims to improve the data collection system, adopt laws to end impunity for rape and establish specific programmes to counter a worsening situation.

58. The Constitution Act gives absolute priority to children, considering them society’s most vulnerable group. To put this legal premise into action, the Government is promoting their harmonious development and, in 2007, undertook 11 commitments in partnership with United Nations agencies and other social partners. With a view to maintaining a permanent social dialogue and monitoring policies covered by these commitments, it created the National Council for Children (CNA), which in June 2009 organized and ran the Fourth Children’s Forum, to study the results of policies in the course of thematic round-table discussions: Children up to 5 years old. Children in this age group have benefited greatly from significant progress in the areas of life expectancy, food security, birth registrations and early childhood education, all of which are the result of the progressive increase in spending on health, education and other social policies; Children aged 6 to 18. This round table was dominated by issues related to primary education, which has shown considerable growth in gross enrolment rates, with 118.1 per cent growth in 2004, 118.2 per cent in 2005, 122.1 per cent in 2006 and 127.1 per cent in 2007; All children. This covered issues such as HIV/AIDS prevention and reducing its impact on families and children, the prevention or reduction of violence against children, family responsibilities, the durability of progress made, children and communication, children in the general State budget and the Angolan child indicator system.

108. The Basic Education Act No. 13/01 of 31 December establishes not only the integrity and secular, democratic nature of the education system, but also the principle that education should be free of charge and compulsory. Those principles are affected by several negative factors, such as the tradition that prevents girls from attending school or from pursuing their studies beyond the fourth year. Further factors are the great distances between schools and children’s homes and the high rate of teenage pregnancies. To address this, we are running awareness campaigns among parents and educators, as well as in the wider community, on the importance of and need for schooling for all children, without discrimination. This has contributed to the progressive elimination of adverse cultural traditions.

109. The difficulties encountered in the country’s most disadvantaged areas are cause for concern and ethnic minority communities are a case in point. Special community integration programmes have been implemented for groups such as the Khoi-San people during the transhumance season, in order to provide education access for the children of nomad populations in Namibe, Huila and Cunene provinces.

110. The Government has implemented the three-phase National Education Reconstruction Plan, aimed at restoring, consolidating and expanding the system by achieving a net primary school enrolment rate of 67 per cent in 2005 and cutting illiteracy, especially among women, by 59 per cent by 2015. The National Learning Evaluation Programme is showing progress in the subjects of Portuguese, mathematics and environmental studies.

111. The net primary school (first to sixth years) enrolment rate is 56 per cent. More than 30 per cent of people aged 15 and above, half of them women, are illiterate. Since 2009, a literacy programme has been in place with 6,698 instructors, of whom 109 are supervisors.

112. At the same time, a literacy and remedial study programme aims to accelerate learning through self-teaching and the certification of skills acquired in various formal and informal learning environments. This has led to around 60 per cent of pupils learning to read and write in just three months.

113. A range of civil society organizations and multilateral bodies, among them the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children’s Fund (UNICEF), the European Union and various NGOs, have made a valuable contribution to education and we encourage other organizations to come forward with literacy projects.

114. The 3,182 teachers who work in special education receive continual training. Nevertheless, only half those in need of such education are covered. In 2007, 16,393 pupils were enrolled, of whom 7,332 were female. The most common disabilities are deafness (8,110 pupils), mental disorders (5,022) and sight impairment (3,261). Projects being implemented include: the standardization of sign language, the setting up of a national centre to diagnose and monitor pupils with special education needs; the adaptation of curricula; the publication of a manual on deafness and the digital dictionary (versions 1 and 2).

115. The school snack programme operates across the country. Between 2005 and 2008, more than 944,721 primary schoolchildren benefited from this programme, which aims to prevent dropout and improve learning capacity.

116. Some national languages have been introduced into the education system with the object of preventing linguistic exclusion in
schools and preserving cultural identity. This project, at the experimental stage, concerns 12,000 pupils in 240 classes.

UN Compilation

8. In 2004, the Committee on the Rights of the Child (CRC) expressed concern at discrimination faced by children with disabilities, girls, and children belonging to the San communities.27 It recommended that Angola take legislative measures explicitly to prohibit all forms of discrimination; and undertake actions, including awareness-raising and educational campaigns, to reduce and prevent discrimination in practice, particularly against girls.28

11. CRC in 2004,33 the Special Rapporteur on freedom of religion or belief in 200734 and CESCR in 200835 expressed deep concern at the phenomenon of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder. UNCT in 2009 expressed similar concern.36 CRC37 and CESCR38 urged Angola to take immediate action to eliminate the mistreatment of these children, including by prosecuting the perpetrators and intensifying education campaigns involving local leaders.

12. CRC was concerned at the common use of corporal punishment in families and in schools and other institutions for children.39 CRC recommended that Angola take effective measures to enforce the ban on corporal punishment in schools and other institutions; prohibit corporal punishment by parents and other caregivers; and undertake campaigns to educate families, teachers, and other professionals working with, and for, children on alternative ways of disciplining them.40

13. CRC was also concerned at the growing number of cases of abuse and violence against children, including sexual abuse in their homes, in schools and in other institutions.41 It recommended that Angola, inter alia, strengthen efforts to address the problem of child abuse, including by ensuring the establishment of child-sensitive mechanisms to receive and investigate complaints regarding ill-treatment and abuse; the promotion of positive and non-violent forms of discipline; the provision of counselling, protection and assistance with recovery and reintegration to all victims of violence; and the effective implementation of the national plan of action to combat sexual abuse of minors.42

17. CRC expressed concern about the extent of the problem of sexual exploitation of and trafficking in children and noted that internally displaced and street children are particularly vulnerable to such abuse.48 CRC recommended that Angola further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by finalizing the national plan of action in this area and providing sufficient human and financial resources for its implementation. It also encouraged Angola to define trafficking as a specific criminal offence under the Penal Code.49 In its report to the ILO Committee of Experts in 2008, the Government stated that it was not aware of any trade or trafficking in persons. However, the ILO Committee requested the Government to provide detailed information on the measures taken to combat trafficking in persons in terms of both prevention and suppression.50

22. CRC in 2004,60 CESCR in 200861 and UNCT in 200962 expressed concern at the high number of unregistered children in Angola. CRC63 and CESCR64 recommended that all necessary measures be undertaken to ensure that all children are registered at birth, including by providing such registration free of charge. CESCR also recommended that the coverage of civil status registration be extended to all other persons not yet registered.65

23. CRC in 200466 and UNCT in 200967 noted with concern the customary practice of early or child marriage. CRC recommended that Angola ensure the effective enforcement of the minimum age for marriage stipulated in the Family Code (18 years) and that such measures be accompanied by awareness-raising campaigns to prevent early marriages.68

41. In 2009, UNCT noted that as a result of increased Government funding, primary school enrolment had increased in recent years. However, drop-out and repetition rates remain high, and a large number of children did not have access to a free quality primary education.94 Similar comments were made by CRC in 2004,95 CEDAW in 2004,96 CESCR in 200897 and the ILO Committee of Experts in 2009.98 The ILO Committee requested the Government, inter alia, to improve the quality of the education system, and to provide information on measures adopted in order to increase the school attendance rate at both primary and secondary levels, and decrease the school drop-out rate, so as to prevent children under 14 years of age from engaging in work, as well as on the results achieved.99

50. In 2004, CRC recommended that Angola seek technical assistance from ILO/IPEC in regard to economic exploitation of children;112 and from OHCHR and the United Nations Children’s Fund concerning the administration of juvenile justice.113 In 2008, CESCR urged Angola to seek bilateral and international cooperation in regard to landmines and anti-personnel mines.114

Stakeholder Compilation

14. CPTI indicated that during the war against UNITA, both sides made very extensive use of child soldiers of both sexes. Some of those recruited in rusesgas were as young as 14; even younger children are known to have been sent back by military commanders in the field. In 1996, the minimum age for voluntary recruitment was set at 18, but two features create considerable risks that juvenile recruitment may still, at least occasionally, take place in practice: the continued reliance on rusesgas for recruitment, and the very low rate of birth registration – estimated at 5%, which means that many of those seized in rusesgas have no means of proving their age.20

15. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment in the home is lawful. The Family Code provides that parental authority includes the obligation to protect children’s physical and moral integrity, but this and other legal provisions against violence and abuse in law are not interpreted as prohibiting corporal punishment in childrearing. It added that there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions or in alternative care settings.21
47. JS1 reported that the school attendance and literacy rates in Angola are increasing, but the efforts are not yet sufficient and education is not yet a high priority. 7.14% of the State Annual Budget was allocated to education in 2004, 3.82% in 2005, 5.61% in 2006, and it is now about 5%. Although the education system provides for primary education free of charge, this is not realized because the lack of classrooms, lack of appropriate conditions in schools and corruption predicate that the majority of students pay monthly fees, as well as fees for tests. It recommended the establishment of mechanisms to monitor the fees charged by the schools and the provision of support to the most underprivileged children and adults to ensure their access to education.71

48. JS1 reported that 0.01%(2004), 0.03%(2005), 0.28%(2006) and 1.15% (2007) of the general budget for education was allocated to adult literacy; which is insufficient to curb the continuing high adult illiteracy rates.72

49. JS1 said the Coordinating Commission for the Integration of Human Rights in the Education Subsystems has not yet presented a national human rights education plan.73 It suggested incorporating a human rights subject in the academic syllabus of each school grade, and establishing specializations on human rights in universities.74

Final Report and Conclusions - To follow