

Angola, CEDAW, A/59/38 part II (2004)

124. The Committee considered the combined initial, second and third periodic report and combined fourth and fifth periodic report of Angola (CEDAW/C/AGO/1-3 and CEDAW/C/AGO/4-5) at its 655th and 661st meetings, on 12 and 16 July 2004 (See CEDAW/C/SR.655 and 661).

Introduction by the State party

125. In introducing the combined initial, second and third periodic report and the combined fourth and fifth periodic report, the representative noted that, since independence in 1975, Angola had faced many political and socio-economic setbacks. The war had had a devastating impact on the socio-economic infrastructure of the country and, in particular, on the lives of women. The war had produced over four million internally displaced persons and more than 300,000 refugees in neighbouring countries, 80 per cent of whom were women and children. The majority of Angola's population lived in conditions of extreme poverty with limited access to education, health care, water, electricity and sanitation. Women's lives were characterized by high levels of maternal and child mortality, malnutrition, illiteracy, poverty, violence, lack of resources, unemployment in the formal sector and a high rate of participation in the informal economy. Since the signing of the Luena Agreement in 2000, which had brought peace to the country, the Government had taken new initiatives to improve the living condition of the population.

126. The representative stressed that the Government had undertaken important measures to address resource, institutional and socio-political constraints in order to progressively comply with its obligations under the Convention. Angola had formally acknowledged women's right to equality in its Constitution and had promulgated legislation to address the social, economic, legal and political aspects of gender parity and discrimination against women, including in the family and in labour codes, as well as in legislative provisions related to HIV/AIDS, nationality, the elimination of all forms of violence against women and the exploitation of women, including trafficking and prostitution. The representative acknowledged that the practical application of these provisions had been largely ineffective.

127. The State secretariat for the promotion and development of women, created in 1991 had been upgraded to a Cabinet-based Ministry in 1997. In addition to its responsibility for the formulation and implementation of national policy on the rights of women, focal points existed in most other ministries to mainstream gender in government policies, programmes and projects. One of these programmes sought to eradicate gender-based poverty through the provision of counselling, legal aid, microcredit and other interventions for rural women.

128. In the areas of health and education, the Government had prioritized the rehabilitation of infrastructure and training. Resources were being assessed to remedy the high rates of maternal and infant

mortality, malnutrition, illiteracy and limited access to water and sanitation. Households headed by women were most affected by HIV/AIDS and other sexually transmitted diseases. The strategic plan on reproductive health and the national plan for education for all to the year 2015 was expected to address the specific needs of women and girl children and to ensure that women could benefit from both formal and non-formal education.

129. The representative indicated that in the field of employment some discriminatory attitudes towards young women existed in private enterprises. Despite a non-discriminatory labour law, the public sector was comprised of 60 per cent men and 40 per cent women. Unemployment rates were higher among women, and women worked predominantly in the informal sector where they operated their own businesses.

130. The representative noted women's participation in decision-making was slowly being promoted, as few women were represented in political and public life. Three out of 30 ministers were currently women, as were 5 out of 40 vice-ministers. Thirty-six out of 220 members of Parliament were women, while 6 of 66 ambassadors were women. While some Angolan women worked for regional institutions, no Angolan women were currently represented in international arenas.

131. The representative underlined the Government's awareness of the challenges faced in the implementation of its obligations under the Convention. Women's rights were affected by societal changes and had to be protected through civil, political, social and legal measures.

132. In concluding, the representative conveyed a message from the President of Angola, in which he reiterated the Government's commitment to the realization of women's advancement and full gender integration and to the creation of necessary conditions for their well-being and security through the implementation of policies and programmes. The President also highlighted the need to prioritize women in social policies, the importance of equal opportunities for women in the fields of assistance, education, training and employment and stated that Angola planned to adopt legislation to combat violence against women.

Concluding comments of the Committee

Introduction

133. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report and its combined fourth and fifth periodic report, which were, however, long overdue.

134. The Committee congratulates the State party for sending a high-level delegation headed by the Vice-Minister of Family and Promotion of Women. It appreciates the frank and constructive dialogue that took place between the members of the Committee and the delegation, which provided further insights into the real situation of women in Angola.

135. The Committee notes that nearly 30 years of civil war in Angola resulted in the destruction of the socio-economic infrastructure, over four million internally displaced persons and refugees, a considerable increase in households headed by women and the majority of the population living in extreme poverty.

136. The Committee notes with satisfaction that the reports provide information about action taken by the Government in the follow-up to the Fourth World Conference on Women, held in Beijing in 1995, and the twenty-third special session of the General Assembly in 2000.

Positive aspects

137. The Committee welcomes the political will and commitment, expressed in the message by the President of Angola to the Committee and during the constructive dialogue, to the realization of the de facto equality for women and the full implementation of the provisions of the Convention, and to further improve on progress achieved so far in some areas.

138. The Committee welcomes the creation, in 1991, of the State secretariat for the promotion and development of women, which was upgraded, in 1997, to the Ministry of Family and Promotion of Women, with a mandate to define and implement the national policy for the promotion of the rights of women in both the public and private sphere. It also welcomes the establishment of gender focal points in all ministries and departments at central and local levels.

139. The Committee commends the State party for enacting a number of laws and adopting strategic plans in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Family Code, the 2004 HIV/AIDS law and the strategic plan on HIV/AIDS; the General Labour Law of 2000; the strategic plan on sexual and reproductive health (2003-2008); and the national plan for education for all to the year 2015. It further welcomes the strategy and strategic framework for the promotion of gender equality by the year 2005, developed after the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century” (“Beijing plus 5”), approved by the Cabinet in November 2001.

Principal areas of concern and recommendations

140. The Committee is concerned that the Convention has not yet been domesticated as part of Angolan law. It notes that, short of such full domestication, the status of the Convention vis-à-vis domestic law is not clarified, nor is it clear if the Convention is justiciable and enforceable in Angolan courts. The Committee also notes with concern that the provisions of the Convention have not yet been widely disseminated nor are they widely known by judges, lawyers and prosecutors. The Committee is further concerned about the lack of proper understanding of and respect for women’s human rights and that women themselves are not made aware of their rights, and thus lack the capacity to claim them.

141. The Committee recommends that the State party take immediate measures to ensure that the Convention becomes fully

applicable in the domestic legal system. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also calls on the State party to disseminate the Convention widely to the general public so as to create awareness of women's human rights. It invites the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can claim all their rights.

142. The Committee expresses concern that, while article 18 of the Angolan Constitution guarantees equality between women and men and prohibits discrimination on the basis of sex, it does not contain a definition in line with article 1 of the Convention.

143. The Committee urges the State party, as part of its current constitutional review process, to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination and to enshrine in the Constitution a definition of equality and non-discrimination against women, in line with article 1 of the Convention, so as to create a solid constitutional basis for the practical realization of women's de facto equality.

144. While noting the existing positive elements for the protection and promotion of women's human rights in the current legal framework the Committee is concerned about other legislative provisions that discriminate against women, including in the Civil Code, the Commercial Code and the Penal Code, as well as about legislative gaps in certain areas, including violence against women.

145. The Committee calls on the State party to embark on a law review process to identify laws that discriminate against women or legislative gaps in the area of equality between women and men with a view to revising such laws or drafting new legislation in order to eliminate provisions that are discriminatory.

146. The Committee is concerned at the strong persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

147. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as

teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights.

148. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is especially concerned about the situation of women in rural areas, women heads of households, women refugees and internally displaced women returning to their places of origin or migrating to the cities, who often lack access to health, education, services and means and opportunities for economic survival.

149. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, women heads of household, refugee women and internally displaced women, ensuring that they participate in decision-making processes and have access to health, education, services and income-generation projects. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

150. While welcoming the upgrading of the national machinery for women to the level of Ministry, headed by a Cabinet Minister, the Committee is particularly concerned that it suffers from inadequate human and financial resources, which prevent it from carrying out its functions effectively in promoting the advancement of women and gender equality.

151. The Committee recommends that the State party expeditiously strengthen the existing national machinery and provide it with adequate human and financial resources at all levels, including training and capacity-building for the gender focal points in sectoral ministries and departments, in order to increase its effectiveness in mainstreaming gender perspectives in all policies and programmes and in promoting women's human rights.

152. While it commends the State party for recognizing the gravity and extent of the problem of violence against women and girls and its ongoing efforts to combat such violence, including in cooperation

with non-governmental organizations, the Committee is concerned about the lack of specific legislation on violence against women, including on domestic violence, as well as the lack of adequate policies, programmes and services and their effective implementation and enforcement. The Committee is also concerned about the attitude of law enforcement officers towards women who report cases of violence, which results in women victims' reluctance to report such cases of abuse.

153. The Committee urges the State party to place high priority on putting comprehensive measures in place to address all forms of violence against women and girls, recognizing that such violence constitutes a violation of the human rights of women under the Convention and further elaborated in the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on violence against women, including on domestic violence and sexual abuse, as soon as possible, so as to ensure that violence against women constitutes a criminal offence, that women and girls victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party intensify its public awareness-raising efforts on violence against women and implement training for public officials, especially police and law enforcement personnel, the judiciary and health and social workers and community leaders, in order to ensure that they are sensitized to the unacceptability of all forms of violence against women and adequately support victims of such violence. The Committee also recommends that the State party take appropriate measures to increase the availability of legal aid throughout the country in order to assist and advise women victims of violence.

154. The Committee expresses concern over the fact that the number of women in decision-making positions remains low in political and public life, including in the National Assembly, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the national foreign service.

155. The Committee recommends that the State party undertake measures to increase the number of women in decision-making positions in all spheres, in accordance with its general recommendation 23 on women in political and public life, including in the National Assembly, in political parties, the judiciary and the civil service, including the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and to establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country,

especially at a time of rebuilding and reconstruction after the long war.

156. The Committee is concerned that prostitution continues to thrive, owing to the poverty of women and girls. The Committee is also concerned about the exploitation of prostitutes, especially of young girls, and the lack of information about the efforts to combat this phenomenon. It is also concerned at the lack of information about the extent of trafficking in women and measures taken to address this issue.

157. The Committee urges the State party to pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution, to facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes to women and girls exploited in prostitution. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution. The Committee requests that the State party provide information and data on measures taken to combat this phenomenon in its next report. It also requests the State party to provide in its next report detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.

158. The Committee is concerned at the poor educational infrastructure, as reflected in the very low budgetary allocation; the lack of, or insufficient number of, schools and teachers; and the poor quality of education. The Committee is concerned that these shortcomings result in a high rate of illiteracy among girls and women, their low enrolment rates in primary, secondary, vocational and higher education, in both urban and rural areas, and in their high drop out rates. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment.

159. The Committee urges the State party to increase its investment in education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party continue and further prioritize efforts to: improve the literacy level of girls and women; ensure equal access of girls and women to all levels of education in both urban and rural areas; increase the enrolment rates for girls; and take measures to retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25, so as to implement article 10 of the Convention.

160. The Committee expresses concern at the insufficient information about women's de facto situation in the formal and informal labour market. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas,

their unemployment rates, and the effective application of existing labour legislation in the private sector, the vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

161. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the provisions of the General Labour Law by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes. It calls on the State party to provide in its next report detailed information about the situation of women in the field of employment and work, about measures taken and their impact on realizing equal opportunities for women.

162. While welcoming the priority placed by the State party on the rehabilitation of the health sector, the Committee is concerned about the poor health infrastructure, which results in women's lack of access to health services and their low health status. The Committee is especially concerned about women's low life expectancy, high maternal mortality and morbidity rates, high fertility rates and inadequate family planning services, low rates of contraceptive use and lack of sex education. The Committee is also concerned about trends in HIV/AIDS infection rates of women.

163. The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning information to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies.

164. Noting that the majority of women live in the rural areas, the Committee is concerned that many live in extreme poverty and lack access to education and vocational training, health care and income-generation opportunities. It is particularly concerned that the State party's rural development strategy does not seem to include attention to the situation of rural women.

165. The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility in the country's rural rehabilitation and development strategy. It also calls on the State party to ensure that rural women can participate fully in decision-making in the formulation and implementation of policies and programmes in rural areas. It urges the State party to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as to income-generation opportunities.

166. The Committee is concerned that the report did not contain sufficient sex-disaggregated data in all the areas covered by the Convention. It is also concerned at the lack of studies to accurately assess the real situation of women and the impact of past programmes on gender equality.

167. The Committee requests the State party to provide sex-disaggregated statistical data and analysis in its next report. It also urges the State party to include monitoring and assessment mechanisms in all its policies and programmes so as to be able to assess their impact on the intended goal and to undertake corrective measures. It requests the State party to include insights gained from such studies and analysis in its next report.

168. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee. The Committee requests the State party to respond to the concerns expressed in its concluding comments in its next periodic report under article 18 of the Convention.

169. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

170. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economics, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the

Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Angola to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC).

171. The Committee requests the wide dissemination of the present concluding comments in Angola in order to make the people of Angola, in particular government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".