



Convention on the Rights of the Child

Distr.: General
31 March 2011
English
Original: French

Committee on the Rights of the Child

Fifty-fifth session

Summary record of the 1545th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 September 2010, at 10 a.m.

Chairperson: Mr. Zermatten (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties *(continued)*

Combined second to fourth periodic reports of Angola on the implementation of the Convention on the Rights of the Child (CRC/C/AGO/2-4; CRC/C/AGO/Q/2-4; CRC/C/AGO/Q/2-4/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Angola took places at the Committee table.*
2. **Ms. de Sá Magalhães** (Angola) said that her country had made considerable progress in the areas of social development and child issues since the end of the civil war. It had adopted a specific strategic plan for the protection of children, the implementation of which was a high priority for the Government. The National Council of Children, a consultative body that monitored public policy relating to the promotion and defence of the rights of the child, operated on the national, provincial and local levels. Under resolution 5/08 of 18 January 2008, the Government had made 11 commitments on the protection and comprehensive development of children, implemented through a multisectoral plan that was coordinated, monitored and evaluated on a quarterly basis by the Council. Provincial councils had been established for the direct implementation of all plans, which were backed by child protection networks.
3. Angola's new Constitution, which had come into force in February 2010, provided an innovative and efficient legal framework that ensured respect for the Convention on the Rights of the Child.
4. On 14 May 2007 the Government had approved Decree No. 31/07, which established the free registration of births and deaths and free identity cards for children up to 11 years of age.
5. The Government had launched a campaign to reduce maternal and infant mortality and had established the National Commission for the Prevention of Maternal and Infant Mortality. Those measures aimed to achieve the Millennium Development Goals and, in particular, to boost health care at the municipal level, to further develop protection measures for mothers and children and to increase public awareness of the importance of maternal and child protection, together with training, research, monitoring and evaluation.
6. A survey undertaken in 2008–2009 (IPEB – 2008–2009) had shown the following developments: the proportion of the population living below the poverty line had shrunk from 60 per cent in 2004 to 38 per cent in 2008–2009; the school enrolment ratio for the same period had risen from 58 per cent to 76 per cent at the same time as parity between the sexes at primary school had improved; the under-five mortality rate had fallen from 250 per thousand live births to 195 per thousand. In the same period, the percentage of underweight children, the maternal mortality rate and the number of deaths caused by malaria had all fallen considerably. The HIV/AIDS prevalence rate had remained stable at about 2.1 per cent.
7. With regard to the resettlement of displaced persons, refugees and vulnerable children, the Government had set up a special assistance and social reintegration programme designed to ensure that children had access to education and basic health care.
8. **Mr. Krappmann** (Country Rapporteur) recalled that the civil war that had raged in Angola for 27 years, and which had only ended in 2002, had left the country in a disastrous state, in terms of both infrastructure and civic and moral values. It was, therefore, remarkable that Angola was now a middle-income developing country with a strong position in the world economy thanks to its exploitation of raw materials. The aftermath of

the war, however, was still clearly visible and much remained to be done in terms of development and social welfare.

9. Gratified that the new Constitution and other legislation took account of children's rights, he welcomed the measures taken in support of children, especially the establishment of various organs and institutions for the promotion and protection of children's rights.

10. Referring to various action plans and strategies that had been adopted in support of children, he wished to know how they were coordinated and, especially, how they were implemented at the provincial and local levels. He would particularly like to know if the National Council of Children had the necessary powers, resources and staff to coordinate the relevant plans and institutions and whether its activities extended across Angola. According to some sources, the bulk of work done in support of children was limited to Luanda and its vicinity.

11. Furthermore, he wondered whether the activities of networks for the promotion and protection of children on a community level were carried out by professionals or civil society organizations.

12. Some documents indicated that, although Angola's budget had increased dramatically, public spending on social welfare, education and health was below that of other sub-Saharan countries with considerably lower per capita gross domestic product. It appeared that revenue earned from the exploitation of the country's rich natural resources was not being used to increase life expectancy, combat poverty, lower the rate of infant mortality or provide access to safe drinking water. Angola's ranking on the Human Development Index was surprisingly low. Too much money disappeared or never reached the nation's coffers. The Committee had already raised this question in 2004, when Angola had submitted its first periodic report, and the delegation had promised that the Government would endeavour to solve the problem. As it was, Angola ranked 162nd on the Corruption Perceptions Index. He would appreciate learning what steps had been taken to remedy the situation.

13. Although noting with satisfaction that the State party's budget could be viewed online, he had been unable to find any budget lines specifically devoted to children. Any insight from the State party in that regard would be welcome.

14. He would like the delegation to provide more information on the Government's plan, mentioned in the State party's report, to establish a single fund with public and private capital for financing programmes for child protection and development. The State party must not deny its primary responsibility to protect children. He would also like to know whether the right of children to be heard in administrative and judicial proceedings affecting them was respected in practice. It appeared that children were not involved in the planning and implementation of plans and strategies that affected them. What was more, a children's parliament had been disbanded, children's needs were not taken into account when their families were forcibly resettled, the police treated adolescents brutally for improper behaviour, and violence and exploitation were the norm. The Committee would like to hear the delegation's views on those issues.

15. **Mr. Filali** asked if the State party planned to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, all of them related to the Convention on the Rights of the Child.

16. He wished to know whether, with the new Constitution's entry into force, the Legislative Review Commission had started work and, if so, whether it had produced any progress reports or identified shortcomings in the area of children's rights and what needed to be done to bring national legislation into line with the Convention. He would also like to know whether the provisions of the Convention took priority over domestic law, whether those provisions were directly applicable by the courts, if judges received special training on the rights of the child and whether refresher courses were available for judges who had received such training in the past. He wondered whether juvenile judges earned higher salaries than other judges, which would serve as an incentive to specialize in that field.

17. He would also like to know if the mandate of the *Provedor de Justiça* (Justice Mediator) conformed with the Paris Principles, whether children could bring complaints him, whether he could investigate matters regarding children, especially in cases where the Convention or other international instruments on the protection of children had been violated, and whether it operated only in Luanda or was represented in the provinces as well.

18. Noting that corporal punishment was common in the State party but that the best interests of children were taken into account by the new Constitution, he wished to know what measures the State party had taken since the Constitution had come into force to protect children against such practices.

19. **Mr. Koompraphant** asked what legal framework was envisaged to protect children in situations of risk, what measures could be taken when children were found in such situations and whether a national action plan to end violence against children had been adopted.

20. **Ms. Maurás Pérez** noted with interest the results of a comprehensive survey on the well-being of the population and asked if there were plans to strengthen national and provincial data-gathering mechanisms.

21. She observed that considerable progress had been made in opening up primary education to all children but that glaring differences in access to secondary education remained. Noting that the survey had shown that under-five mortality remained very high and that insufficient children were registered at birth, she wished to know what measures were planned for remedying those problems.

22. With regard to the independent monitoring of the implementation of the Convention, Angola's Office of the *Provedor de Justiça* was similar to the post of ombudsman but without all of its attributes. Its working methods did not entirely conform with the Paris Principles. She wished to know what the Government planned to do in order to remedy the situation and to appoint a child rights ombudsman.

23. She would like to know how the principle of the best interests of the child, mentioned in article 80 of the Constitution, was applied in practice. She wondered about the mining industry's social and environmental responsibility, given that its activities had an impact on the environment and, therefore, on children's living conditions and exercise of their rights. According to figures that showed increased national revenue between 2002 and 2009, Angola had profited greatly from rising crude oil prices, improved production capacity and its integration in the system of world trade. It would be interesting, therefore, to know if the activities of the oil industry were regulated or whether there were plans to extend some of those profits to children.

24. **Mr. Pollar** asked what the Government had done in the light of the Durban Declaration and Programme of Action. Turning to corporal punishment, he wished to know what had been done to implement the conclusions of the United Nations Secretary-General's study on violence against children.

25. **Ms. Herczog** asked why the births of only 32 per cent of 1-year-old children had been registered and why the registration of births was free only for children up to 5 years of age. A birth certificate was a useful document to possess from birth. Did health professionals help mothers to register their babies? Another problem was that of refugee children born outside Angola or repatriated from refugee camps located outside Angola, foreign children and stateless children, none of whom benefited from access to free services. She also wondered what mechanisms had been put in place to assist children over 5 years of age who still had no birth certificate, given that the certificate was required for school enrolment. Were such children entitled to free education and health care?

26. **Ms. Varmah**, referring to the study carried out by the National Children's Institute on cases of children accused of witchcraft, which showed that such practices occurred throughout Angola, asked what steps had been taken to detect such cases and whether those children were protected by an institution or by the State, received psychological help and had access to the education system.

27. **The Chairperson** remarked that, according to the State party's report, people were considered to be children up to 18 years of age but that, under the Constitution, the age of majority could be attained earlier. He would like more information on that point, as well as on the age of marriage and the age of criminal responsibility.

28. The report contained little information on civil liberties, and confused freedom of expression, enshrined in article 13 of the Convention, with the right of the child to be heard, enshrined in article 12. The report also mentioned the presence of the scout movement and other youth associations but did not say whether children could join them freely. Similarly, with regard to article 16 and the right to privacy, it dealt above all with the right to secrecy of correspondence, when article 16 was concerned mainly with images of children and their anonymity, especially where they were victims of an offence or witnesses in legal proceedings. Freedom of information clearly included the right to be informed but also to be protected against potentially harmful information. It was impossible to see what measures Angola had taken to protect children from, for example, the risks posed by new technologies.

29. With regard to training in and dissemination of the Convention, the report described a multitude of tools and means of dissemination used, but the problem was the plethora of languages spoken in Angola. The Committee's concluding observations of 2004 might well have been publicized but it would be useful to know to what extent the same could be said of the report under consideration.

30. According to some sources, the accreditation process for NGOs was unclear and their freedom of action was restricted in some cases. He would like the delegation to provide more details on that subject.

31. With regard to the right to life, survival and development, he invited the delegation to clarify whether abortion was permitted in case of rape or serious medical problems.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

32. **Ms. Afonso Gourgel** (Angola) recalled that the National Council of Children had been established in 2007 by Decree No. 20 of the Council of Ministers, in response to a recommendation by the Committee to Angola in 2004. Its president was appointed by the head of the Government and its vice-president was elected by the Assembly of Councillors, comprising representatives of the 16 ministries and secretaries of State, of the National Children's Institute and civil society. The representatives of civil society bodies were appointed by an assembly to which the Government did not have the power to nominate members and to which the Ministry of Justice sent a representative only to observe elections. The National Council of Children had a two-year mandate and its president was

appointed on a rotating basis. Each president could serve two terms with the consent of the President of the Republic. Plenary and ordinary sessions took place every quarter. Apart from the executive secretariat, there were four permanent specialized commissions. The first of those commissions was responsible for policy on children up to 5 years of age and for implementing 4 of the Government's 11 commitments to ensure the implementation of children's rights: those concerning life expectancy, food and nutrition security, birth registration and the expansion of preschool education. The second commission dealt with the commitments concerning children between 6 and 18 years of age, including primary education, professional training and juvenile justice. The third commission concentrated on commitments relating to the prevention of HIV/AIDS and reducing its impact on children and vulnerable families, as well as reducing violence against children and reinforcing family responsibilities. Lastly, the fourth commission handled those commitments relating to children and the media, culture and sport, along with budget spending on children's issues, and consolidation of the progress achieved thus far.

33. The Council's coordination is carried out on the basis of activities conducted by each of the commissions in accordance with locally established goals. Provincial children's councils were present in all the provinces and in most of them municipal children's councils had also been set up. In June 2009 the slogan of the Fourth National Children's Forum had been "Angola: Eleven commitments to children. Thinking nationally, acting locally", which aimed to promote the implementation of those commitments at the provincial, municipal and local levels. It was at the municipal level that the degree of implementation could best be gauged.

34. **The Chairperson** asked if the National Council of Children had sufficient resources, how it split its budget between provincial and municipal branches and whether it worked efficiently.

35. **Ms. Afonso Gourgel** (Angola) explained that the Council's national multisectoral plan identified what was required in order to fulfil the 11 commitments, for each of which the goals, monitoring mechanisms, principal activities and funding were then defined and the persons responsible for their implementation at the national, provincial and municipal levels appointed.

36. Funds were allocated to ministries and provincial governments, which in turn had to detail the measures they intended to take in order to meet each of the commitments and the resources required to do so.

37. Two years previously, Angola had embarked on a process of decentralization, and budgets and programmes of work were already planned at the provincial and municipal levels.

38. **Mr. Krappmann** (Country Rapporteur) asked whether children had the opportunity to make themselves heard by the councils at the national, provincial and municipal levels.

39. **Ms. Afonso Gourgel** (Angola) replied that children participated actively in the plenary sessions of the national and provincial councils. They also voiced their opinions in youth and student clubs and at biennial national forums.

40. **Ms. da Cruz** (Angola) said that all Angolans, regardless of their origins, race or social status, could lodge complaints with the *Provedor de Justiça*, who was responsible for defending citizens' rights, freedoms and guarantees. The *Provedor de Justiça*, who was independent and could not be removed from office, was elected by the National Assembly for a period of four years, which could be renewed once. The office had an independent budget established in accordance with the law, and its local branches allowed it to deal with issues nationwide.

41. **Mr. Filali** asked whether the Budget Act contained a section on the *Provedor de Justiça* that emphasized its independence and whether that institution worked with civil society organizations and children. He also wished to become acquainted with its activities on the ground.
42. **Ms. Maurás Pérez** asked whether that office had staff specifically trained in the rights of the child and able to deal with complaints lodged by minors or in their name. Were there independent branches in all provinces and, if so, did those branches have departments for the promotion of the rights of the child?
43. **Ms. da Cruz** (Angola) replied that the *Provedor de Justiça* did have staff specialized in the rights of the child and that there were local services in five provinces. Although its budget had to be approved by the National Assembly, the office was managed independently.
44. Angola had participated in the Durban Conferences and had adopted an action plan that it was currently implementing. Article 12 of the Constitution enshrined Angola's respect for the principles of the Charter of the Organization of African Unity, while article 13 stipulated that the rules of international law were an integral part of national legislation. International instruments ratified by the State entered into force upon publication in the Official Gazette and were directly applicable.
45. **Mr. Koompraphant** asked how the National Children's Institute followed up allegations of abuse.
46. **Ms. Mixinge** (Angola) explained that, in such cases, the Institute alerted the police, contacted the family and ensured that the child in question received medical care and psychosocial counselling. Where appropriate, the child was placed in a shelter. Aggressors who were minors were brought before a juvenile court.
47. **The Chairperson** asked whether abortion was permitted in cases where the foetus was seriously malformed or when pregnancy was the result of rape.
48. **Ms. da Cruz** (Angola) replied that abortion was permitted when pregnancy was dangerous for the mother or was the result of incest or of the rape of a child.
49. **The Chairperson** asked whether Angola was considering ratifying other international instruments closely related to the Convention.
50. **Ms. de Sá Magalhães** (Angola) said that all of the still unratified international instruments were being considered for ratification but that the process was lengthy. The situation in Angola remained difficult, as peace had only been restored eight years previously.
51. **Ms. da Cruz** (Angola) explained that, under the Constitution, the age of majority was 18 but that minors who wished to marry before reaching that age, for example in cases of pregnancy, could do so with parental consent. In that case, it was considered that they had automatically come of age. The minimum age of marriage was 16 for boys and 15 for girls.
52. **Mr. Filali** expressed surprise that pregnancy could be used to justify underage marriage, and concern that a person who raped a minor could avoid criminal proceedings by marrying the victim.
53. **Ms. da Cruz** (Angola) said that marriages did not take place after rape, which was clearly considered a crime. Marriages that took place because of pregnancy were more a matter of family dignity.
54. **The Chairperson** requested clarification on the age of criminal responsibility.

55. **Ms. da Cruz** (Angola) explained that children under 14 years of age were not liable to criminal sanctions and that the age of criminal responsibility was set at 18 years. Between the ages of 14 and 18, young offenders received social support that was also aimed at their families.

56. **Ms. Maurás Pérez** asked the delegation to provide further details of the measures taken in the case of young offenders.

57. **Ms. da Cruz** (Angola) explained that minors under 14 years of age benefited from social welfare assistance, while those in the 14–18 age group were subject to crime prevention measures. In either case, the aim was to provide social and psychological support with a view to instilling values in young people once more, thus preventing recidivism. In cases of serious offences, measures could also include community service.

58. **Mr. Krappmann** (Country Rapporteur) said that, although the Constitution envisaged that the State should protect the family and the rights of the child, in reality many families were in a parlous state. The report referred to social decay, a loss of values, violence, premature pregnancies and some fathers' denial of paternity. Clearly, only very few families were covered by parental support programmes and financial aid, which, to all intents and purposes, were available only in the capital.

59. Rampant poverty, unemployment and underemployment were all factors that brought socio-psychological pressure to bear on families. Efforts to combat poverty were increasing but progress remained slow, even at a time when the State party was overflowing with resources and its gross domestic product was growing at a rate of 10 per cent per annum.

60. Above and beyond an adequate standard of living, children's satisfactory development depended on good conditions of life in the broader sense, which, when families did not provide them, had to be provided by the State. As things stood, millions of disadvantaged school and preschool-age children lacked facilities, or even when those facilities existed, their quality left a lot to be desired. Angola spent less of its budget on education than did neighbouring States; there was a shortfall of 50,000 classrooms; most teachers were poorly trained and the number of pupils who repeated a year or dropped out of school gave cause for concern.

61. Under the International Covenant on Economic, Social and Cultural Rights, State parties such as Angola were requested to draw up detailed plans of the measures needed to move progressively towards universal, mandatory and free primary education. The delegation was invited to confirm whether such a plan existed and, if so, if it included a timetable for its implementation and provisions for funding. The delegation might also provide more information on technical and vocational education and human rights education.

62. **Ms. El-Ashmawy** requested information on the State party's health policy for adolescents and asked whether public-awareness campaigns had been held, whether statistics on the subject were kept, what role civil society played in that context, whether sex education was included in school curricula, whether adolescents could seek advice and assistance through telephone helplines and at specialized health units without needing parental consent and, if so, to what extent those services were available to all.

63. She welcomed the establishment of a network to protect the rights of the child and would like the delegation to provide more detail on its powers and to explain how its work was coordinated with that of the National Criminal Investigation Division's Violence against Women and Children Unit. She equally welcomed the adoption of a code of ethics against sex tourism but observed that the role of civil society in efforts to combat

trafficking in children and to what extent child trafficking was specifically defined in domestic legislation remained unclear.

64. **Mr. Filali**, observing that children, some of them even under 5 years of age, were among the numerous foreigners sent back to the border, asked if the State party had looked into the violations those children might suffer and whether it had signed any agreements with the neighbouring States of which the children returned to the border were nationals.

65. There was as yet only one juvenile court in the capital, which suggested that children in the rest of Angola did not enjoy the protection to which they were entitled under the Constitution. Was the cause a lack of budget allocations or a dearth of suitably trained magistrates? He reminded the delegation that, in any event, bringing minors before adult courts and holding them in places of detention with adults contravened the Convention. He urged the State party to adopt alternative penalties to detention. He also noted that the Labour Inspectorate did not have the means to perform its tasks.

66. **Mr. Koompraphant**, stressing that the problem of abuse and neglect could not be solved by the Criminal Code alone and called for social measures, asked the delegation to state what had been done with regard to violent and negligent parents, and the measures taken to ensure recovery of maintenance for the child. He would also like to know how the State party made sure that children received proper schooling at least until the age of 12, what labour inspection mechanisms were in place to supervise the informal sector and what education services and general welfare measures were available to families in need.

67. **Ms. Varmah** said that, despite the introduction of free medical care for all children under the age of 5 and the adoption of a strategic plan for 2005–2009, the infant mortality rate remained one of the worst in the world and required some explanation. She would like to know more about the inoculation system and what was being done to ensure universal access to safe drinking water and sanitation. It would also be useful if the delegation could provide additional information on the support programmes for the most vulnerable groups — mentioned in paragraph 255 and ff. of the report — and on how much access disabled children had to schooling and health care and how they were integrated; whether Angola had special schools with teachers trained to work with disabled children; and whether public-awareness campaigns had been organized to counter the social stigmatization of persons with disabilities.

68. **Mr. Pollar** asked whether a minimum age had been set for sexual consent and for marriages contracted by special consent before the legal age of marriage, and who granted that consent.

69. Certain sources referred to the presence of unaccompanied minors under the age of 5 among asylum-seekers and displaced persons. He wished to know how the State party was dealing with that situation. More information was also needed on voluntary return assistance programmes and on stateless children.

The meeting rose at 1 p.m.