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Committee on Economic, Social and Cultural Rights

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**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the combined fourth and fifth periodic reports of Angola

Addendum

Replies of Angola to the list of issues*

[Date received: 2 May 2016]

* The present document is being issued without formal editing.



I. General information

1. The Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights in Angola was prepared in October 2013. From that time until the present, there have been significant changes. This has involved painstaking work to collect new information and data that were used to prepare this document, which seeks to provide more adequate replies to the questions raised by the Committee on Economic, Social and Cultural Rights in the list of questions on the report, which combines the fourth and fifth period of the State of Angola.

2. This information incorporates in particular statistical data that were updated in accordance with the final results of the General Census of the Population and Housing.

1.1 Information on cases in which the Covenant has been invoked or applied in domestic courts

3. Under Article 26 No. 3 of the Constitution of the Republic of Angola (CRA), the Courts of Angola apply international legal instruments, and in particular the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other treaties to which Angola is party, although they are not invoked by the parties.

4. The Courts of Angola have applied the Covenants. For example, we mention the 130/2011 Decisions on successive inspection, in an action brought by the Order of Attorneys of Angola, which made references to the Universal Declaration of Human Rights (Articles 11, 18, 19 and 20); and articles (Articles 9, 10 and 11) of the African Charter on Human and Peoples' Rights.

5. Moreover, we can cite Decision 121/2010 on the extraordinary appeal, brought by one of the parties, in which references were made to Article 14 of the Covenant on Civil and Political Rights on the right to equality before the courts. The defendants were acquitted in the two proceedings (see the web page of the Constitutional Court of Angola). Regarding the common forum, especially for labour proceedings, the parties invoked in particular Articles 6 and 7 of the Covenant.

1.2 Steps taken to increase allocated resources and the revision of the Ombudsman Law

6. Regarding the increase in the budget allocation to the Ombudsman of Angola, it is important to state that the budget of the Institution is part of the budget of the National Assembly and was initially increased. However, after the government budget was revised, the allocation was decreased due to the drop in the price of oil and the global financial crisis.

7. At this time the proposal to amend the Ombudsman Law is in the National Assembly for analysis prior to approval. In general terms, the Angola Ombudsman Law is consistent with the Paris Principles regarding competencies, responsibilities and the constitutional provision. As is the case in other countries, the Ombudsman of Angola plays the role of National Human Rights Institution.

1.3 Presidential Decree regulating the activity and operation of non-governmental organizations and their impact on economic, social and cultural rights

8. Regarding the Regulation on Non-Governmental Organizations, approved by Presidential Decree No. 74/15 of 23 March 2015, we can state that the Regulation contains 40 articles with the purpose of adjusting the legal framework on the regulation of activities and operation of non-governmental organizations that operate in Angola. It ensures and promotes their involvement in the sustainable growth of the recipient communities, and in doing so it seeks to prevent asymmetries in the local development of communities and to adjust to the current context of Angola on the economic, social and legal-constitutional levels.

9. The purpose of the regulation in question is first and foremost to ensure that these organizations operate in compliance with the approved legislation on money laundering and the financing of terrorism, after many irregularities in transactions were found.

10. In Angola, the Intersectoral Commission for the Preparation of National Human Rights Reports (CIERNDRH)¹ carries out all procedures and prepares and submits the required reports to the treaty organs at the continental and United Nations levels. Non-governmental organizations (NGOs) and civil society contribute on different occasions; these include debates, consultative meetings and training with different partners at the national and provincial levels. The last consultation that was held on the Report was in October 2015 with the partnership of the United Nations Development Programme (UNDP) and with active participation of many civil society organizations.

1.4 Measures taken to lift restrictions on the right of association, and indicate the steps taken to guarantee the work of human rights defenders working on economic, social and cultural rights

11. Law No. 6/12 of 18 January was approved: The Private Associations Act, which repeals a series of administrative requirements that existed in the previous law. Based on this, there are no restrictions on the exercise of the work of human rights defenders. Currently in Angola there are roughly 301 organizations, 228 of which are domestic and 73 are international, and there are 11 foundations.

II. Issues relating to general provisions of the Covenant (Articles 1-5)

2.1 Article 1, paragraph 2 – Free disposal of natural wealth and resources

12. Under the Constitution, the State is the owner of all natural resources, and the State determines the conditions for their concession, surveys and exploitation (Article 16, CRA). The State grants concessions to public and private companies.

¹ CIERNDRH – Intersectoral Commission for the Preparation of National Human Rights Reports, created by Resolution No. 121/09 of 22 December, coordinated by the Ministry of Foreign Relations and supported by the Ministry of Justice. At this time the CIERNDRH is coordinated by the Ministry of Justice and Human Rights in accordance with Presidential Order No. 29/14 of 26 March.

13. The key legislation for reference is:

- Law No. 10/04 – Oil Activities Act.
- Decree No. 1/09 – Regulation on Oil Operations.
- The Mining Code, Law No. 31/11 of 22 December, which creates a comprehensive normative system that includes the set of rules and legal principles on extractive activity in one single statute and establishes clear mechanisms for accessing extractive rights and the protection thereof.
- The proper procedure to obtain a license for extractive projects is the preparation and approval of the Environmental Impact Study (IES), as well as holding a public consultation in accordance with Decree No. 51/04 of 23 July on the Environmental Impact Assessment, combined with Decree No. 59/07 of 13 July, on Environmental Licensing.

Article 2, paragraph 1 – Maximum available resources

14. The Republic of Angola is a member of the United Nations and African Union Convention on Preventing and Combating Corruption. Angola is also a founding member of the Kimberley Process on the purchase and sale of diamonds in the legitimate market. This process aims to prevent natural resources from being a source of financing for illegal businesses in the international market and to guarantee the human rights of citizens.

15. As part of the measures that seek to improve the transparency of government action in 2010, Law No. 3/10 on Public Probity was approved. This law requires senior civil servants of the government to submit a declaration of their assets to the Chief Prosecutor of Angola.

16. The government procurement law was amended to strengthen control mechanisms for approving projects that deal with the social and economic development of Angola.

17. For the judicial system, in addition to the intervention of the common and superior courts, there is the Audit Office that audits the public accounts. The Office has adjudicated many cases of embezzlement of public funds.

18. The intent of the Reform of Justice and Law, now in progress, is to adjust the organizational and operational paradigm of Justice and Law in Angola based on current necessities.

19. The National Assembly approved the Organic Law on the Organization and Operation of the Courts of Common Jurisdiction, which provides for establishing 60 district courts and five appeals courts, not only for the purpose of reformulating the mechanisms for coordinating and managing the sector, but primarily to emphasize the guarantee of justice and the implementation of the fundamental rights and freedoms of citizens in order to accelerate the process and make it more accessible and less costly.

20. Moreover, a new law was enacted: the Law on Bodily Searches, Searches of Premises and Seizures and Precautionary Measures to adopt mechanisms to guarantee greater legal security for citizens.

21. Extrajudicial Dispute Resolution Centers are now being established.

Article 2 – Non-discrimination

22. The Equality and Non-Discrimination Principle is enshrined in the Constitution and establishes the enjoyment of rights for all citizens. As part of the Reform of Justice and Law, the Penal Code is in the public consultation phase, and the provisions of the Penal Code contain a section on non-discrimination. Therefore, there are specific programs and

legislation to protect internally displaced persons, persons with disabilities and migrants. In general, there is little data from the courts on cases of discrimination.

Article 3 – Equal rights of men and women

23. In the legislation and in the pursuit of the goals of promoting equal rights of men and women, a number of statutes have been approved to harmonize the national legislation, in particular the following:

(a) Resolution No. 9/02 of 28 March of the National Assembly, on Gender and the creation of the Ministry of Family and Women's Empowerment (MINFAMU), which is implementing the resolution;

(b) Law No. 25/11 of 14 July 2011 (Domestic Violence Act);

(c) Presidential Decree No. 26/13 of 8 May, which approves the Executive Plan to Combat Domestic Violence and the Multisectoral Commission for the Implementation of this Plan and its timeline of activities;

(d) Presidential Decree No. 124/13, of 28 August, which approves the Regulation of the Domestic Violence Act;

(e) Presidential Decree No. 36/15 of 30 January, which approves the Legal Regime for the Recognition of De Facto Unions by Mutual Consent and the Dissolution of Recognized De Facto Unions;

(f) National Policy for Gender Equality and Equity, Presidential Decree No. 222/13 of 24 December;

(g) National Support Programme for Rural Women, by Presidential Decree No. 138/12 of 20 June;

(h) Land Act 9/04 of 9 November;

(i) Framework Law on the Education System (Law 13/01 of 31 December), whose purpose is to provide schooling for all children, reduce illiteracy and provide adequate human resources for socio-economic progress, including the protection of domestic labour;

(j) National Youth Plan;

(k) Micro, Small and Medium-Sized Businesses Act;

(l) Co-operatives Act;

(m) Law No. 02/05 of the political parties, that promotes equal opportunity and fairness between men and women, as well as gender representation of at least 30%.

24. We can state that the national legislation is based on the constitutional principle of equality between men and women, yet we recognize that due to certain cultural practices in some areas, acts that discriminate against women do take place.

25. The increase in the number of women in management and leadership positions, as well as their participation in public activities at many levels, are among the results of the actions taken by the government of Angola and civil society organizations to promote balance in gender ratios and to guarantee their rights.

26. The percentages of women recorded in 2014 compared to men were compelling and are as follows:

<i>Positions</i>	<i>%</i>	
	<i>M</i>	<i>W</i>
Members of Parliament	63.2	36.8
Ministers	80.5	19.5
Deputy Ministers / Secretary of States	83.6	16.4
Provincial Governors	88.9	11.1
Provincial Vice-Governors	80.5	19.5
Diplomats	70.1	29.9
Public magistrates	65.6	34.4
Judicial magistrate	69.0	31.0
Senior civil servants	69.5	30.5

Population employed by Principal Economic Activity, according to gender 2009-2011

	<i>2009</i>			<i>2010</i>			<i>2011</i>		
	<i>M</i>	<i>W</i>	<i>Total</i>	<i>M</i>	<i>W</i>	<i>Total</i>	<i>M</i>	<i>W</i>	<i>Total</i>
Angola	100	100	100	100	100	100	100	100	100
Main economic activity									
Agriculture, animal production, hunting and forestry	43.2	57	50.1	40.8	55.6	48.3	43.4	57.8	50.7
Fishing	1.1	0.1	0.6	1	0.1	0.5	0.9	0	0.4
Extractive industry	1.1	0.1	0.6	1.9	0.3	1.1	1.9	0.2	1
Processing industry	2.2	0.4	1.3	3	0.5	1.7	2.9	0.4	1.7
Energy and water	0.3	0	0.1	0.6	0.1	0.3	0.5	0	0.2
Construction	8.6	0.5	4.5	7.5	1	4.2	9.7	0.4	5
Wholesale and retail trade	13.6	25	19.3	12.7	26.6	19.7	10.8	25.5	18.2
Housing and restaurants/catering	0.6	0.6	0.6	0.6	0.7	0.6	0.6	0.8	0.7
Transport, storage and communication	4.2	0.5	2.3	5.6	1	3.2	5.1	0.3	2.7
Financial activities	0.4	0.1	0.3	0.6	0.7	0.6	0.6	0.5	0.6
Real estate activities, leasing activities and services for businesses	1.3	0.2	0.7	0.5	0.2	0.3	2.4	0.6	1.5
Public administration, defence and social security	8.9	2.6	5.8	11.7	2.1	6.9	11.5	1.8	6.6
Education	6.1	3.6	4.8	5.8	3.8	4.8	5.2	4.2	4.7
Health and social action	1.2	1.7	1.4	1.7	1.7	1.7	1.7	1.9	1.8
Families with domestic employees	0.6	2.8	1.7	0.2	2.3	1.3	0.3	3.3	1.8
International organizations and other activities	3.4	2.4	2.9	4.6	2.4	3.5	2.3	1.7	2
Undeclared	3.5	2.4	3	1.2	1.1	1.1	0.4	0.3	0.4

	2009			2010			2011		
	M	W	Total	M	W	Total	M	W	Total
Principal economic activity groups									
Agriculture, animal production, hunting, forestry and fishing	50.7	44.3	57.1	41.8	55.7	48.8	44.2	57.9	51.1
Industry, construction, energy and water	6.6	12.1	1	13	1.9	7.4	14.9	1.1	8
Services	39.8	40.1	39.4	44	41.4	42.7	40.4	40.7	40.5
Undeclared	3	3.5	2.4	1.2	1.1	1.1	0.4	0.3	0.4

III. Issues relating to the specific provisions of the Covenant (Articles 6-15)

Article 6 – The right to work

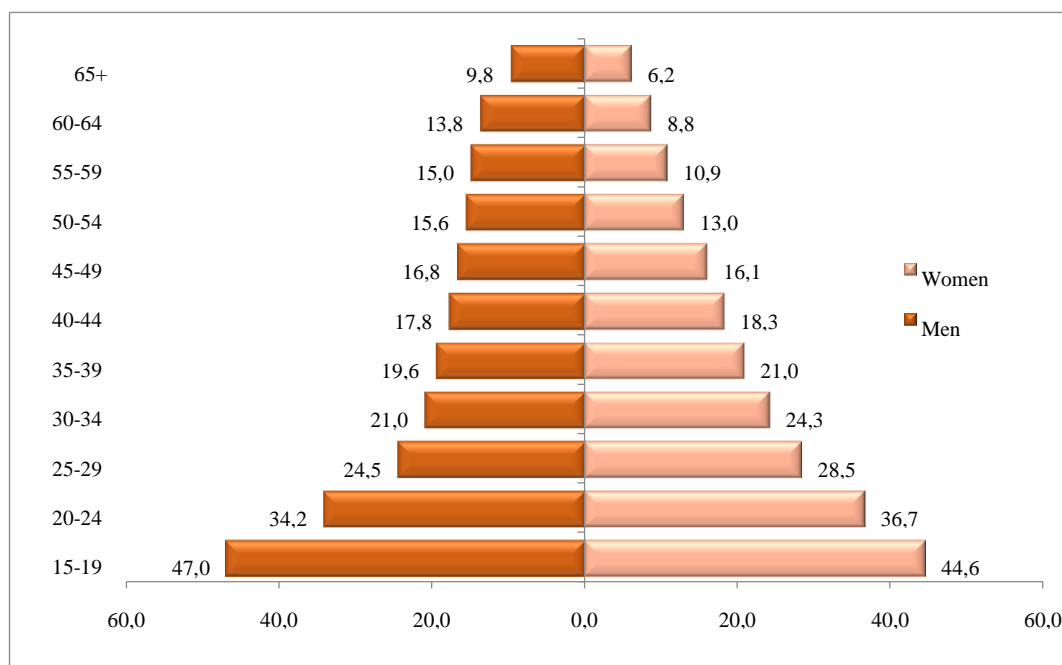
27. The Employment Survey, conducted from 2009 to 2011, indicated that between 2009 and 2011, the unemployment rate in Angola increased, from 12.5% in 2009 to 28.6% in 2011, in particular among the more highly educated population.

28. The final Census data, released recently, indicate that in 2014 the employment rate was 40%. The detailed and disaggregated data follow in the figure below:

Unemployment rate by gender

	Total	Men	Women
Angola	24.2	23.6	24.9

Unemployment rate by age and gender



Source: Census.

29. The key measures taken and the implementation phase are included in the National Development Plan, with the purpose to ensure the right to vocational training, fair compensation, time off, holidays, protection, health and occupational safety.

30. The National Development Plan requires the State to promote:

- (a) The implementation of employment policies;
- (b) Equal opportunities in the choice of occupation or type of work and conditions so that, there is no prohibition or limitation based on any type of discrimination;
- (c) Academic training and scientific and technological development, as well as the occupational promotion of workers.

Article 7 – The right to just and favourable conditions of work

31. The New General Labour Law, Law No. 7/15 of 15 June, consists of 314 articles and establishes legal relationships for labour under the General Civil Service System. Article 13 of the same law establishes work under special circumstances for minors between age 14 and 18, provided that the work is authorized, but only for the activities defined by law. Article 157 establishes the Wage Equality Principle for all, men and women. Article 87 establishes the Office of the Labour Inspector General as the organization for the supervision and inspection of actions and conditions of work. Provisions on sexual harassment are in the Penal Code.

32. The national minimum wage is set based on the assessment and approval of the Council of Ministers and on the proposal from the tutelage ministries (Labour and Finance), preceded by consultations on economic matters and consultation meetings with representatives of the most representative organizations of employers and workers. The following points are examined at these consultation meetings: changes in the trend in the national consumer price index; the general level of wages; social security benefits; and the standard of living compared to other social groups. The national minimum wage, pursuant to Presidential Decree 144/14 of 9 June, varies from akz 15,003 for workers in the agriculture sector, to akz 18,754 for workers in industry, and akz 22,501 for workers in commerce and the extractive industry.

33. As part of the 2013-2017 National Development Plan (PND), a series of actions are planned to increase employment and to place many citizens in the formal job market.

34. A major programme to diversify the economy is under way, such as the development of micro, small and medium-sized businesses, national-based entrepreneurship, the establishment of the Programme to Support Small and Medium-Sized Businesses (PROAPRE), and the implementation of the Entrepreneurs Desk [Balção Único do Empreendedor (BUE)].

Article 8 – Trade union rights

35. Freedom of unions is enshrined in Article 50 of the Constitution of the Republic of Angola and Union Law No. 21-D/92 of 28 August, and it establishes the requirements for creating unions. There are about 50 unions in Angola today, including union federations.

Article 9 – The right to social security

36. Expanding the tax base for social security is one of the priorities for the sector. That is why a number of awareness campaigns are being conducted for endorsement and voluntary contribution by companies and small entrepreneurs. For workers in the informal sector, there is an awareness campaign on the benefits of contributing to Social Security for those who work in the informal sector. At this time 109,313 companies are registered, with

more than 1,411,959 registered with Social Security and more than 108,986 pensioners. The National Social Security Institute is conducting door-to-door registration in companies that are active and registered in the corporate database. The Institute is also performing a study to expand material and personal coverage.

Article 10 – Protection of the family, mothers and children

37. In Law No. 25/11 of 14 July, marital rape is considered a public crime. The approval of this law strengthened the following: campaigns against domestic violence; registration of cases; collection of statistical information; establishment of the court that specializes in matters of domestic violence to accelerate the adjudication of cases; creation of shelters and drop-in centers; establishment of intervention memoranda between health services, the police and the Ministry of Women; implementation of the Zero Tolerance Campaign against Domestic Violence; and other actions.

38. A call center was set up in November 2015, called “SOS Domestic Violence” to receive complaints and better follow up on and refer cases.

39. In Angola the law prohibits polygamy and polyandry. However, due to cultural traditions, men are frequently found with different wives.

40. Regarding the marital status of the population, the final results of the General Census of the Population (2014 Census) demonstrated that “single” marital status, which characterizes the majority over age 12, accounts for 46% of the population; conjugal unions formalized by marriage account for just 14%, while de facto unions represent 34%.

41. The analysis of marital status by gender in the categories of persons who are divorced, widowed or separated, pointed out some differences between men and women.

42. The figure below shows the data mentioned in the previous paragraphs.

Figure – Population age 12 and older by marital status according to gender

<i>Country and areas of residence</i>	<i>Total</i>		<i>Men</i>		<i>Women</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Angola	15,148,486	100	7,187,991	100	7,960,495	100
Single	6,962,087	46.0	3,547,735	49.4	3,414,352	42.9
De facto union	5,098,465	33.7	2,440,728	34.0	2,657,737	33.4
Married	2,137,229	14.1	1,050,828	14.6	1,086,401	13.6
Divorced	54,991	0.4	12,048	0.2	42,943	0.5
Separated	372,619	2.5	77,498	1.1	295,121	3.7
Widowed	523,095	3.5	59,154	0.8	463,941	5.8

43. The Angolan law, the Family Code, permits marriage to or between minors only if they are 15 years old (for girls) and 16 (for boys). Permission from parents or guardians of minors is required. Education has been one of the best ways to prevent early marriage. In cases in which an adult is sexually involved with a minor (male or female), the Penal Code establishes punishment for the adult.

44. To increase total coverage of birth registrations, Presidential Order No. 80/2013 of 5 September and Executive Decree No. 309/13 of 23 September were established to guarantee Register of Births free of charge for national citizens.

45. This process, called universalization/massification of birth registration, was strengthened by preparing brochures, broadcasting radio and TV spots on the civil register in Portuguese and national languages, a register of citizens in border countries, streamlining procedures for registering births, and expansion of the registration network services to many localities under the project called “Be Born a Citizen,” which consists of registering children in maternity centers.

46. Since the process began up to January 2016, more than two million citizens have been registered as follows: 1,333,603 under 14 years old. Of that number, 652,854 were young girls, 680,749 were young boys. In the age group of 14 and above, there were 477,846 girls and 481,006 boys.

47. Regarding the situation of children accused of witchcraft, after an impact study was performed, many activities were carried out to establish community mechanisms to protect children, which turned into the Provincial Networks for the Prevention and Protection of Children’s Rights. The various activities included training campaigns on the rights of children for a myriad of target groups, as well as social awareness campaigns that produced considerable effects, scope and social impact. These actions resulted in a substantial decrease in the witchcraft phenomenon, which at the time had already been felt throughout the country, along with a change in attitudes toward the protection of children and reporting cases of their rights being breached.

Article 11 – The right to an adequate standard of living

48. In recent years Angola has lowered the rates of extreme poverty and hunger by half, in accordance with the Millennium Development Goals. In 2000 about 92% of the population was living on less than two dollars per day; in 2014 this figure was cut to 54%.

49. All of this effort is to be implemented as part of the National Development Plan (2013-2017 PND) and the Municipal Integrated Program for Rural Development and Poverty Alleviation. The National Poverty Alleviation Commission manages the programme.

50. Several other programmes are being carried out, such as: Rural Development, Expansion of Basic Services to the entire population, Local Development, Primary Health Care, School Lunch, Water for All and the “Pro-Ajuda” Programme.

51. The National Strategy for Food and Nutrition Security to fight poverty helped strengthen public policies and activities in the area of food and nutrition security and to curtail food vulnerability and insecurity in Angola.

52. According to the study on the State of Food Insecurity in the World, performed by the Food and Agriculture Organization of the United Nations (FAO), the number of malnutrition in Angolans was down from 7 million people in 2000 to 3 million in 2015.

53. To reduce the housing deficit in Angola, the National Urban Planning and Housing Programme has enabled thousands of Angolans to enjoy dignified housing.

54. The Government of Angola is implementing the National Urban Planning and Housing Programme, which focuses primarily on building 35,000 homes, roughly 200 homes per municipality, as well as having the State, private firms and co-operatives to build social housing. More than 68,000 parcels of land were conveyed for directed self-construction in all the provinces, and more than 7,000 families are now benefitting directly from the programme.

55. Data from the General Census of the Population and Housing indicate that 70% of households live in their own dwellings, 19% live in rented homes and 10% live in other situations.

56. Eviction actions take place through the court system only. Regarding the resettlement of the population that built in risk areas or on State land reserves, the government has made an effort to resettle them in a dignified manner in accordance with the National Assembly resolution on displacements. The government is reviewing the Law on Expropriations to make it consistent with human rights standards in accordance with the Constitution, and it is also preparing a new legal framework on resettlements.

Article 12 – The right to physical and mental health

57. In 2013, the social sector, which encompasses health, received a total of 33%; and health, a sub programme, received 5.3%. However, these amounts do not include the Public Investment Programmes (PIP) to build and equip infrastructure at the national level.

58. To further strengthen health services at the local level, the Health Services Municipalization Programme is being carried out. Its purpose is to offer quality health services. This programme was strengthened with primary care networks, the construction of 15 new municipal hospitals, and 1,776 health posts and centers in all municipalities.

59. In 2012, Presidential Decree No. 15/12 of 26 March approved the regulation that established the National Commission for Prevention and Auditing of Maternal and Prenatal Deaths, with support from the World Bank and oil companies.

60. From 2008 to 2010, maternal and child mortality figures in Angola were lower, down from 1,400 to 450 and from 150 to 116 respectively.

61. Relatively the data on the rate of teenage pregnancies, the National Statistics Institute is conducting a survey on multiple health indicators that will provide real data on the subject. In addition, an integrated teenage and youth health action strategy is being developed in partnership with the United Nations Agencies and USAID.

62. Regarding the matter of mental health, the National Health Development Plan (PNDS) is being implemented. The Plan establishes mental health goals, such as conducting a study on the main causes and incidences of mental illnesses in Angola and preparing legislation on mental health and the Strategic Mental Health Plan. Among other things, this Strategic Plan will strengthen professional development and training for specialists and will expand health services to the entire country. According to Census data, there are roughly 700,000 persons with disabilities in Angola. Of that figure, 656,258 or 13% have mental illnesses.

Articles 13 and 14 – The right to education

63. People who do not know how to read or write are essentially elderly, between 60 and 70 years old, and amount to 27% of the total population.

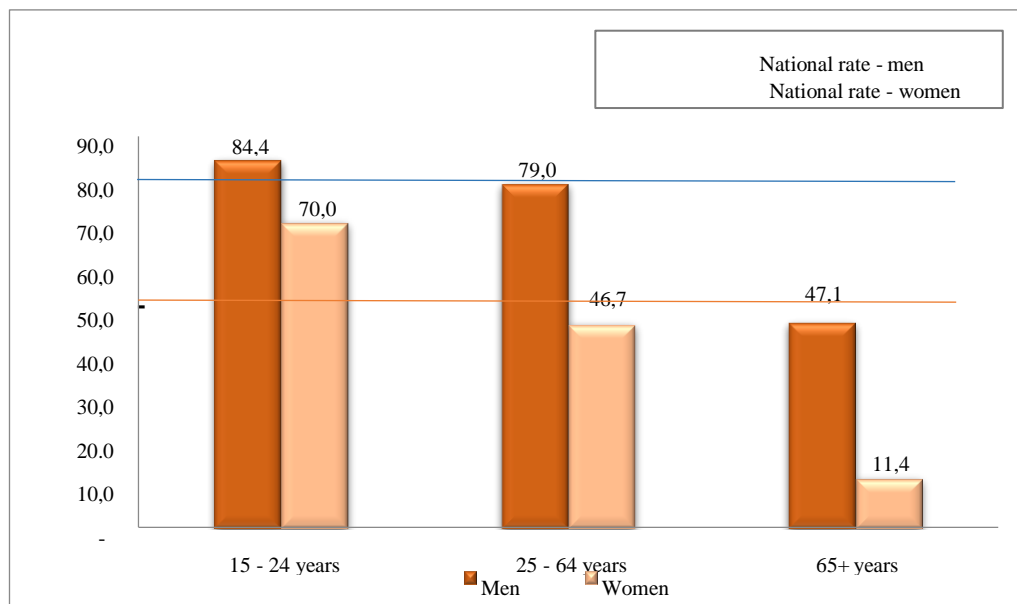
64. The literacy rate at the national level is 66% of the population: 79% in rural areas and 41% in urban areas according to Census data.

Population with 15 years or older that knows how to read and write, by area of residence, according to gender

<i>Country and area of residence</i>	<i>Population 15 years or older</i>	<i>Population that knows how to read and write</i>	<i>Illiteracy rate</i>
Angola	13,592,528	8,915,628	65.6
Urban	8,706,580	6,908,680	79.4
Rural	4,885,947	2,006,945	41.1

65. Regarding the difference between men and women, more men have been schooled than women.

Figure 17 – Illiteracy rate in the population 15 years and older, according to age group



66. Primary education in Angola is free for everyone and is completely financed by the State. However, there are also schools that receive support from the government and private schools called “colégios.”

67. According to 2014 Census data, roughly 22% of the school-age population is not in the education system. The percentage of the population with access to secondary education is 17.1%. The goal is to reach one million students by 2017.

Article 15 – Cultural rights

68. Article 79 of the Constitution of the Republic of Angola recognizes everyone’s right to participate in cultural activities. The populations of the different cultural groups have acted in accordance with their traditions and customs with no limitations whatsoever. However, the law restricts practices and customs that are disorderly and against the law.

69. Regarding access and use of land, the law requires hearing the community prior to any concession for use and exploitation, regardless of purpose. The required documents must be compliant and the opinion of the “Soba” or local chief is required. The Land Law, Law No. 9/04 of 9 November, also provides for protecting rural community sites that cannot be conveyed.

70. This is some information that the State party is able to provide.

71. The State of Angola remains at your disposal to continue the dialogue with the members of the Committee.