



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Angola adopted by the Committee at its fifty fourth session (11 February – 1 March 2013)

1. The Committee considered the sixth periodic report of Angola (CEDAW/C/AGO/6) at its 1113 and 1114 meetings on 20 February 2013 (CEDAW/C/SR. 113 and 1114). The Committee's list of issues and questions is contained in CEDAW/C/AGO/Q/6, and the responses of the Government of Angola are contained in CEDAW/C/AGO/Q/6/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its sixth periodic report which, in general, followed the Committee's guidelines for the preparation of reports, although it lacked references to the Committee's general recommendations and certain sex-disaggregated data. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group, its oral presentation, and the further clarifications provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by Ms. Ana Paula da Silva Sacramento Neto, Secretary of State for Family and Promotion of Women. The delegation included representatives from various ministries and from the Permanent Mission to the United Nations in Geneva. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

B. Positive aspects

4. The Committee welcomes the enactment of the Law on the Participation of Women in Political life, in 2005, and of the Law against Domestic Violence, in 2011.

5. The Committee also notes with satisfaction that the State party ratified:

(a) The Optional Protocol to the Convention on the Elimination of Discrimination against Women, in 2007;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007; and

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2005.

C. Principal areas of concern and recommendations

Parliament

6. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus and invites the State party to encourage the Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the State party's next reporting process under the Convention.**

Visibility of the Convention

7. While noting that, according to the State party's Constitution, international Conventions on human rights are directly applicable by the tribunals, the Committee is concerned that, in legal practice, the application of the Convention has been limited and that the Convention has not been given sufficient visibility as the legal basis for measures, including legislation and policy measures, for the elimination of all forms of discrimination against women and the promotion of gender equality in the State party.

8. **The Committee recommends that the State party take all appropriate measures to ensure that the Convention and the Committee's general recommendations are sufficiently known and applied by all branches of Government, the Parliament and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women.**

Access to justice

9. While noting the State party's current process to carry out judicial reform, the Committee is concerned about the lack of effective access to justice for women which is due to multiple factors.

10. **The Committee recommends that the State party:**

(a) **Enhance women's awareness of their rights and the means to enforce them and ensure that information on the Convention is provided to all women and men;**

(b) **Finalize, without delay, the judicial reform to put an end to impunity and ensure that women have effective access to justice and facilitate their access to justice by, for example, removing all impediments women may face in gaining access to justice and raising awareness of women and men in order to eliminate the stigmatization faced by women who claim their rights; and**

(c) **Take all appropriate measures to ensure that the Convention and the Committee's general recommendations are made an integral part of the training for judges, lawyers, prosecutors, police and other law enforcement officers.**

Legislative framework

11. While noting the on-going legislative reform, the Committee is concerned about delays in finalizing it. The Committee reiterates its concern about the lack of full

domestication of the Convention as part of the State party's law and about the existence of remaining discriminatory provisions.

12. The Committee recommends that the State party accelerate the process of legal reform, within a clear and precise time frame, with a view to bringing domestic provisions in line with the Convention and ensure that all discriminatory provisions are reviewed and repealed, in order to achieve de jure equality and thereby facilitate de facto equality for women in compliance with the State party's obligations under the Convention.

National machinery for the advancement of women

13. The Committee is concerned about the low percentage of the national budget allocated to the machinery for the advancement of women and the delay in adopting the National Gender Policy and the Land Reform Programme. The Committee notes that the empowerment of women is a means to advance democracy, to combat poverty and to achieve sustainable development, and expresses its concern about the limited participation of women in decision-making in development initiatives.

14. In accordance with its general recommendation No. 6 (1988) and the guidance provided in the Beijing Platform for Action on the necessary conditions for the effective functioning of national mechanisms, the Committee recommends that the State party:

(a) Raise awareness among decision-makers that the empowerment of women is essential as a means to advance democracy, combat poverty and achieve sustainable development;

(b) Significantly increase the financial resources of the national machinery for the empowerment of women at national and local levels;

(c) Provide the national machinery for the advancement of women with the necessary human and technical resources for its effective functioning in all areas of women empowerment at national and local levels; this should, in particular, include technical capacity-building activities and capacity for enhanced cooperation with civil society;

(d) Enhance coordination among existing mechanisms for advancement of women and promotion of gender equality;

(e) Adopt without delay the National Gender Policy and the Land Reform Programme, incorporate in them a result-oriented approach, including specific indicators and targets, and establish a monitoring mechanism so as to regularly assess impact and effectiveness of these policies; and

(f) Enhance inclusion and increase representation of women at decision-making, policymaking and implementation levels in institutions and mechanisms for development.

Temporary Special Measures

15. While welcoming the measures taken in favour of women to provide flexible working hours for pregnant women and to improve the conditions of retirement for women, the Committee is concerned that no other temporary special measures have been introduced or are being planned as part of a necessary strategy to accelerate the achievement of substantive equality of women and men in areas where women are underrepresented or disadvantaged.

16. The Committee encourages the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention, as interpreted in the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas covered by the Convention where women are underrepresented or disadvantaged, in particular as regard the inclusion of women in decision-making. To that end, it recommends that the State party:

(a) Implement temporary special measures in various forms, such as outreach and support programmes, quotas and other pro-active and result-oriented measures aimed at achieving substantive equality of women and men in all areas, and encourage their use both in the public and private sectors; and

(b) Raise awareness among members of Parliament, government officials, employers and the general public about the necessity of temporary special measures.

Stereotypes and harmful practices

17. The Committee expresses its deep concern at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. It notes that stereotypes contribute to the persistence of violence against women as well as harmful practices, including early marriage, polygamy, female genital mutilation, levirate, and acts of violence against women of the San Community and against children or old women considered as witches. The Committee expresses its deep concern that the State party has not taken sufficient sustained and systematic action to eliminate stereotypes and negative cultural values and harmful practices.

18. **Recalling that combating negative gender stereotypes is one of the most important requirements for social advancement, the Committee urges the State party to:**

(a) **Put in place, without delay, a comprehensive strategy, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, such as early marriage, polygamy, female genital mutilation, levirate, and acts of violence against women of the San Community and against children or old women considered as witches. Such measures should include concerted efforts, within a clear timeframe, in collaboration with civil society, the school system, the media and traditional leaders, to educate and raise awareness about negative gender stereotypes, targeting women and men at all levels of society; and**

(b) **Adopt legal provisions prohibiting polygamy, early marriages, female genital mutilation and levirate, and include adequate sanctions for violations of these provisions.**

Violence against women

19. While welcoming the existence of campaigns against Gender-Based Violence and the adoption in 2011 of Law 25/11 against Domestic Violence, the Committee remains concerned about:

(a) The absence of a comprehensive strategy on violence against women; the persistence of violence against women, including rape, domestic violence, and sexual harassment at school, in the workplace and in the public sphere, as well as the persistence of impunity;

(b) The lack of effective implementation of Law 25/11 against Domestic Violence; the lack of information on the existence of legal provisions explicitly

criminalizing marital rape and the absence of legal provisions prohibiting sexual harassment;

(c) The tendency of the State party to encourage women to opt for mediation rather than legal action for cases of domestic violence;

(d) The lack of sufficient data on cases of gender-based violence reported, on prosecution and conviction rates in relation to violence against women and on the number, capacity and resources of shelters, counselling and rehabilitation services;

(e) Cases of abuse and acts of violence, including sexual violence, perpetrated by the State party's security forces during expulsion proceedings against migrant women; and

(f) The absence of sufficient measures taken to provide remedies and health-care services to women victims of violence, including sexual violence, during the conflicts with the União Nacional Para a Independência Total de Angola (UNITA) and the Frente de Libertação do Enclave de Cabinda (FLEC).

20. **The Committee urges the State party to:**

(a) Adopt and implement a national strategy to fight against all forms of violence against women;

(b) Significantly increase its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations, in order to combat violence against women;

(c) Ensure the effective implementation of Law 25/11 against Domestic Violence; ensure that marital rape is explicitly criminalized; adopt legal provisions which prohibit sexual harassment at school, in the workplace and in the public sphere and ensure that the provisions include adequate sanctions;

(d) Encourage women to opt for legal action rather than mediation for cases of domestic violence whenever it is justified;

(e) Collect data on cases of gender-based violence, including on the number of complaints, prosecutions and convictions, and the sentences imposed on perpetrators of sexual and gender-based violence, as well as on the number, capacity and resources of shelters, counseling and rehabilitation services for women victims of such violence;

(f) Protect asylum-seeking, refugee and migrant women from all forms of violence, investigate, prosecute and punish the perpetrators of such acts, including members of the State party's security forces, and establish mechanisms for redress and rehabilitation; respect the domestic law and treaties to which the State party adheres with regards to the expulsion of migrants, taking into account the vulnerability of migrant women; and

(g) Ensure the implementation of Security Council Resolution 1325, in connection with that of the Convention, and ensure that women victims of sexual crimes committed during the conflicts with the União Nacional Para a Independência Total de Angola (UNITA) and the Frente de Libertação do Enclave de Cabinda (FLEC) receive appropriate reparations and rehabilitation.

Trafficking and exploitation of prostitution

21. While noting the programme to facilitate the reintegration of children exploited in prostitution and the rehabilitation programme for women sex workers, the Committee remains concerned about reports that the State party is a source and destination country for

human beings trafficked for purposes of sexual exploitation and forced labour. The Committee is also concerned about the absence of a comprehensive law and strategy aimed at combating trafficking in human beings. It is further concerned that prostitution continues to thrive, owing to the poverty of women and girls.

22. The Committee recommends that the State party:

(a) Carry out a study to investigate the scope, extent and root causes of trafficking in human beings and forced prostitution, particularly of women and girls, including through the collection and analysis of data on trafficking and exploitation of women in prostitution;

(b) Adopt a law aimed at combating trafficking in human beings and amendments to the Penal Code and ensure that they fully comply with article 6 of the Convention and strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders;

(c) Increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aimed at the prosecution and punishment of traffickers;

(d) Address the root causes of prostitution of women and girls, including poverty, in order to eliminate their vulnerability to sexual exploitation and trafficking, and strengthen its efforts for the rehabilitation and social reintegration of victims; and

(e) Ratify the United Nations Convention against transnational organized crime and the Protocol thereto to prevent, suppress and punish trafficking in persons, especially women and children, as well as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Participation in political and public life

23. The Committee welcomes the representation of women in the National Assembly (34.1 percent) and in ministerial positions (29 percent) and the enactment of the Law on Political Parties of 1 July 2005 requiring that political parties include a 30 per cent quota for women candidates on electoral lists. However, the Committee reiterates its concern about the remaining low participation of women in other areas of political and public life, including at high levels of decision-making, in the judiciary and in the civil service at national, provincial and municipal levels.

24. The Committee recommends that the State party:

(a) Ensure women's equal access with men to all areas of political and public life, including at high levels of decision-making, in the judiciary and the civil service at national, provincial and municipal levels; and

(b) Implement awareness-raising activities for the society as a whole about the importance of women's participation in decision-making and develop targeted training and mentoring programmes on leadership and negotiation skills for women in the public sector.

Nationality

25. The Committee is concerned about the high number of women without national identity cards, which may prevent them from exercising their rights and gaining access to loans.

26. **The Committee recommends that the State party ensure that all women receive national identity cards.**

Education

27. The Committee welcomes the efforts undertaken to increase the budget allocated to education, the school enrolment and attendance rates of children, and the literacy rate among women in rural areas. However, it remains concerned about the low school enrolment and attendance rates of girls, the high drop-out rate, including due to early pregnancy and early marriage, the lack of education facilities and qualified teaching professionals, the existence of gender stereotypes in school textbooks and the high illiteracy rate among women, in particular in rural areas.

28. **The Committee recommends that the State party:**

(a) **Raise awareness among communities, families, students, teachers and officials, especially men, about the importance of women's and girls' education;**

(b) **Ensure de facto equal access of girls and young women to all levels of education and retain girls in schools, including by eliminating the indirect costs of schooling, providing incentives for parents to send their daughters to school, eliminating the practice of early marriage and enabling young women to stay in school during pregnancy and to return to school after giving birth;**

(c) **Allocate adequate resources to education to increase the number of teachers and to improve the quality of teacher training and of school facilities;**

(d) **Undertake a revision of educational textbooks to eliminate gender stereotypes; and**

(e) **Strengthen adult literacy programmes, especially for women in rural areas.**

Employment

29. While noting the audit carried out in 2010 on the equality of women and men in the workplace, the Committee is concerned about the persistent discrimination against women in the labour market, in particular with regard to the wage gap, and the occupational segregation of women in the public and private sectors. The Committee is also concerned about the low level of women in formal employment, the concentration of women in the informal sector with no legal protection, social security or other benefits, and the lack of nation-wide micro-credit programmes.

30. **The Committee recommends that the State party:**

(a) **Reduce the wage gap between women and men, including by addressing occupational segregation of women in the public and private sectors and promoting women's access to higher paid jobs and decision-making positions, and monitor the implementation of these measures;**

(b) **Provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social security and other benefits; and**

(c) **Expand access by women to micro-finance and microcredit at low interest rates so as to enable them to engage in income-generating activities and to start their own businesses.**

Health

31. While welcoming the adoption of the 2009 Executive plan for primary health care, the 2007-2013 Investment Plan for the Accelerated Reduction of Maternal and Child Mortality and the 2012-2014 National Strategy on HIV/AIDS, the Committee is concerned about:

(a) The limited access to basic healthcare services, in particular for rural women; the existence of sociocultural factors that prevent women from accessing these services; the lack of adequate health infrastructure and the insufficient human and financial resources allocated to the health sector;

(b) The high maternal mortality rate, due, inter alia to the lack of extended obstetrical care and the low number of births attended by skilled personnel;

(c) The very high fertility and teenage pregnancy rates and the high number of cases of vesico-vaginal fistula; the low use of contraceptives and the lack of information provided to women on sexual and reproductive health and rights, including family planning;

(d) The criminalization of abortion (article 144 of the Penal Code) except if pregnancy is harmful to the mother's life, although the delegation indicated that, in practice, abortion is allowed in cases of rape and risks for the development of the child; and

(e) The disproportionately high number of women living with HIV/AIDS and the lack of effective implementation of the 2012-2014 National Strategy on HIV/AIDS throughout the State party.

32. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls on the State party to:**

(a) Increase access by women and girls, in particular rural women, to basic healthcare services and address the obstacles to women's access to health care, including sociocultural norms;

(b) Increase the funding allocated to healthcare, and the number of healthcare facilities and of trained healthcare providers and medical personnel;

(c) Strengthen the maternal and infant mortality reduction programme, and eliminate the causes of such mortality, which include limited access to obstetrical care and the low number of births attended by skilled personnel;

(d) Prevent vesico-vaginal fistula through nutritional programmes and adequate obstetric services for pregnant women, and provide medical support to women affected by it;

(e) Widely promote education on sexual and reproductive health and rights, in particular by undertaking large-scale awareness-raising campaigns about available contraceptive methods; increase access to safe and affordable contraceptive services throughout the State party and ensure that women do not face barriers in accessing information on family planning;

(f) Address teenage pregnancies by integrating effective and age-appropriate education on sexual and reproductive health and rights in curricula;

(g) Consider removing punitive legislative provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 (1999) on women and health, and broadening the conditions under which abortion can be legally available, including when pregnancy is harmful to the mother's health and in instances of rape and incest; and

(h) Develop operational plans to ensure the effective implementation, monitoring and evaluation of the 2012-2014 National Strategy on HIV/AIDS, including at municipal levels.

Disadvantaged groups of women

33. While welcoming the adoption in 2012 of the national programme to support rural women and of the National Strategy for Combating Poverty, the Committee remains deeply concerned about the widespread poverty among rural women and the limited impact of economic growth on development in the State party.

34. **The Committee recommends that the State party:**

(a) Pay special attention to the needs of women who face multiple forms of discrimination, including rural women, to ensure that they have access, without discrimination, to health, education, clean water, sanitation and income generating activities; and

(b) Integrate a gender perspective into the National Strategy for Combating Poverty, taking account of the specific needs of rural women, and ensure the effective implementation of this Strategy.

Marriage and family relations

35. The Committee is concerned about the discriminatory provision in article 24 of Law 68/76 authorizing, on an exceptional basis, the marriage of girls at 15 and boys at 16 years of age. The Committee is also concerned about the persistence of the practices of polygamy and early marriage. It is further concerned about the application of customary law that discriminate against women with regard to inheritance of land.

36. **The Committee recommends that the State party:**

(a) Withdraw the discriminatory provision in article 24 of Law 68/76 authorizing, on an exceptional basis, the marriage of girls at 15 and boys at 16 years of age, and raise the legal age of marriage to 18 for girls and boys;

(b) Sensitize traditional leaders on the importance of eliminating discriminatory practices such as polygamy and early marriage and put an end to the application of customary law that discriminates against women with regard to land inheritance; and

(c) Carry out awareness-raising and education programmes, targeted at both women and men, in cooperation with civil society organizations, on the elimination of discrimination against women in marriage and family relations.

National human rights institution

37. While noting the existence of an Ombudsman, the Committee is concerned about the absence of an independent national human rights institution.

38. **The Committee recommends that the State party consider establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993, annex) or another specialized body to consider, issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights.**

Data collection

39. The Committee is concerned at the general lack of updated statistical data. It notes that updated data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

40. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data.**

Amendment to article 20, paragraph 1, of the Convention

41. **The Committee encourages the State party to accept, without delay, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

42. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

Millennium Development Goals

43. **The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals.**

Dissemination

44. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present Concluding Observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the Concluding Observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament/National Congress/Assembly and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc... It further recommends that its Concluding Observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders.**

Ratification of other treaties

45. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages 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, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 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.

Follow-up to concluding observations

46. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 (b), (c) and (e) and 34 (b) above.

Technical assistance

47. The Committee recommends that the State party avail itself of international cooperation, including technical assistance, to develop a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee also calls upon the State party to further strengthen its cooperation with specialized agencies and programmes of the United Nations system. The Committee recommends, in particular, that the State party strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the State party through, for instance, the re-opening of an OHCHR country office and the signing of a comprehensive agreement aimed at human rights promotion and protection.

Preparation of the next report

48. The Committee invites the State party to submit seventh periodic report in March 2017.

49. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.