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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais Wilson, Geneva
Wednesday, 12 November 2008, at 3 p.m.

Chairperson: Mr. TEXIER

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Combined first, second and third periodic reports of Angola

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS

(a) **REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT** (agenda item 6) (*continued*)

Combined first, second, and third periodic reports of Angola (E/C.12/AGO/Q/3); core document forming part of the reports of States parties (HRI/CORE/AGO/2008); list of issues to be taken up (E/C.12/AGO/Q/3); written replies by the Angolan Government to the list of issues to be taken up (E/C.12/AGO/Q/3/Add.1, in English only)

1. *At the invitation of the Chairperson, the members of the Angolan delegation resumed their seats at the Committee table.*
2. The CHAIRPERSON welcomed the Angolan delegation and invited it to present the initial and second and third periodic reports of the State party, submitted in a single document.
3. Mr. CHICOTI (Angola) said that his country was party to most international human rights instruments, the provisions of which were mandatory under article 21 of its Constitution. Angola maintained excellent relations with United Nations treaty bodies, including the Committee on Economic, Social and Cultural Rights and it considered that presenting periodic reports was an excellent way to improve the promotion and protection of human rights. Angola had recently endured a long period of war which had inflicted tremendous suffering on its population, destroyed much of its economic, social and cultural infrastructure, undermined education, health and social protection services and considerably weakened its human capital.
4. Since the end of the armed conflict, in April 2002, the emphasis had been on consolidating the peace and national reconciliation process, deepening political reforms aimed at guaranteeing respect for the fundamental principles established in constitutional law and creating conditions for Angola's social, economic and cultural recovery and development, with human rights viewed as decisive for the country's sustainable development. Although there had been difficulties, the nascent democracy was showing encouraging signs of life, as demonstrated by the legislative elections of September 2008, which had attracted a large turnout in a climate of full freedom and transparency. As a State governed by the rule of law, Angola respected its citizens' fundamental freedoms and had a large number of non-governmental organizations (NGOs), political parties and religious institutions. It also had a growing number of private press agencies which displayed great vitality and were helping to promote respect for human rights and fundamental freedoms.
5. The increase in public revenue generated by economic growth had led firstly to a significant improvement in per capita income and, secondly, to public investments that were essential for upholding the population's economic, social and cultural rights. For example, encouraging progress had been made towards the Millennium Development Goal of halving the number of people living on less than one dollar a day by 2015. The national economy had almost doubled in value in just four years, from 2004 to 2007 and gross per capita domestic product (GDP) had more than doubled between 2002 and 2007, rising from US\$ 1,500 to US\$ 3,500. Thanks to Government investments in the social sector, in 2005 Angola had risen five places in the world human development ranking published by the United Nations Development Programme (UNDP). The number of children enrolled in primary

school had reached nearly 3.8 million, twice the number in 2002; the number of secondary school pupils was currently on the order of 350,000, three times more than six years ago; and the country had about 180,000 teachers, compared to 76,000 in 2000, and about 80,000 classrooms, compared to 19,000 previously, which demonstrated Government efforts to ensure that children had nearby access to school, particularly in rural areas.

6. Angola was one of several African countries expected to attain the Millennium Development Goals on gender equality, reducing under-fives mortality, improving maternal health, combating endemic diseases, promoting sustainable development and others, by the established deadlines. In partnership with civil society, the Government had implemented a gender equality strategy that was consistent with the main thematic areas of the Dakar and Beijing Platforms for Action for the advancement of women: poverty, education, health, citizenship rights, maternity, family, the elderly, handicapped people, zero-positive persons and endemic diseases. Despite the progress achieved, however, the international community was far from fully honouring the commitments it had made at the main conferences on development finance, which were nonetheless essential for promoting and protecting economic, social and cultural rights.

7. Implementation of the law and international human rights instruments ratified by Angola was the responsibility of the President of the Republic, Parliament, the Government, local public authorities, the courts, the Attorney General of the Republic and the Ombudsman's Office. The Government of Angola was working to promote cultural development, while respecting national cultural identity in all its diversity. Angola was a non-denominational State that respected freedom of belief and religion among its citizens, irrespective of their ethnic or social affiliation. It would continue to fulfil its international treaty obligations and expected to continue cooperating on human rights issues with the Committee on Economic, Social and Cultural Rights and the United Nations system.

Articles 1 to 5 of the Covenant

8. Mr. RZEPLINSKI enquired about the human rights training provided to civil servants, particularly police officers. He asked to what extent the Angolan Government was willing to prepare a programme to combat impunity, in view of the very long conflict that the country had endured. If it was true that the country had only 98 judges covering all jurisdictions, as the information on page 18 of the Angolan Government's replies to the list of points to be taken up seemed to suggest, he wanted to know how judicial rulings were arrived at in labour disputes or civil cases and what remedies were available to persons who considered their fundamental social rights to have been violated.

9. He then asked whether the Angolan delegation could say when the proposals to replace the Technical Unit for the Coordination of Humanitarian Assistance (UTCAH) by an organic structure adapted to the new situation would be ready, in order to enable UTCAH's very constrained role in relation to domestic and foreign NGOs to evolve, since the latter were also considered by the Government as potential partners. On the fight against corruption, he noted that although progress had been made since 2003, Angola was ranked 142 in the world by Transparency International and he asked for further details on the policy adopted in that area. He also asked why, even in the region of the capital, Luanda, civil servants were so badly paid, which meant they sometimes had to take another job and rendered them more easily corruptible.

10. Mr. Rzeplinski also wanted to know the Angolan delegation's opinion on the effect that international economic cooperation agreements were having the exercise of economic, social and cultural rights. In the provinces of Lunda Norte and Lunda Sul, where there were major diamond mining concessions, local people were being kept away from the areas in question and could not gain normal access to their traditional lands to obtain drinking water. He asked to what extent the cooperation agreements signed by Angola with countries or multinational corporations also benefited the poorest and most excluded population groups.

11. He requested further details on the strategy to enable women to become more autonomous and its implementation in practice; and on the new Ministry of the Family and Women's Empowerment, the creation of which that year was very encouraging. Nonetheless, women continued to suffer overt discrimination in access to Government posts, particularly at the local level. Mr. Rzeplinski lastly asked for details of steps taken to protect specific population categories, such as homosexuals, zero-positive persons or AIDS sufferers, landmine victims and the disabled, against discrimination in access to employment, health care and other public services.

12. Ms. BONOAN-DANDAN expressed astonishment at the disparities between the information on the economic and social situation contained in Angola's core document and the excellent economic growth figures announced in the preliminary statement made by the Angolan delegation and she asked for an explanation. She enquired about the role given to economic, social and cultural rights in the poverty reduction strategy prepared by the Government, and asked whether the latter now intended to conduct a population census, which would help it identify needs more precisely, for example in terms of access to contraception. It would also be useful to have up-to-date figures on inflation, the budget deficit and external debt service, given the increase in oil revenues; and she wanted to know whether a mechanism was in place to promote transparency in transactions, the absence of which was likely to spawn corruption, as was well known.

13. Ms. Bonoan-Dandan regretted that the Government had not provided examples of cases in which private individuals had invoked economic, social and cultural rights before the Constitutional Court or the Supreme Court, as had been requested in question No. 1 of the list of points to be taken up. She asked the delegation to provide examples and statistics on that subject. She also wanted clarification of the functions of the Ombudsman: was he really able to deal with complaints of violations of citizens' rights and cases of omission or negligence on the part of the authorities; and what was his real role in terms of the implementation of the Covenant? Lastly, she asked why the UNHCR office had been closed.

14. Ms. BRAS GOMES asked what the Angolan Government's intentions were in working to strengthen international cooperation with the High Commissioner through the Human Rights Committee, when the High Commissioner's office had been closed. She wanted to know how the measures announced in the section of the core document dealing with the social context had been prepared, and whether there had been consultations with local authorities and stakeholders to make them as appropriate and practical as possible. She asked the delegation to indicate when the new constitution was expected to be ready and what place it would give to economic, social and cultural rights. She also asked for information on steps being taken to help the many Angolan people who were displaced throughout the country.

15. Ms. WILSON wanted to know whether the Angolan courts could directly invoke the provisions of international instruments, particularly those of the Covenant; whether judges received training on human rights and the corresponding

instruments; and whether economic, social and cultural rights were directly applicable in domestic law. She was also concerned at the lack of independence of the judicial apparatus and asked whether separation of powers was enshrined in the Constitution or in customary law. Following the lengthy conflict the country had endured, there were large numbers of disabled people; the Government had certainly taken positive steps to assist them, for example to enable them to access public buildings, as well as mine-clearance actions, on which the Committee would like further information. In his preliminary statement, the head of the delegation had stated that press freedom was guaranteed; however, apparently that was not entirely true in practice, and journalists censored themselves. As press freedom, and hence freedom of expression, was one of the foundations of democracy, she asked the delegation to clarify the real situation in that regard.

16. Mr. ATANGANA was also concerned about the functioning and lack of independence of the justice system in which, for example, certain high-ranking magistrates were political personalities in the governing party. He regretted that, in its reply to question No. 4 on the list of issues to be taken up, the Angolan Government had merely listed a series of measures aimed at combating corruption and nepotism without saying whether they had been implemented and with what results. He asked the delegation to clarify the situation to the Committee, and indicate the number of courts that were currently operating in practice.

17. Mr. PILLAY expressed concern at information suggesting that oil revenues had not been officially recorded, in particular many billions of dollars that could have been used for social and educational purposes, in the framework of more general promotion of economic, social and cultural rights, for example. He also mentioned information suggesting that most Angolans did not have access to justice, and that bringing a case to court required engaging in corruption. Furthermore, the population was not informed of its economic, social and cultural rights. He wanted to know whether the Ombudsman had yet had to deal with cases of violations of those rights — forced evictions, for example. The steps taken by the authorities to combat the culture of corruption that seemed to prevail at all levels of Angolan society needed to be highlighted, detailed and supported by figures on cases dealt with.

18. Mr. SADI wondered why — aside from the lengthy armed conflict — the Angolan Government had taken so long to submit a report to the Committee, when it insisted that it was upholding the Covenant. He also noted, to echo what the Angolan delegation had previously stated, that all of the provisions of the Covenant had to be incorporated into domestic law — and not just most of its articles — and he wanted to know whether the authorities were duly informed of its contents. While high oil prices had greatly benefited the Angolan economy, they had since dropped by nearly 50 per cent, so it was pertinent to wonder how that would affect the State party's respect for its Covenant obligations. Lastly, the province of Cabinda, an oil enclave, was the location of much of the country's wealth, and it would be good to know whether the population had a special status (autonomy, for example) and whether it shared that wealth with the rest of the Angolan people.

19. Mr. DASGUPTA requested confirmation of information that the oil company SONANGOL had failed to declare some of its oil revenue, either to the Ministry of Finance or to the National Bank of Angola. If that was confirmed, the State party would not be respecting its obligations under article 2 of the Covenant, namely "to take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the ... Covenant". He

asked whether the company in question enjoyed special status and, if so, on what legal basis.

20. Mr. TIRADO MEJIA asked what specific steps the Government had taken to assist the large number of displaced persons in the country, in terms of housing, education and integration, or even financially. He hoped that a country like Angola, whose per capita income and gross domestic product had recently doubled, was redistributing wealth in a spirit of equality. He wanted to know what that growth had actually changed in terms of economic, social and cultural rights, particularly education — reducing illiteracy, for example — and he hoped that the increase in the number of schools had not been achieved at the expense of teaching quality.

21. Ms. BARAHONA RIERA asked what methods the State used to oversee public enterprises that extracted natural resources such as oil and diamonds and how it ensured transparent use of public funds. Noting that a high percentage of the country's GNP came from oil and diamonds, he wanted to know whether there were policies and laws making it possible to transfer the corresponding revenues to the social sector. Lastly, he asked whether the Ministry of the Family and the Advancement of Women had implemented a gender equality policy and whether it had sufficient financial resources to fulfil its mission.

The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

22. Mr. CHICOTI (Angola) said that his country had emerged from a civil war only six years earlier and that democratic transition, development and the promotion of economic, social and cultural rights were not easy to achieve. While 27 years of conflict had prevented the authorities from setting up the necessary institutions and infrastructures, since 2002 the Angolan Government spared no effort to create institutions, firstly at the national level and then locally, with the appointment of a local administrator in each of the country's 18 provinces. The Government had also had to deal with massive population movements and help resettle thousands of people, the vast majority of whom had found nothing left of their possessions and housing when they had returned. Under the Lusaka Protocol it had unblocked US\$ 500 million to assist with family reintegration without obtaining any assistance at all from the international community.

23. For many years, the Angolan authorities had worked closely with the UNHCR office in Angola, particularly in raising awareness among the army, police and civil population about human rights in all provinces. An immense task had been undertaken but the State was now in a position to stand on its own, thanks to the creation of the Human Rights Commission within the Ministry of Justice. In general, it could be said that justice was being delivered more quickly and impartially. On the question of pay, he explained that wages did not vary between the different provinces and the same salary scale was applied to all civil servants across the country. A police officer had earned about US\$ 100 per month in 2006, compared to US\$ 200 in 2008 — an increase that was related to measures to combat corruption. In 2002, the country had been completely devastated, and plans implemented by the Government had made it possible to meet the population's basic health-care and education needs. Oil and diamond revenues had enabled the State to build up reserves but not to ensure a fair distribution of wealth, since it firstly had to set up the necessary infrastructures and institutions.

24. The CHAIRPERSON pointed out that the Committee on Economic, Social and Cultural Rights was not a political entity but a human rights committee and he asked the delegation to provide specific information.

25. Mr. CHICOTI (Angola) replied that he had not intended to make a political statement but wanted to highlight the huge challenges that his country had to overcome and to describe the context in which the Government had to operate.

26. Ms. BONOAN DANDAN asked why the UNHCR office in Angola had been closed.

27. Mr. CHICOTI (Angola) said that the office had been closed because it had completed its mandate and had done excellent work. Currently, the Ministry of Justice was dealing with human rights issues, even though Angola continued to maintain excellent relations with United Nations bodies, UNDP in particular.

28. Mr. DO NASCIMENTO (Angola) said that the UNHCR office in Angola had been set up as part of the United Nations peace mission in the country. When that mission had ended in 2002, Angola had asked for the office to be allowed to continue its work in the country. Although the office's budget had not been approved by the Fifth Committee of the General Assembly, its activities had been financed thanks to several countries. He also stated that all UNHCR offices were established under a memorandum of agreement between the State in question and the High Commissioner. No memorandum of agreement had been signed in the case of Angola, however, because the country had been at war.

29. The CHAIRPERSON, speaking as a member of the Committee, said that according to several reports filed by the High Commissioner, the human rights office in Angola had been encountering operational problems and did not have the necessary room for manoeuvre to fulfil its mission.

30. Mr. CHICOTI (Angola) stated that for equal work there was no pay differential between the provinces of Lunda Norte and Lunda Sul and that the authorities did not impose any restraints on circulation in those regions, except for certain areas located close to diamond mining concessions. Access to water was not restricted by the authorities in any circumstances.

31. The Government of Angola was providing substantial funding to help displaced persons reintegrate into society and it was doing its utmost to promote women's participation in local government, particularly at the provincial level. There was no institutionalized discrimination against women, AIDS sufferers or homosexuals, as shown by the lack of complaints filed for such reasons.

32. Disabled war veterans were not victims of discrimination in access to employment; like their fellow citizens, they faced a shortage of jobs in large cities — which attracted most of the population — and the high rate of unemployment prevailing throughout the country. The fact that Angola earned high levels of oil revenue did not mean that the job market was flourishing. Nonetheless, the Angolan Government needed to adopt job creation measures, in which it would give priority to disabled war veterans and other disadvantaged groups.

33. Corruption existed in Angola, like everywhere else but the Audit Department oversaw the financial operations of the various public bodies, including SONANGOL, which was responsible for exploitation of the country's oil resources. Contrary to what had been suggested by some members of the Committee, SONANGOL reported to the Ministry of Finance, and the Central Bank monitored sales of Angolan oil on international markets, thereby making it possible to know what income the enterprise was earning.

34. The general population census, scheduled for 2009, would make up for the lack of statistical data that had been deplored by certain members of the Committee.

35. While it was true that the national mine clearance programme had been delayed owing to a lack of funding, it had not been discontinued. The national institution responsible for implementing the programme was working in conjunction with foreign partners.

36. Considerable progress had been made in terms of press freedom and there were now many radios and independent newspapers, which were entitled to publish information of their choice.

37. The ongoing reform of the justice system envisaged the creation of new institutions and the construction of buildings to house them. A Palace of Justice would be inaugurated shortly.

38. The newly elected parliament was drafting a new constitution, which was expected to be approved before the presidential elections of 2009 and should establish better separation of powers. While it was true that magistrates were currently appointed by the President of the Republic, that was the case in many countries around the world.

39. The province of Cabinda was not Angola's only oil producing province; each oil province was allocated 10 per cent of the country's oil revenue.

40. Angola did not respect all of the recommendations made by the International Monetary Fund (IMF), since they were not always relevant. In particular, IMF had recommended downsizing the civil service, when there was a pressing need for teachers, nurses, and midwives. The current problem was not that Angola lacked the means to pay its civil servants, as IMF thought, but that employees were unequally distributed between the various sectors of the civil service.

41. It was true that Angola had control over its natural resources, which were exploited through the intermediary of the National Hydrocarbons Company, the National Diamond Company of Angola, or SONANGOL. However, that did not prevent it from jointly exploiting those resources with private enterprises to gain the benefit of their technology. It was also true that those sectors needed highly specialized labour and that they employed few Angolan nationals but the Angolan Government would develop other activity sectors, including agriculture, which could employ local labour. Although it had made huge profits — evaluated at US\$ 50 billion — as a result of the high oil prices, the Angolan Government did not intend to redistribute that income directly, since it believed priority should be given to relaunching the economy.

42. Corrupt individuals who engaged in illicit enrichment should be tried by the competent institutions; making general accusations did not contribute anything. Moreover, contrary to statements made by certain members of the Committee, several high officials had been brought to justice, including a minister.

43. Ms. MEDINA (Angola) said that the Ministry of the Family and the Advancement of Women, created in 1997, had prepared a gender equality strategy for the purpose of achieving all of the objectives set out in the Dakar and Beijing Platforms for Action. As part of that strategy, which specifically aimed to relieve poverty, women since 2000 have had access to microcredit programmes supported by private banks.

44. Women were participating actively in the life of the country, as shown by their high rate of representation in Parliament, in which they obtained 41 per cent of seats in the recent legislative elections. They also accounted for 33 per cent of the members of the central Government and were very well represented in local mechanisms. To ensure that women generally had more autonomy and were not

victims of discrimination, Angola would shortly issue a law on gender inequality, pursuant to a policy guideline issued by the Southern African Development Community (SADC).

45. Ms. ESPERANÇA (Angola) said that the Ombudsman's Office was an independent public agency whose members were elected by a two-thirds majority of Parliament and confirmed in their functions by the President of the National Assembly for four-year terms. They could not be dismissed and could not resign during their term of office. The budgetary envelope available to the Ombudsman depended on the multi-year plan of activities that he presented and the credits allocated were charged against the State budget. The Ombudsman was authorized to hear individual or collective complaints and could also take independent action if he considered that fundamental citizens' rights were being violated or under threat.

46. Article 21, paragraph 2, of the Constitution provided that constitutional provisions on fundamental rights had to be interpreted and integrated in keeping with the international instruments to which Angola was a party. Paragraph 3 of the same article also made it compulsory for Angolan jurisdictions to apply international instruments — including the International Covenant on Economic, Social and Cultural Rights — even if the parties concerned had not invoked them, thus upholding the principle of direct application of international treaties in domestic law.

47. Mr. BAMBI (Angola) said that the Constitution guaranteed separation of powers by requiring judges to reach their decisions in conscience and based solely on the law and article 54 prohibited them from implementing any order emanating from a minister or the President of the National Assembly. The Supreme Justice Council, which was the disciplinary body to which judges and prosecutors had to answer for their acts, consisted of jurists appointed by the National Assembly. While some of them were members of the majority party, not all of them were: others belonged to opposition parties and in all cases they were appointed solely on the basis of their legal skills.

48. The war had made it impossible to set up courts in the communities most affected by the fighting, hence the current lack of municipal courts. That did not mean, however, that impunity reigned in those municipalities, since cases were being tried by the corresponding provincial courts.

49. All provincial courts had a specialized chamber on labour law, to which citizens who considered their interests to have been damaged by their employer could appeal. The mechanism implemented was rapid and effective in enabling prosecutors in those chambers to help the parties involved settle their dispute. The plaintive did not have to engage a lawyer, and could relate the facts in writing.

The meeting rose at 6 p.m.