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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Forty-first session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 13 November 2008, at 10 a.m.

Chairperson: Mr. TEXIER

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

## CONSIDERATION OF REPORTS

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

Initial and second and third periodic reports of Angola (continued) (E/C.12/AGO/3; E/C.12/AGO/Q/3 and Add.1; HRI/CORE/AGO/2008)

1. At the invitation of the Chairperson, the members of the delegation of Angola took places at the Committee table.
2. The CHAIRPERSON invited the delegation of Angola to resume its exchange of views with the Committee, with reference to articles 1-5 of the Covenant.
3. Ms. MANUEL (Angola) clarified that of the total 197 magistrates in her country's judicial system, 98 were professional judges. There were 247 prosecutors at all levels. Magistrates undertook a two-year training course at the National Institute for Judicial Studies, which also trained judicial officials.
4. Justice system reforms initiated two years previously were now in their second phase. A number of laws had been passed, including laws on commercial companies, jurists' associations and reconciliation of the customs and tax law. A bill on training for public prosecutors was under consideration, in addition to a bill on the status of magistrates. The Commission on Judicial Reform was drafting amendments to the Code of Criminal Procedure, the Criminal Code and the Labour Act, which would shortly be submitted to the Government.
5. Mr. CONCEIÇÃO (Angola) said that the Ministry of the Interior had specifically appointed a Vice-Minister for Human Rights. In addition to the human rights department in the national police force, other bodies under the Ministry of the Interior contained human rights units and all, with the assistance of development partners, provided human rights training programmes as part of general staff training. Ongoing training was given in the form of workshops and quarterly seminars, and external training was also available for senior staff, as necessary.
6. Mr. MIGUEL (Angola) said that the Government was concerned by the high maternal and child mortality rate and the resultant fall in life expectancy. When it had started to restructure the health system after the war, it had given that issue priority alongside combating endemic diseases such as malaria, tuberculosis, sleeping sickness and HIV/AIDS, in addition to emerging and non-communicable diseases. In order to address those issues, the Government had decided to increase health coverage to make its programmes available to all. At the end of the war, health coverage had been 30 per cent. Since 2003, the number of health-care units had more than doubled, giving 60 per cent of the population access to health care. The number of health-care professionals had increased over twofold, reaching 1,800 in 2008. At the same time, the Government had made concerted efforts to repair and rebuild the health system and train human resources, and had brought in 800 foreign doctors to make up the shortfall in the near term. Two new faculties of medicine had been introduced in two provinces in 2008 and another three were shortly to be created in three further provinces.

7. The Government had also sought to improve other health indicators: since 2003, prenatal consultations had increased by 56 per cent; vaccine coverage had increased to 81 per cent; and the number of voluntary test centres for HIV/AIDS had risen from 11 to 154. It was hoped that, by the end of 2009, health centres would cover all regions.
8. There was no discrimination concerning access to health care. The HIV/AIDS Act of 2004 provided for administrative and criminal sanctions against anyone discriminating against someone with HIV/AIDS. Furthermore, there was no discrimination against persons with disabilities. The Government was continuing the major rehabilitation and reintegration programme for disabled people that had been supported by the European Union until 2007 and was opening orthopaedic centres nationwide.
9. The social budget had not been reduced. A World Bank study on the health-care system showed that the health budget had doubled between 2005 and 2007, leading to improvements in conditions and wages for health-care professionals. Health was a priority in his country, as indicated in article 47 of the Constitution.
10. Mr. HOMERO PIEDADE (Angola) said that there was no question of reducing the education budget. The Government was making considerable investment in education and had increased expenditure in that regard by one third between 2004 and 2007. The number of classrooms had risen by more than 50 per cent since 2002, and teachers' salaries had gone up by 174 per cent. With cooperation from Brazil and Cuba, the Government had launched a programme to eradicate illiteracy by 2015. There were an increasing number of teacher-training colleges in the provinces, and the Government sought to maintain the quality of education through ongoing teacher-training programmes, remote learning programmes and refresher courses for all officials in education organized through provincial and municipal directorates. Teachers were civil servants and enjoyed the same status and rights as other civil servants.
11. The Government was making efforts to improve schools and education for returnees. School enrolment figures had increased considerably and the Government was confident that it was adopting the right measures to eliminate problems of access to schooling.
12. Ms. BONOAN-DANDAN asked the delegation to clarify the mandate of the office of the Ombudsman, as the institution appeared not to be fully independent. She also wished to know whether the State party envisaged a national plan of action on human rights in conformity with the Paris Principles. In addition, she asked why the Vice-Minister for Human Rights was not a member of the delegation.
13. Mr. TIRADO MEJÍA requested an answer to his question on State programmes for displaced persons.
14. Ms. MANUEL (Angola) said that the Ombudsman's office was a fully independent body. As mentioned previously, some data needed to be filled in for the period 2006-2008. A total of 264 cases had been referred to the Ombudsman, some from the courts that had been dealt with and followed up, in addition to 40 complaints from private bodies on economic and cultural rights. Moreover, there had been 80 notifications with respect to public bodies and municipal and communal administrations, which had also been duly dealt with. Some 134 cases were being processed.

15. The Office of Human Rights had been created within the Ministry of Justice by Decree No. 225 and the Vice-Minister for Justice was responsible for dealing with human rights issues. Offices had been established in every province to promote and protect human rights. It was the responsibility of the Office of Human Rights to study the issues communicated to it and follow up with a plan of action, which was in the final stages of drafting.

16. Mr. CHICOTY (Angola) said that human rights issues were considered significant by the various ministries and that, within the Ministry of the Interior, they were dealt with by the Vice-Minister.

17. Mr. CONCEIÇÃO (Angola) said that an Office of Social Affairs and Human Rights within the Ministry of the Interior had been created in May 2007. The Human Rights Counsellor was responsible for the defence of human rights and his role included monitoring the police and bodies dealing with immigration.

18. Mr. do NASCIMENTO (Angola) said official statistics indicated that during the conflict some 4.5 million displaced persons had moved to urban centres, in particular to the capital. At the end of 2002, the Government had given priority to a programme for the return of displaced persons and refugees and had organized the reintegration and rehousing of most such persons within one year, with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR). The programme had been implemented in several phases, in the first of which most of those who had been displaced had been returned to their place of origin and ensured basic living conditions, in addition to being provided with rehabilitation and means of survival. Returnees had been given housing and a grant, and mines had been cleared. After so many years of forced displacement, some 62,000 persons had not returned to their place of origin but had benefited from a special programme. Once returnees were reintegrated, they benefited from public programmes.

19. The CHAIRPERSON invited comments and questions from members regarding articles 6 to 9 of the Covenant.

20. Mr. RZEPLINSKI requested further details on the rural extension and development programme as detailed in paragraph 68 of the State party's written replies to the list of issues, which stated that under the programme, around 803,730 families would be supervised directly and organized into farming cooperatives. Noting that the persons involved would probably be those living in the slums in cities like Luanda who were not farmers and had no agricultural experience, he asked how those persons would be prepared for leaving the cities and whether joining the cooperatives would be completely voluntary or whether they would be forced to join, in which case the cooperatives would amount to labour camps. While welcoming the increase in the minimum wage of police officers and medical staff, he requested details on the minimum wage for persons working in the public and private sectors and their increase in recent years.

21. Ms. BONOAN-DANDAN requested information on unemployment benefits. With respect to the informal sector, she asked for details on its size, the ratio of men to women working in it and the protection provided for its workers, such as a voluntary insurance system. She asked what measures had been taken to encourage informal-sector workers to join the regular workforce. Noting that trade-union membership was protected by law, she asked the State party why so few workers were members of trade unions.

22. Mr. ZHAN Daode commended the State party for its considerable efforts and achievements in the area of human rights, especially in terms of economic growth, the establishment of the Office of the Ombudsman and cooperation with OHCHR. However, much work remained to be done, especially on economic, social and cultural rights. He asked what measures the Government had taken or planned to take in order to secure a better life for the 605,000 elderly persons in the State party, all of whom lived in abject poverty.

23. Mr. ABDEL-MONEIM said he hoped it would be the last time that the State party submitted a combined report, which did not reflect the periods covered as precisely as reports submitted individually. He welcomed the high quality of economic analysis provided. Noting with satisfaction that the unemployment rate had fallen by 4 per cent to 22.5 per cent between 2005 and 2006, he asked the State party whether it would be able to continue improving the employment situation if the rate of public investment remained at only 2.8 per cent, which was less than 10 per cent of private investment.

24. Ms. BRÁS GOMES commented that the fact that the oil and diamond sectors were responsible for a considerable share of gross domestic product and export revenue but guaranteed employment for less than 1 per cent of the workforce suggested that other sectors were poorly developed. Noting that the unemployment rate was currently 30 to 40 per cent, she said that the low percentage of employment in the developed sectors implied that most workers were employed in the informal sector. She requested details of measures being taken to step up economic development and thereby to increase opportunities for employment of the high number of unskilled internally displaced persons in Luanda, either in Luanda itself or elsewhere, and asked what the Government's integrated policies for employment generation as a result of the law on employment and Law 1/06 on first employment. She asked what was being done to address the problem of underemployment, including measures for training and retraining those who were working below their capacities, and whether the assertion in the State party's report that workers in the informal sector had no health and safety protection was correct. On the minimum wage, which was approximately US\$ 65, she asked what practical advice had been provided by the working group set up in 2002 to assess the progress of the national minimum wage, and what proportion of basic needs it covered. Expressing concern that the regulations on working conditions and occupational health and safety were not being enforced, she asked whether there had been an increase in the number of labour inspections and whether sanctions were being imposed on employers. Noting that, on paper, discrimination against women did not exist and women received equal pay for equal work, she wondered whether those provisions reflected the true situation in practice, given the high number of women in low-level jobs.

25. On social security, she asked whether the national campaign entitled "New registration with the National Social Security Institute" had been successful in its goal of combating evasion of payment of employer contributions and other benefit offences, whether sanctions had been imposed on employers who had not paid either their own or their workers' contributions and what other results had been achieved through the campaign. She further asked whether the State party was considering any kind of basic social security package for workers in the informal sector, such as an old-age pension or maternity allowance. She requested further details on "third-pillar" or supplementary protection and the type of employees who enrolled for that scheme, given that most workers earned low wages and would not be able to afford complementary protection after having paid for compulsory social protection.

26. The CHAIRPERSON, speaking as a member of the Committee and noting that the State party had ratified a number of International Labour Organization (ILO) Conventions, asked whether there were any plans also to ratify the Social Security (Minimum Standards) Convention, No. 102, the Maternity Protection Convention (Revised), No. 103, the Discrimination (Employment and Occupation) Convention, No. 111, and the Indigenous and Tribal Peoples Convention, No. 169. He requested details on the current number of trade unions in the State party, on the limits of the Strikes Act 23/91 and on strikes held to date. He asked how much importance was attached to collective bargaining and under what circumstances it was used; for example, whether the minimum wage was set by law or through negotiation.

27. Mr. CHICOTY (Angola) said that, while the employment challenge was considerable, people were free to work wherever they liked in the State party and the Government could not force people to work in a particular place. The Government cooperated with the private sector on projects to create jobs in agriculture, and those projects took a long time to set in motion. However, such projects did not involve forced transfer of workers. In urban areas, numerous methods were being used to increase employment opportunities; for example, citizens working in the informal sector who were not engaged in any official economic activity and those wishing to set up cooperatives could apply to the Novo Banco for loans of US\$ 100 to US\$ 50,000, depending on the type of activity to be undertaken.

28. The minimum wage was set on the basis of consensus between the Government, trade unions and employers. It had recently been raised to US\$ 100, although employers had been reluctant to agree to that increase since they believed that it would reduce their scope for investment and job creation. The Ministry of Public Administration, Employment and Social Security closely monitored all issues relating to the minimum wage.

29. It was true that protection of workers in the informal sector was difficult. The Government was making efforts to improve the working conditions of those working in the many street markets in cities like Luanda - for example, by building better markets so that they could sell their produce in a better environment - and to encourage them to move into the formal sector in order to engage in lawful activity, pay contributions and receive social protection.

30. While some allowances were provided to unemployed persons, the area was fraught with difficulties, including the lack of accurate statistics on how many people would be entitled to benefits. Some dismissed workers could be registered as unemployed. The Government would continue its efforts in that area.

31. In response to the questions about trade unions, he said that there were three major trade unions, along with other smaller trade unions, and that legislation allowed trade-union membership.

32. In response to the question about poverty among elderly persons, he said measures to protect that group included a recently introduced policy to provide assistance and the existence of assistance centres for the elderly. However, it was clear that the current level of assistance was insufficient.

33. He gave figures for the public investment rate in 2007 and 2008 and the proposed rate in 2009, and said that updated figures would be provided once their accuracy had been checked.

34. In reply to the question about the oil and diamond sectors, he said it was true that the level of employment in those sectors was low. The Government was working on promoting other sectors, such as agriculture, in order to create jobs and reduce unemployment.

35. With regard to health insurance for the informal sector, he said that the State party provided free health care to all citizens, regardless of whether they worked in the informal or formal sector. Subsidized health centres and private health centres constituted two further levels of health care, and individual company health-insurance schemes provided additional cover.

36. He reiterated that there was no discrimination against women, and that women received equal pay for equal work.

37. Mr. do NASCIMENTO (Angola) said that the minimum wage in the public sector currently stood at \$100 a month, and an increase was currently under consideration. The minimum wage in the private sector was the subject of negotiations between trade unions and employers' associations. The right of association was freely exercised, and there were three main trade unions in Angola, all three of which were representative and independent. In many cases, labour disputes in the private sector had been resolved through the National Council for Social Consensus, in which such unions played a major role. People working in the creative arts such as artists, painters and musicians were now entitled to retirement benefits. When the social security system had been established in the early 1990s, many workers had not enjoyed coverage because of the failure of their employers to pay their contributions, but some progress had been made since then.

38. There were supplementary pension funds in Angola, and a number of employers had decided to conclude agreements with insurance companies for the management of their pension funds. In the event of a labour dispute, workers had the right to strike as a last resort, and the right to strike was respected, albeit with certain internationally accepted limitations. When strikes took place, they were peaceful and orderly. There had for instance recently been a strike by teachers, and it had not resulted in any intervention on the part of the Government or the police. Owing primarily to a legislative backlog, Angola had not yet ratified certain of ILO Conventions, but it was in the process of considering a large number of such instruments. The law recognized and set out a framework for collective bargaining, and collective bargaining was indeed practised in Angola.

39. There were numerous programmes to benefit people in rural areas, including displaced people, inter alia through the local provision of vocational training in fields such as electrical and carpentry work. The funding for such programmes was not provided by international agencies or donors, but came directly from the State budget. Many of those programmes had been in operation since 2002, but they had achieved only modest results. The Government was, however, on the right path. Clearly, Angola must not depend solely on the petroleum sector for growth. There was currently a boom in publicly financed construction, and many displaced people who had benefited from such vocational training programmes were currently working in that field.

40. Ms. MEDINA (Angola) said that most women in Angola were active in the workforce, and that women were often the main source of income for their families. Discrimination in employment was prohibited by the Constitution and by labour laws, and men and women received equal pay for equal work. On the rare occasions when there had been cases of discrimination, in the private sector, they had been referred to the labour inspectorate or to the courts. A recently adopted law encouraged the recruitment of students upon graduation.

41. Mr. MIGUEL (Angola) said that health facilities run by the Ministry of Health provided care for all Angolans free of charge. A new health policy had addressed the question of social protection for people in the informal sector.

42. Mr. BAMBI (Angola) said that, as in nearly all countries, the right to strike was restricted for certain occupations, including the police, firemen, the military, members of the Government and judges. However, such workers enjoyed freedom of association. Strikes were relatively rare because the decision to go on strike was an extreme measure, used only as a last resort.

43. Mr. do NASCIMENTO (Angola) said that in 2007, 88 per cent of new jobs had been created in agriculture, mainly in the informal sector, and pointed out that people working in that sector did not necessarily live in poverty; many informal jobs in agriculture and construction made it possible to meet the needs of workers' families. The statistics according to which 68 per cent of the population lived in poverty and between 30 and 40 per cent of the workforce was unemployed dated back to 2001, and were no longer valid; unfortunately, the Government had been unable to update them for lack of reliable data, but the economic situation had improved. It was estimated that unemployment now stood at around 22 per cent.

44. Ms. BRÁS GOMES asked why, if the Government had more recent information on the unemployment level, it had not posted it on its Internet sites. It was her understanding that people in the creative arts were to be able to receive social security or pension benefits thanks to a self-employment scheme. She asked about private-sector pension schemes, and enquired as to what the Government could do to ensure their financial solvency in the light of the current financial crisis.

45. Mr. ABDEL-MONEIM expressed concern that the construction boom in Angola might be jeopardized by the international financial crisis, as such activity was often dependent on financing from banks and other sources in the private sector.

46. Mr. do NASCIMENTO (Angola) said that the Government was making efforts to extend pension benefits to workers in the informal sector, and had begun by addressing the situation of artists, painters and musicians. He expressed the hope that other occupations would soon be included as well. Angola's report had been three years in the making; the committee that had drawn it up had had access to very little updated data, and even the data that it had received was now at best eight months old. The boom in the construction sector was generated mainly by public spending on infrastructure such as bridges, dams, roads and social housing, and would thus be less susceptible to problems deriving from the financial crisis.

47. The CHAIRPERSON invited the Committee members to ask questions on articles 10 to 12 of the Covenant.



48. Mr. PILLAY expressed disappointment that the Government had not responded clearly to a number of questions in the list of issues. While the Government had stated that it was pledged to a rights-based strategy, it had offered little proof of such an approach. How had the poor been encouraged to take part in decision-making in respect of the programmes that affected them? The lack of reliable and disaggregated data had been cited by the Committee on the Rights of the Child in its concluding observations as early as 2004, but the Government had since done nothing to address that problem. The Government's poverty reduction strategy was, according to information from the United Nations Development Programme and other sources, thoroughly inadequate, and had not yielded positive results. What comments did the delegation have about such reports?

49. There had been no marked improvement in access to water and sanitation since 1998, and 85 per cent of the population reportedly lived in substandard housing or slums. Questions 26 and 27 of the list of issues specifically addressed problems related to security of tenure and forced evictions, but there had been no answer in the Government's reply. The Committee had received information that evictions were taking place without prior notice or consultation, with no due process or compensation, and without the provision of alternative accommodation. Noting that the Government had recently pledged to spend 10 per cent of oil revenue to alleviate the housing shortage in the country, he asked how many social housing units were still required and, in the absence of reliable statistics, how the Government planned to tackle the problem. The Committee had received reports according to which there were some 10,000 homeless people in the country. In the view of the delegation, were such estimates accurate? Lastly, he referred to a report issued in July 2008 entitled "Harvesting hunger in Angola's diamond fields", which had cited the practice of destroying farmland to make way for diamond mines. Could the delegation comment on that report?

The meeting was suspended at 12.10 p.m. and resumed at 12.25 p.m.

50. Mr. RZEPLINSKI asked whether any new cases of sexual violence against migrant women workers had occurred and what measures had been taken to protect such women from sexual crimes. Praising the Government's policy of trying to ensure that as many newborn babies as possible were registered, he asked whether those born in refugee camps and centres or to non-Angolan women were registered without discrimination. He requested details on the number and situation of street children in Luanda, which had been omitted from the Government's reply to earlier questions despite the problem being most acute there, and asked why the most recent data on such an important issue were already five years old.

51. The Government had rightly highlighted the negative impact of diamond mining on local communities and the lengthy legal disputes to which it frequently gave rise. He asked what progress had been made in settling such disputes and how many had been resolved in favour of traditional communities. He further requested clarification of the name of the agency responsible for granting diamond mining licences and details of how the procedure worked in practice, including how many licences had been issued the previous year.

52. He asked what poverty reduction strategies and mechanisms to monitor them had been established, whether a particular body had been created for monitoring purposes, and what results had been achieved. Given the Government's target on hunger, he asked how many people already had access to at least 2,500 calories per day, how many Angolans had died the previous

year from diseases related to inadequate food consumption, and what steps were being taken to eradicate the problem. If farms were run by foreign companies, what was their legal status? Were they obliged to give jobs to Angolans, and was there any restriction on the proportion of their food products that could be exported?

53. On the issue of access to safe drinking water, he asked how many wells there were in slums in Luanda, and whether other large coastal cities had access to safe drinking water and at what cost.

54. In the wake of many years of war, he enquired how many people had become victims of landmines in the last two years and how many new landmines had been discovered. He also asked when the country would be able to declare its territory free of landmines.

55. Referring to the 800 foreign doctors working in Angola, he asked how many worked with the poorest people, rather than only in government clinics, what the situation was in slums and rural areas, and whether any foreign doctors worked for religious or humanitarian organizations.

56. Given the seriousness of the corruption problem in Angola, which affected the future of the country and basic social rights, he asked whether the Government had any plan of action to combat it, particularly in terms of access to health-care services.

57. Mr. ATANGANA requested information on how many women were killed as a result of domestic violence and on compulsory training for police officers and public prosecutors. Emphasizing that specific measures needed to be taken to enforce laws protecting children from exploitation, he asked what results had been achieved in that field.

58. Ms. WILSON, noting that the mortality rate for children under 5 had not improved since 1990, asked what the Government planned to do to address the situation and what proportion of the State budget was allocated to paediatrics. The programme for persons with disabilities, supported by the European Union, deserved recognition, but it appeared not to be functioning any more. She asked what had become of it and what positive measures it had contained to protect disabled persons and safeguard their rights and place in society. She enquired about the incidence of post-conflict stress disorder and how sufferers were being treated.

59. Mr. SA`DI said that, in view of the ongoing process of nation-building in Angola, macrolevel issues should be given priority, although that did not relieve the Government of the obligation to ensure compliance with all parts of the Covenant. The Government should focus on certain serious problems, in particular widespread child abuse, in part connected to witchcraft; the lack of laws prohibiting trafficking in persons and the fact that Angola had not yet acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the detention of minors with adults at police stations; and high levels of malnutrition and child mortality. He expressed great surprise that only 2 per cent of public expenditure was allocated to health, and suggested that the high incidence of malaria, which was the principal cause of morbidity, should be rectified even while nation-building continued.

60. Ms. BONOAN-DANDAN asked what place economic, social and cultural rights occupied in Angola's poverty reduction strategy.

61. Ms. BARAHONA RIERA asked whether, in view of the great difficulties Angola faced in the areas of health and education, its new draft Constitution would contain any provision guaranteeing that a certain proportion of the State budget should be allocated to those areas. She stressed that the country's next periodic report should contain more data on articles 3 and 10 of the Covenant, on the rights of women and families, which had links to many other articles. With only 6 per cent of the population using contraception and a fertility rate of 7.2 children per female, the country had great need of an effective programme on sexual and reproductive health, especially given its high poverty levels. She asked what measures were being taken to distribute contraceptives and whether the issue was problematic from the point of view of religious institutions or traditional customs. Noting that in rural areas, where many heads of household were women, widespread female illiteracy seemed to contribute to poverty, she enquired about the status of women with regard to owning property, obtaining microcredit, and rights in general.

62. Mr. DASGUPTA suggested that Angola's existing targets under the Millennium Development Goals - halving poverty and childhood malnutrition by 2015 - were too modest and should be made both more ambitious and more consistent with progress to date, especially given the country's immense potential in terms of mineral wealth and fertile land. Moreover, the additional target of universal education for all children by 2015 presupposed sufficient levels of nutrition to enable children to benefit from schooling.

63. Mr. ZHAN Daode drew attention to the high figures for child mortality given in the core document, which appeared to result mainly from lack of sanitation and inadequate refuse processing. He asked whether the Government had taken measures to improve the situation and whether any international institutions were involved.

64. Mr. ABDEL-MONEIM asked to what extent Angola's macroeconomic policies were conducive to fulfilment of its obligations under article 11 of the Covenant, particularly in view of the income disparities that normally resulted from privatization and increased private investment, and likely increases in the consumer price index. He requested more information as to whether the country's taxation system could be used to tackle income disparities and on the state of Government food subsidies.

The meeting rose at 1 p.m.