

**Letter from Rede Criança and COIEPA, Angola addressed to the Geneva based  
NGO Group for the Convention on the Rights of the Child**

Dear members of the Committee,

Angola is a country in pursuit of progress. For the first time more than 80 local organisations and churches directly or indirectly participated in drawing up this report by the Angolan civil society and on the implementation of the Convention on the Rights of the Child in Angola.

Civil society organisations represented here commit themselves, in response to article 45, a) of the Convention to respond to any invitation which is addressed to it to speak about the implementation of CRC in Angola.

We are certain that the application of most of the recommendations made here will take some years, perhaps decades, but we believe, above all, that the challenge must be accepted. It is up to the Government to ensure that Angolan children have a more dignified life, but it is also the responsibility of each of the organisations in civil society, and the families to further this effort, working for the good of the child. The future of children depends on each of us.

The challenge is made and, as far as possible, we must put into practice what is contained in this report and make an effort on a bi-annual basis to carry out this evaluation.

Luanda, \_\_\_\_\_, 2004

Signature  
Organisations of Civil Society

CHILD NETWORK- Rede Criança  
INTER-ECCLESIASTIC COMMITTEE FOR PEACE IN ANGOLA, COIEPA

**SUPPLEMENTARY REPORT BY NGOS ON THE IMPLEMENTATION OF  
THE CONVENTION ON THE RIGHTS OF THE CHILD**



Angola, February 2004



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## Abbreviations

COIEPA	Inter- Ecclesiastic Council for Peace In Angola
CRC	Convention on the Rights of the Child
CPC	Child Protection Committees
DNCA	National Department for Children and Adolescents
FLEC	Front for the Liberation of the Enclave of Cabinda
FAA	Angolan Armed Forces
INAC	National Institute for Children
MICS	Multiple Indicator Cluster Survey
MED	Ministry of Education
MINARS	Ministry of Social Assistance and Reintegration
MINJUST	Ministry of Justice
OGE	General State Budget
PRSP	Poverty Reduction Strategy Paper
Rede Criança	Network of NGOs working on children's issues
SADC	Southern Africa Development Community
SCS	Save the Children Sweden
SCN	Save the Children Norway
UNICEF	United Nations Children's Fund
UNITA	Union for the Total Independence of Angola

## I- INTRODUCTION

The Government of Angola signed the Convention on the Rights of the Child (CRC) on 26th November 1989, ratifying it on the 10th November 1990, with resolution No 20 of the People's Assembly. According to article 44 1.a) of the CRC, each State Party *undertakes to submit the first report within a period of two years after the convention enters into force in their respective country*. However, the Government of Angola, in its initial report, states "because of internal conflict and the prevailing emergency situation during this period, the Government cannot fulfil its obligation to present the report in the given time"<sup>1</sup>.

Considering article 45 a), NGOs were requested by the Geneva based NGO Group for the Convention on the Rights of the Child to opine on the implementation of the Convention on the Rights of the Child. The Rede da Crianca, in partnership with the Intereclesiastic Committee for Peace in Angola – COIEPA and with the support of Save the Children Sweden, began a process of widespread and participatory collection of information. The partnership intervention organised five provincial workshops that included representatives from seven provinces. A total of 80 national and international NGOs were involved and a number of UN agencies and church groups. Twenty children from orphanages and schools in Luanda also participated. The report aims to compliment the report prepared by the Government of Angola.

### 1.1. General Demographic Characteristics and the Situation of the Child in Angola<sup>2</sup>

- The Angolan population is very young. Around 50% of Angolans are children under the age of 15 and 60% are children under 18.
- Most children in Angola are at risk, and according to UNICEF, Angola have some of the worst indicators in the world when it comes to children's rights violations and non-fulfilment of their rights. Almost half of Angola's children are out of school. 45 per cent suffer chronic malnutrition. One in four dies before their fifth birthday.
- During the war 500.000 to 1 million Angolan's died of war-related causes, and over 4,5 million people were displaced. Large areas of the interior were cut off from government services, and much of the infrastructure was destroyed or abandoned. Around 100,000 children were separated from their families during the war.
- 4.5 million children are not birth registered. (62% of total number of children).
- Fertility rates are very high in the country, on average a woman gives birth to 7 children.
- There are on average 91 men to 100 women.
- Sixty-six percent of the population lives in urban areas and 34 percent in rural areas.
- A third of Angolan girls of 18 years of age have already at least one child.
- 27% of the households are headed by women.

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<sup>1</sup> Initial State Report, Draft December 2003, pag. 7

<sup>2</sup> Data taken from Estrategia de Combate a Pobreza, Governo de Angola, 2003.

## **1.2. Analysis of the Intervention of Organisations within Civil Society**

Until the mid-nineties, work to benefit the well-being of the Angolan child was undertaken mainly by United Nations Agencies, international NGOs and churches in close collaboration with MINARS (Ministry of Social Assistance and Reintegration) and INAC (National Institute for Children). The Law of Free Association, which enabled the participation of Angolan civil society groups, was introduced in 1991 only and Angolan civil society groups are only recently growing in operational strength. Following the eruption of conflict in 1998, Angolan NGOs participated in the response to the needs of many displaced families and children, concentrated in provincial capital cities and inland areas less affected by the armed conflict

The cease-fire agreement was signed in April 2002. At this point, the national NGOs, for the first time, showed a greater independent capacity to respond to the challenge of the needs of children in the demobilisation areas. The sectors of intervention included health, human rights education and the promotion of programs of activities aimed at normalisation of life for children affected by war. At this time, the government, with the support of NGO partners, formed Child Protection Committees (CPC) at the national and provincial levels. Currently, there are also CPCs in some municipal areas. Furthermore, some civil society organisations have organised child-focused coalitions. These include The Child Network in Luanda, which has 40 member organisations, the Child Network in Huila, the Coalition for Free Schooling which has its headquarters in Benguela province and most recently the Child Network in Huambo.

The churches are involved not only in the promotion of better family values, but also in the areas of health, education and assistance to mothers including pregnant women. In partnership with the Ministry of Justice two churches are authorised to register births.

In spite of the involvement of national NGOs in the protection of the child there is still need for training in specific areas for example child protection, advocacy and fundraising to improve their activities.

## **II- DEFINITION OF THE CHILD**

### ***Article 1***

Article 28 of the Constitution states that all citizens over 18 years of age, with the exception of those who are legally deprived of their political rights, are entitled and should participate in public life. Executive Decree No.68/76 paragraphs 1 and 2 states that *an individual at the age of 18 acquires full capacity to exercise his/her rights, being able to decide for himself/herself and make decisions on his/her own property.*

The Family Code (Art. 24) states that marriage can only be entered into at the age of 18. The law accepts, in exceptional circumstances, that marriage can take place at the age of 15 or 16 with parental approval but according to the norms and customs of traditional law, which most Angolans respect, and which are based on initiation rights and customs, marriages are contracted before the ages of 15 and 16.

Educational reform has made schooling compulsory until the sixth grade (Education Reform Law No.13/01), or up to the age of 14, which is the legal age at which a child can be involved in paid employment. (Law 2/00, Art. 282 and the ILO Convention 138 that states that children can undertake light work). Many children are not at school because of lack of schools and lack of teachers. Currently 56% of children are completing primary school education.<sup>3</sup> Children, in rural or urban areas, undertake part-time and full-time work irrespective of their age.

### **Recommendations**

- On drawing up legislation related to the child, the Government should take into consideration the needs and practices of different ethnic groups.
- The Labour Law should specify which type of work a child above the age of 14 and below 18 can undertake as well as stipulating maximum hours of work. Also the law should define what harmful work is in relation to children in order to differentiate between constructive learning experiences and legitimate support to family business on the one hand and exploitative practices on the other. Children should be consulted where proposed legislation will directly impact on them.
- Sensitise families and the communities to the implications of exploitative child labour and its effects.

## **III- LEGISLATION**

The Angolan Government has made efforts to improve the judicial system, in accordance with the Convention on the Rights of the Child and has put in place various instruments and protocols:

- The African Charter on the Rights and Welfare of the Child;
- The Standard Minimum Rules for the Administration of Juvenile Justice/Beijing Rules;
- The Convention to Eliminate all Forms of Discrimination against Women - CEDAW

In response to these international instruments the Government created the National Institute of Children - INAC by Decree n°8-I / 91 of 16 March. This institution is responsible for the definition of policy and strategies for the benefit of the children. This represents a positive step forward in the defence of children's rights.

The respective responsibilities of INAC and the recently established National Department for the Child and Adolescent – DNCA (Ministry of Social Welfare) (Executive Decree n.60/02) are well defined; however, in practice the agencies do not coordinate their interventions. The lack of coordination consistently gives rise to grey

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<sup>3</sup> Estrategia de Combate a Pobreza, Government of Angola, 2003



areas and leads to lack of clarity in leadership roles for specific responsibilities, particularly at the level of provincial government.

Although the Law on Juvenile Justice was published on 19th April 1996, the de facto application of the law only began on 16th June 2003 with the creation of a Juvenile Court in the capital Luanda. The rules and regulations governing this law have still to be published. Art. 27-3, which stipulates the need for re-education centres is still not being implemented. This limited and delayed implementation of the law raises significant questions in relation to the rights of children who come into conflict with the law. Furthermore, the Government of Angola is in breach of Art 37 b, c, and d which specifies their obligations relating to the detention of minors.

## **Recommendations**

- The publication of legislation should be rapidly followed by the definition of the norms and regulations, which govern the application of the legislation.
- The implementation of the Juvenile Court must be extended to the whole country, with priority given to coastal areas and big cities where higher numbers of children are in conflict with the law.

## **IV- GENERAL PRINCIPLES OF THE CONVENTION**

### **4.1. Non-discrimination**

*Article 2 1 and Art. 2.2*

In accordance with Art.2 of the Convention on the Rights of the Child, Angolan constitutional Law, Art. 18 establishes that *"all citizens are equal in the eyes of the law and enjoy the same rights and are subject to the same obligations without distinction of colour, race, ethnic origin, sex, place of birth, level of schooling, economic and social status"*.

In practice, the analysis of data pertaining to children is difficult because the data is not appropriately disaggregated. The question of classifying children in "categories" and under "headings" needs special attention as outline in the Initial Government Report, page 27, and last paragraph.

Although the majority of the population of Angola is female with a ratio of 100 women to 91 men, girls and young women are often discriminated against. Enrolment of girls in the educational system continues to be lower than that for boys. Girls are often obliged to stay at home and look after younger siblings. The literacy rate for women is not known; in the period from 1997/2000 the gross enrolment rate in primary school was 78 boys for every 69 girls, whereas the net rate was 39 boys for every 35 girls<sup>4</sup>. Analysis of records of school attendance in primary schools during the period between 1992/2002 where male participation is estimated at 55% and female participation at 56% shows

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<sup>4</sup> World Situation of Children 2004

dropout rate for girls is lower, suggesting that girls once enrolled, stay longer in schools.<sup>5</sup>

One of the objectives of the Government is to support children with disabilities as stated in “*Hopeful future for the children of Angola - an analysis of the child’s situation*” published by the Government of Angola and UNICEF<sup>6</sup>. In this document, the three main priorities for the prevention of disability were defined as:

1. Eradication of polio using the extended vaccination programme;
2. Better antenatal and postnatal care;
3. Community education on the danger of mines and explosive devices.

Some progress has been achieved towards the first and third of the defined priorities. No case of polio was reported for the year 2003. A number of UN agencies and international NGOs have extensive programmes on mine mapping and education, which has resulted in a reduction in the number of mine incidents. The MICS survey reports that 71 % of children were born in health units in urban areas and 53% in rural areas.<sup>7</sup> It is felt that this data is not representative of today’s Angola because it was collected in 2001 in a limited number of secure areas. It is currently estimated that less than 35% of the population have access to a functioning health service.

Although stigmatisation and/or discrimination must be avoided, there is a need to implement psychosocial education programmes for certain groups of children, taking into account their particular characteristics, in order to support their development to their full capacity.

The conditions in which ethnic minorities live are unknown, but a recent report on the SAN people, aka KHOESAN or BUSHMEN, located in the provinces of Huíla, Cunene and Cuando Cubango, show that they live in social exclusion, are discriminated against and suffer serious economic exploitation<sup>8</sup>. Testimonies in the report included:

*“They pay us with the food they give us to work. While we work we get no food. They do not treat me well. My energy is for others to use. I have nothing left for me”.*

*It is our right to get what the government gives to the Bantus. We want the same things they give to the Bantus”.*

The team undertaking the study recorded instances where the children of the SAN were teased, called names, beaten and ridiculed when attending school for not having clean clothes and are sometimes dirty and told “*you are animals, you are nothing*”.

These reports have thrown some doubt on statements from the Government relating to ethnic minorities, included in the initial report on the CRC page 114. It would seem prudent to investigate the situation of ethnic minorities more thoroughly in order to define policies and specific strategies, taking into account Art. 18 of the Constitution.

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<sup>5</sup> World Situation of Children 2004

<sup>6</sup> Idem, Pag. 176

<sup>7</sup> MICS- Multiple Indicators Cluster Survey, INE and UNICEF, 2003, Page 83

<sup>8</sup> Report “Where the First are the Last” Pag. 12

The phenomenon of children being accused of witchcraft, particularly in the provinces of Zaire, Uige and in parts of Luanda is a serious breach of childrens rights and constitutes significant discrimination against these children who are often beaten and or expelled from their homes, ending up on the streets or in shelters. Although this practice is linked to traditional beliefs in ancestral spirits, the current phenomenon has seen traditional practices distorted and abused in a context of poverty. Many religious sects legitimise the practice by offering to “remove the evil spirits” through physical abuse, spiritual services or by taking the children into the church and using them as low cost labour<sup>9</sup>.

*“To be a witch (Ndoki in Kikongo), does not only mean that he or she has committed perverse acts, but also that he or she will permanently be a serious danger to others. A child identified as a witch, is by definition thought to be a serious danger to their relatives and is treated accordingly. As such the most extreme solution may be to kill the child to legitimise the accusation”<sup>10</sup>.*

The Government, NGOs, traditional bodies, churches and others have made praiseworthy efforts in the province of Zaire, organising campaigns and workshops to raise awareness and create community child protection committees. Such actions should be extended to the other provinces where the phenomenon is growing.

## **4. 2. The Best Interests of the Child**

### **Art. 3**

The Constitutional Law in Article 30 reflects the concern to make children a priority, and states: *“children are an absolute priority, as they enjoy special protection by the family, State and society to ensure their overall development”*.

The Committees for Child Protection operate in all the provinces of the country and the work of the Programme SOS Children also attempts to respond to childrens needs. However, the Programme SOS operates only in Luanda, and has recently suffered a decline in the thrust and quality of its work. The Government and civil society groups have carried out a number of joint efforts over the last few years. These include the National Programme to Trace and Unite Families, the National Campaign for Free Registration of Children and the Extended Vaccination Programme. The programme to trace and reunite families, which has been in existence for more than ten years, has achieved some success in tracing children but the follow up of the families’ situation after their reintegration has proved inadequate, which means that many children either return to the streets, live in poverty and do not attend school. Increased investments in the social sector in general and childcare in particular, must be made a priority in budget terms, if one takes into consideration that 60% of the Angola population is made up of children - the future hope of the nation<sup>11</sup>.

The National Budget for 2004 plans to allocate 32 percent of all Government spending to the social area, which is the largest percentage given to this sector since

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<sup>9</sup> Report “ Emerging from War”

<sup>10</sup> Reports “Children in need of Special Protection, An Anthropological Study on Children accused of using witchcraft in Mbanza Congo, Uige and Luanda”, INAC, SCN, September 2003, Page 2-3

<sup>11</sup> MICS 2003, page.27

independence. However it needs greater investment and close monitoring of the actual spending in relation to planned spending.

### **4.3. Right to Life, Survival and Development**

#### ***Article 6.1. and Article.6.2***

In accordance with studies undertaken<sup>12</sup>, a comparison between 1995 and 2000 shows an increase in the number of people who live below the extreme poverty line (11% in 1995 and 25% in 2000). From the same source, we see that more than 65% of the population live in moderate and extreme poverty. Poverty affects children most, jeopardising their life, security and development.

The Government programme to reduce poverty represents an effort to ensure the right to life, survival and development for Angolan children. However, this work can only be successful if there is synergy between the Government and civil society. The Government of Angola has not shown openness to constructive partnership to date.

One of the consequences of the war, which devastated the country for three decades, was the breakdown of the family structure. In most cases the responsibility of the household fall on women, or in some cases children, who have to work in the streets in order to sustain their families. Children are often left unattended because parents and older siblings need to go out to work.

With the end of emergency aid, there has been a reduction in nutrition programs, which is very alarming, taking into consideration data from the Multiple Indicator Cluster Survey (MICS) that indicate that between 35 and 55% of children under five years of age suffer from stunted growth<sup>13</sup>.

According to Article 24 of the CRC, the right to life also includes the right to quality healthcare. Quality healthcare can only be achieved in Angola if a great effort is made to increase access to functioning health services. Also preventative measures must be taken against malaria and poor nutrition, and steps taken to increase the coverage of immunization against all childhood diseases.

Overall, the continuing unacceptable high infant mortality rate (250/1000) constitutes one of the gravest infringements of children rights in Angola, today.

### **4.4. Respect for the Options and Opinions of children**

#### ***Article 12.1 and Article 12.2.***

In traditional society, the child is seen as an individual ‘apprentice’ present in the family and/or a community, who must learn by listening and not asking questions. Families in Angola would not normally encourage their children to express their opinions openly or

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<sup>12</sup> Common Country Assessment 2002, United Nation System in Angola, page 17

<sup>13</sup> MICS 2003, pag. 45

to participate in decisions affecting their own lives. Such behaviour would be deemed “*strange, foreign or belonging to other cultures. It is a luxury*”.

The institution of the first Youth Parliament in Angola was in 2000, and assemblies were held in all the provinces of the country. The participation of rural children was limited because of the ongoing conflict. The Youth Parliament was an initiative undertaken by INAC where children were able to exercise their right to freedom of expression. Although it was presented as a forum for children’s voices, the outcome and recommendations of this exercise are not known. Subsequent meetings are occasional and normally on days to commemorate other events such as the International Day of the Child. The potential functioning of the Youth Parliament would be improved by introducing criteria for selection and participation of children, the adoption of a calendar for debates on issues directly affecting children and the inclusion of a more open agenda with wider participation.

## **Recommendations**

### **Non-discrimination**

- The Government must promote the rights of SAN communities and other ethnic minorities.
- The Government must regulate the activities of religious sects and people who exploit traditional beliefs in order to persecute children. The Government should promote education programmes for government staff and affected communities with a view to protecting children. Consideration should also be given to expanding the work of the programme SOS Children.
- The results of campaigns and programmes denouncing atrocities committed against children and those responsible for the crimes against children should be disseminated e.g. Annual reports of organisation such as SOS Criança

### **Children’s participation**

- There should be greater dissemination of the rights of children through the media, schools, and churches and through campaigns to raise community awareness. The importance of listening to children should be reinforced by public sector practices, professional example and on-going education;

### **Best Interests of the Child**

- Better follow up for children who are re-united with their families;

### **Right to Life, Survival and Development**

- Civil society groups focused on children should be actively included in discussions on the PRSP and the on going monitoring of the impact. Mechanisms should be in place to allow children input on issues of poverty.
- Encourage sustainable livelihoods for families through the promotion of accessible microcredit programmes.
- Promotion of widespread nutritional screening, especially in peri-urban areas with accompanying education and homebased rehabilitation programmes.

- More constructive collaboration and partnership between the Government of Angola and other stakeholders on issues relating to children.

## V- CIVIL RIGHTS AND LIBERTY

### 5.1. Name and Nationality

#### *Article 7.1 and Article 7.2*

The right to a name and nationality acquired by registration at birth is one of the assumptions underlying the ability to exercise the rights of citizenship and have access to basic social services. In Angola, these rights are laid down in constitutional law and the national legislation. The existence of citizenship is recognised through registration at birth.

Poverty, poor infrastructure and poorly functioning state services have jeopardised the right for millions of Angolans to exercise citizenship. To make up for the deficits in registration and in order to achieve what is established in the CRC, the Ministry of Justice with support from UNICEF in 1998 and between December 2001 and April 2004, carried out a national campaign in which more than 2 million children were registered<sup>14</sup>.

Another important obstacle is that many parents only find it necessary to register their children when the child starts school. In many cases, the parents themselves are not registered. This effort continues to require education and raising awareness among parents and support for them and their children to be registered. Following the cease-fire in April 2002, the Ministry of Justice with support from FAA, registered most of the children between 0 and 17 years of age in the quartering areas.

Many municipalities in Angola do not have any civil registry offices, which means that families have to travel long distances to be able to register their children. The possibility of implementing the system of registration immediately after birth, in health units guarantees the right to an identity, but most births do not take place in health units (82% of births were at home between 1995 and 1996)<sup>15</sup>.

A number of other factors contribute to low registrations such as casual sexual relations, the disintegration of the family unit, paternal irresponsibility and the absence of mechanisms for sanctions which means that many men do not recognise the children they father and some children are registered by their grandfathers or their uncles. Also the dates of birth are often falsified on identity documents to avoid compulsory military service or to comply for specific age requirements for school entry.

In some cases, parents face difficulties registering their children with traditional african names where some civil servants apply a particularly bureaucratic interpretation of the law and seek to impose the use of portuguese names.

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<sup>14</sup> Ministry of Justice 2002

<sup>15</sup> Report on the Situation of the Child, UNICEF, 2001, Pag. 118

The report on the ethnic minority SAN finds that one of the significant problems impeding integration of the San is their reluctance to comply with civil registration. The Justice Ministry in the province of Huíla is making efforts to promote registration for the San.

## **5.2. Freedom of Expression**

### *Article 13.1 and Article 13.2*

These rights are difficult to apply in Angola because most people abide by traditional customs in which the child in society has no rights of expression in relation to adults. In terms of status the child is considered as an apprentice, he or she must respect adults because it is through them that he/she is going to learn to live life fully as an adult member of his/her community. Furthermore, the notion of freedom of expression is a relatively new concept in Angola. Independence was preceded by a colonial regime under a dictator and followed by twenty years in a one party communist state where dissension was also not tolerated.

In recent times there has been more openness, but even this has its limits and it surely does not descend to children interventions being respected where it directly affect their lives.

## **5.3. Freedom of Association and Peaceful Assembly**

### *Article 15.1 and Article 15.2*

Democratic practices applied in Angola do not yet include an understanding of certain basic fundamental rights of human beings as adults, and much less when it comes to the right to freedom of association. Associative experiences should begin in schools, where, with guidance of teachers, children should learn to address collective issues such as school hygiene, pupil discipline, sporting activities and other initiatives of interest to both teachers and pupils.

## **5.4. Protection of Privacy**

### *Article 16.1 and Article 16.2*

There have been some improvements made by the mass media in the broadcasting and dissemination of child-related issues. However, there is still a certain lack of professional ethics with exposure and victimisation of children who have had their rights violated, such as in the case of sexual abuse or rape. The child's face is often shown on television or in the newspaper and little understanding or consideration is shown when children are been interviewed about traumatic events.

Another aspect, which needs highlighting, is the fact that in the majority of families boys and girls and/or parents and children sleep in the same room, which means that

children are deprived of their privacy and are exposed to sexual activity at a very early age.

## **5.5 Access to Adequate Information**

Article 32(1) of the CRC, seeks to protect children from material which can negatively influence their overall development. There has been a recent upsurge of video shows at undesignated places i.e. market places, which expose children to pornography and violence. National television is not exempt in showing violent films. The situation has also been worsened through increasing access to harmful sites on the Internet and the unrestricted sale of material restricted by law as in the case of pornographic films and magazines.

Awareness raising and education needs to be promoted for local authorities, police, community leaders and parents to know the harm being done to children exposed to these kinds of films and books.

With the Government's announcement of increasing the number of community radios, an important step has been taken in providing children with access to information. The organisation of communities, families and children plays an important role, as they can organise clubs on topics that will facilitate dissemination of various types of material to ensure wider knowledge, including the opportunity to disseminate information about CRC in indigenous languages.

Programmes developed for television and radio and in the newspaper should above all encourage initiatives by children for children, making use as much as possible of local and national material. Some such initiatives exist but more airtime is needed, especially in the holiday period and at weekends. Language and presentation needs to be better adapted to the needs of children.

## **5.6. Right to not be subjected to Torture, Punishment or Cruel, Inhuman and Degrading Treatment**

### *Article 37*

The war brings with it severe consequences for the well being of children, and Angola was no exception. Children were forced to fight and were conscripted into the armed forces. Girls were abducted and used as porters to carry weapons, forced to be wives to soldiers, irrespective of their age. Anecdotal information was widely circulated during the war but since the cease-fire, these issues have been relegated to a lower priority. The conflict situation is still prevalent in the province of Cabinda. There is a need for further and deeper reflection and the adoption of urgent measures to protect children in accordance with Article 23 of the Constitutional Law and the Law on Military Service 1/93 of 26/01. A report on the situation of human rights in Cabinda referred to the fact that there were many cases of torture, sexual abuse, inhuman, cruel and degrading treatment of children by Government forces and independence rebels belonging to the Front for the Liberation of the Enclave of Cabinda (FLEC)<sup>16</sup>.

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<sup>16</sup> Ibinda.com



Most of the population of Angola live in extreme poverty. There are many reported cases where children are tortured and mistreated in schools and their own homes, by their tutors and guardians for insignificant offences, normal for their age and the circumstances in which they live.

Physical punishment and violence against children is also carried out by police, who instead of giving guidance on social norms, often behave with intolerance and aggression against defenceless children. The children feel unable to defend themselves, and cannot lodge complaints, due to the authority that these persons have in society.<sup>17</sup>

## **Recommendations**

### **Name and nationality**

- The need to create mobile registration brigades especially in rural areas and for minority ethnic groups such as the San.
- The Government should regulate the video transmission of harmful material to children and promote better access to educational material through the establishment of libraries and school bookshops.

### **Access and Adequate Information**

- To enable greater dissemination and knowledge of CRC all over Angolan territory, it is recommended that the Convention should be translated into the main national languages.
- The Ministry of Education should encourage all private and state schools to provide moral, civic and environmental education;
- Intensively disseminate the Family Code and the Law on the Juvenile Justice;

### **Right not to be submitted to Torture, Punishment or Cruel Treatment**

- The Government must investigate and take measures to prevent violations of the rights of the child in the provinces and especially in Cabinda.
- NGOs in collaboration with churches must draw up a programme to raise awareness on the rights of children amongst the police, army and other armed forces.

### **Protection of Privacy**

- The Government should promote urgent measures to protect children's privacy promoting low-cost self building housing projects for families;
- Ensure that civil society and the competent state bodies monitor social work with families.

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<sup>17</sup> Report OKUTUIKA, Benguela 2003

## **VI- FAMILY ENVIRONMENT AND ALTERNATIVE PROTECTION**

Children must be given guidance by parents and legal guardians on educational material at different stages of their lives. However, in practice, the participation of parents and guardians in the education of children is very limited. The Government, through the Ministry for the Family and Women's Development, has established public funded counselling services to create a climate of dialogue between parents and guardians. It is also important that churches take a more active participation in family counselling. The Ministry of Justice must disseminate existing laws, mainly the law on Juvenile Justice (No.9/96) and the Family code.

The article on custody and guaranteeing maintenance by parents who are separated needs to be monitored. Non-compliance is widespread particularly in the case of fathers. In many cases of separation of parents, especially in urban areas, responsibility for educating children is restricted to the one parent who has custody. The absence of measures to oblige the parent, who does not have custody of the children to play a role, means that the child's education may be inadequate.

The Government has strengthened measures of control on the movement of children, not only within the country but as well as abroad in accordance with *CRC Article 35*, therefore making the trafficking of children difficult. At the time of travel proof of the custody of child is demanded and the permission of parents. These measures of control are not the most efficient as not all children are registered. In some parts of Angola maternal uncles have more authority over children than their own parents.

### **Recommendations**

- Sanctions must be in place to deal with separated parents who refuse to contribute to the maintenance of their children.
- Children in public and not for profit children's homes should be monitored regularly.

## **VII- HEALTH AND WELL-BEING**

### **7.1. Children with Disabilities**

There are a large number of children in Angola with disabilities mainly as result birth injury, polio infection and sequels of serious malaria infections and meningitis. There are also significant numbers of children who were maimed in accidents involving mines. In rural areas, care for children with disabilities is almost non-existent, either because the parents are not aware that their children could benefit from specific interventions or because there are no medical or support facilities capable of assisting the families and their children. In the same way professional training institutes for people with disabilities are unable to satisfy demand, mainly due to the large number of children with disabilities and the lack of specialised staff.

## 7. 2. Health and Health Care

68% of the Angolan people live under the poverty line<sup>18</sup> and almost one third of all children die before the age of 5. Preventative health programs must be strengthened and greater access promoted to functioning health services. The feature article entitled *“Health services in freefall” states that health services have contracted by 60% in Angola over the last few years, due to the lack of skilled staff and infrastructures*<sup>19</sup>.

The ratio of doctors to inhabitants is one (1) doctor for every 13,000 inhabitants and 85% of the medical doctors in Angola are in Luanda<sup>20</sup>. Access to many health services is limited by rent seeking behaviour practiced by nurses and doctors.

The sale of medicines at inappropriate places (markets, roadside) by untrained staff can also be detrimental to the health of the child as parents are sometimes forced to resort to these unlicensed avenues when prescriptions cannot be filled at clinics and hospitals.

Although the war has ended, the problem of malnutrition and under-nourishment is growing as poverty deepens. Efforts must be made to encourage parents in good dietary habits using local food based on vegetables and nutritional plants. Malaria is the reason for 61% of hospital admissions for children between the ages of 0 and 5. As the result of the summit *“ Fighting against Malaria”* in April 2000 in Abuja, African Heads of State made eradicating malaria a priority. Angola began to sell and distribute mosquito nets impregnated with insecticide. On the one hand, there is a need to reach areas where the prevalence of malaria is highest and on the other hand, mosquito nets must be marketed at affordable prices for vulnerable families. According to MICS only about 10 percent of children between 0 and 59 months slept under treated mosquito nets on the night before the survey. Moreover, 63% of children between 0 and 59 months of age had a fever during the previous two weeks and received treatment for malaria<sup>21</sup>. 50% of cases of malaria in Angola are considered resistant to chloroquine. New and appropriate malaria treatment protocols need to be urgently introduced.<sup>22</sup>

The number of children who are orphaned because of HIV/AIDS was estimated to be 84,000 in 2001 and is projected to rise to between 427,000 and 492,000 in 2010. The factors which contribute to rising prevalence of HIV infection are returning populations from neighbouring countries with higher infection rates, half of the population is under fifteen years of age, widespread illiteracy, only one in ten people demonstrate knowledge of HIV/AIDS<sup>23</sup>. The government is working to draw up a strategic programme to combat HIV/AIDS & sexually transmitted infections (STI) for 2003/2008, which plans a set of measures to protect children infected or affected by AIDS. An initial Government report states that the people with whom children very often stay are also infected; 23.4 percent of guardians for AIDS affected children are in

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<sup>18</sup> Survey on Income and Expenditure of Families (INE-2000)

<sup>19</sup> Weekly Newspaper “Agora”, January 31, 2004, Page 13

<sup>20</sup> Weekly Newspaper “A Capital”, 31st January 2004, pages 12-13

<sup>21</sup> MICS 2003, page 67

<sup>22</sup> MICS, page. 65

<sup>23</sup> Principles to Guide Programming for Orphans and other Children affected by HIV/AIDS (Revision date 17/1/2002)

the 30-39 age group and 9.4% are in the 40-49 age-group<sup>24</sup>. Angola has one of the highest fertility rates in the world with 7.2 children per woman<sup>25</sup> and with an estimated incidence of 5.5 percent of people with HIV/AIDS, and it is expected that in 2010 at least 18 percent of the population will be affected<sup>26</sup>, if prevention measures are not taken to control the spread of infection.

In Angola sexual activity starts early, also contributing to high rates of HIV infection, especially if there is no determined investment in educating young people about the virus and the disease. In rural zones, some traditional practices must be given special attention by the Government, NGOs, churches and traditional groups, as these can result in further vehicle for transmission of HIV/AIDS.

The programme to prevent vertical transmission from mother and child must be extended to the whole country, ensuring that pregnant women are tested and that the mother has access to voluntary counselling and anti retroviral therapy (for both the mother and the child) and psychosocial as well as nutritional support.

### **7.3. Social Assistance, Services and Social Assistance Institutions**

Although the Angolan law n° 18/9 27 October, on social protection has not had the desired impact, it defines the beneficiaries as workers and the unemployed who have previously worked. Those who have never worked are the responsibility of the Ministry of Social Assistance whose priorities are the refugees, displaced, elderly with no families and orphans. The majority of people who simply live in poverty have little or no recourse to state sponsored services.

### **Recommendations**

- The Government should develop efforts to extend programs for the interruption of mother to child transmission, voluntary counselling and testing and treatment with anti retrovirals to all the provinces;
- Recognising the high level of unemployment in Angola, it is necessary for the Government to adopt measures to promote sustainable livelihoods for the unemployed and their families;
- The Government should strengthen health and nutrition education programmes;
- Schools, NGOs and churches should promote access to information about relationships, sexuality and the right to say no, HIV/AIDS, STDs and primary health care;
- The Government should strengthen professional ethics of all technicians and health providers and improve supervision of public health services;

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<sup>24</sup> Initial Report, page.73

<sup>25</sup> World Situation of the Child 2004 Pag 122

<sup>26</sup> Strategic Plan to Combat HIV/AIDS in Angola, MINSa (Ministry of Health), Government of Angola, 2003

- The General Medical Council (Ordem dos Médicos) must be active in setting up forums, promoting studies and research of the prevalent diseases that are affecting the life of children in the country;
- Promotion of in-depth and scientific studies into the efficacy of medicinal plants that could be used by families as a simple resource to protect the child against malaria or other preventable diseases.

## VIII- EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### 8.1. Education, Vocational Training and Careers Advice

Article 8 of the law 13/01-Fundamental Law on the System of Education indicates that the Government is committed to educating and training its citizens. However, this commitment should also be reflected in the share of the public budget allocated to education. Article 7 of the Law 13/01 stipulates that primary education (until 6th grade) is free. However, most schools charge for enrolment of children and teaching material.

According to MICS rates of schooling are quite low: 44% of all children do not attend school (from first to fourth grade) and 94% do not attend the secondary level. Of those children who attend primary schools (44%), at least 25% will not reach the fifth grade. The rate of class repetition is also very high, blocking access for new children. 85% of children at 15 years of age who attend school are still in primary school, when they should have finished primary school at 11 years of age<sup>27</sup>.

The main reasons given for non-attendance by those children who have never studied are the following: 23% claim lack of civil registration, 19.3% state lack of money, 17.7% because they are not old enough, 9% have to go to work, 7.8% consider education to be less important and 14.4% for other non specified reasons. However, most children who drop out of school say they do so because of lack of money (25.1%).

The education and health sectors were severely affected by war. Most schools were either destroyed or require major rehabilitation. Teachers are untrained, have low salaries and are paid infrequently. In 2001, expenditure from the national budget on education was 4.7 percent of the total budget. This is very low compared to investments made by other countries in the SADC region that invested an average of 16.7 percent of their budgets for education<sup>28</sup>.

The programme to provide a snack to children, thus encouraging better school attendance of the poorer children and which benefited only three provinces, have practically come to a halt due to lack of resources.

In order to respond to the lack of teachers in the educational system the Government recently employed approximately 29,000 new teachers with a minimum education level of grade nine who were given a two-week induction course (in collaboration with UNICEF), which will be followed up by further inservice training.

<sup>27</sup> MICS, 2003, page 121

<sup>28</sup> Idem page 126

Although MICS did not reveal great discrepancies in indices of attendance and drop out between girls and boys, differences in access in rural and urban areas are evident. In many new areas of resettlement there are either no schools or only primary schools.

The development of vocational training schools is one of the priorities whereby young people can find ways to gain professional skills and become more self-reliant.

## **8.2. Objectives of Education**

The three objectives of education presented in the initial State Report reflect the preoccupation of the Government with the need to improve the quality of education.

They read

- a) Educate a man (woman) capable of understanding national, regional and international problems in a critical and constructive way to ensure active participation in social life, in the light of democratic principles;*
- b) Encourage respect for other individuals and the best interests of the Angolan nation in formulating law and respect freedom and personal integrity;*
- c) Develop a spirit of solidarity between peoples and a respect for differences ensuring healthy integration.*

Most of the newly employed teachers are young and have not completed their academic training. As such, the programme must be organised, so that they are not encouraged to return to the cities to further their education, for example by providing training opportunities where they are. Otherwise it can impact very negatively on the educational reform.

Another great problem has been the question of salaries. Teachers' salaries are not paid on time. Special efforts must be made by the Government to guarantee a good salary, which is paid on time, so that it is possible to demand more from teachers to raise standards and promote quality. Efforts must also be made to reduce or even eliminate the existing levels of corruption in the educational system.

## **8.3. Leisure, Cultural and Artistic Activities**

Bringing leisure, cultural, artistic activities to the people should be a priority, not only in schools but also in neighbourhoods, villages and clubs or companies. Sporting activities is a way to encourage a spirit of fair competition, teamwork and respect for differences, as well as improve the quality of participation and encourage fairplay. There are few playing spaces for children and some parastatal companies have occupied playground space for building developments. Many children are forced to play in the streets.

Many private schools are housed in residences with little or no area for sporting or recreational activities for learners.

## **Recommendations**

- Better allocation of resources and a large enough budget for the education sector ensuring much greater access of children to quality education;
- The Government should support free schooling, in accordance with article 7 of the Law on Basic Education;
- The school feeding project should be extended to the whole country;
- There is a need to reorganise national, school and local level sporting and other competitions to promote not only a healthy lifestyle for the learners but also a sense of unity in diversity
- More attention should be paid to teachers ensuring that their salaries are adequate and are paid regularly. They should also benefit from continuous training and distance learning programmes;
- Construct and rehabilitate school infrastructures and leisure space with community participation
- Run first aid training courses for all teachers and establish a protocol with the Ministry of Health to buy first aid kits for all schools in the country;
- Rules and Regulations governing the Education Reforms should be published as soon as possible;
- Democratic parent teachers association, with active participation of the learners, should be encouraged, where office does not depend on one's station in society
- Raise families' awareness of the need to send girls to school;
- The ban on use of inhuman and corporal punishment should be reinforced
- Reactivate organised holiday activities for children throughout the country (extra curricular activities and interest groups)

## **IX-SPECIAL PROTECTION MEASURES**

### **9.1. Children in Armed Conflict, Physical and Psychological Reintegration**

*Articles 38, 39*

The process of demobilisation and reintegration, under the protocol of Lusaka in 1994, allowed family reunification of approximately 52 percent of under-age soldiers and they benefited from the rights established in the protocol. Throughout the armed conflict, from child soldiers many others were also victims. As a result a large number of children became orphans. Many were victims of torture and others witnessed the death of their loved ones.

With the Peace Accord of Luena, signed in 2002, care for children affected by the conflict was made part of the Government's strategy to protect children separated from their parents, and the need for special attention for this group was highlighted. There was a specific programme for demobilisation of the underage soldiers. There was no provision in the recent demobilisation process for the inclusion of boys under twenty in the process. The legal approach taken was that since it was illegal to forcefully conscript

boys under twenty into the army, underage soldiers could not be demobilised since they could not be legally incorporated into the army for the purpose of demobilisation.

There is currently no formal recognition in the demobilisation programme of the needs of those underage children affected by the war. Such support could include psychosocial support, support to their communities to facilitate integration, and support for literacy and professional training programmes.

## **9.2. Exploited Children. Economic Exploitation of Children including Child Labour**

The deepening poverty in Angola is pushing many children out to work to help sustain families. Some of this work is done under harmful conditions, children are being exploited by being underpaid and expected to perform tasks beyond their physical endurance. Exploitation also occurs within the family unit. Parents may carry around their small children when begging as a way to attract sympathy and thereby raise more money, but exposing them to various risks, such as bright sunshine, thirst, hunger, and nudity, all factors, which are prejudicial to their physical and mental development. Some people are coerced into paying debt services in kind.

## **9.3. Drug Abuse**

### *Article 33*

The extent of the drug problem is not known, however, it is estimated that around 90 percent of the children who are on the streets use some form of intoxicating substances, such as cannabis, cocaine and sniffing petrol or glue. It would also seem that street children are vulnerable to abuse and exploitation from drug gangs.

## **9.4. Sexual Exploitation and Abuse**

### *Article 34*

In traditional society the question of sexual abuse is not understood as an offence in terms of the social norms as the practice of early marriage is very common.<sup>29</sup> During the war parents used early marriage as a way of protecting girls, to prevent them being taken away by soldiers, in contrast to what is prescribed and condemned by Law. " *The convoy girls, as they were known, were girls abducted by UNITA soldiers to transport arms and supplies and later they became soldiers' wives*".

As a result of poverty, parents and relatives may encourage the girls to go into prostitution. " *You are a woman go and look for somebody who gives you money ... (young girls from 13 to 17 years of age)*."

In peri-urban neighbourhoods a significant number of children, mainly girls and mostly in Luanda have been victims of rape. " *I was raped on the 4th of February 2004 and was afraid to tell my mother. I only told my friend.*" (Girl of 16 years of age)

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<sup>29</sup> Municipal Plan for Protection and Rights of the Child -Tchicala Tcholoango Province of Huambo



## 9. 5. Children belonging to Minorities or Indigenous Groups

There is a report on the needs of the communities SAN (!Kung, Xun, Knwedam) in the south of Angola<sup>30</sup> which calls attention to the precarious existence of these people, until now ignored, which requires the involvement of the whole society to promote policies for minorities or ethnic groups in need of protection from abuse of their rights, access to land; health and education. To protect this ethnic group in 2002 the provincial Government of Huíla set up a provincial commission to provide aid and social assistance to the SAN.

### Recommendations

- The Government must encourage the establishment of centres for rehabilitation of substance abusers and take preventative and punitive measures against those who sell drugs and illegal substances;
- The Government should carry out more in-depth studies on minority groups and their living conditions
- There is need for more rigour in the legal handling of cases of exploitation and sexual abuse and the final verdict made public;
- An effort must be made by society as a whole to contribute to the psychological and physical recuperation of all children who were victims of the armed conflict.

## X-RESUME OF THE RECOMMENDATIONS

### Definition of the Child

- On drawing up legislation related to the child, the Government should take into consideration the needs and practices of different ethnic groups.
- The Labour Law should specify which type of work a child above the age of 14 and below 18 can undertake as well as stipulating maximum hours of work. Also the law should define what harmful work is in relation to children in order to differentiate between constructive learning experiences and legitimate support to family business on the one hand and exploitative practices and the other. Children should be consulted where proposed legislation will directly impact on them.
- Sensitise families and the communities to the implications of exploitative child labour and its effects.

### Legislation

- The publication of legislation should be rapidly followed by the definition of the norms and regulations, which govern the application of the legislation.

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<sup>30</sup> “Where the first are Last” published in August 2003

- The implementation of the Juvenile Court must be extended to the whole country, with priority given to coastal areas and big cities where higher numbers of children are in conflict with the law.

### **General Principles of the Convention**

- The Government must promote the rights of SAN communities and other ethnic minorities.
- The Government must regulate the activities of religious sects and people who exploit traditional beliefs in order to persecute children. The Government should promote education programmes for government staff and affected communities with a view to protecting children. Consideration should also be given to expanding the work of the programme SOS Children.
- The results of campaigns and programmes denouncing atrocities committed against children and those responsible for the crimes against children should be disseminated;
- There should be greater dissemination of the rights of children through the media, schools, and churches and through campaigns to raise community awareness. The importance of listening to children should be reinforced by public sector practices, professional example and on-going education;
- Better follow up for children who are re-united with their families;
- Children focus groups should be included in discussions on the PRSP and the on going monitoring of the impact.
- Encourage sustainable livelihoods for families through the promotion of accessible microcredit programmes.
- Promotion of widespread nutritional screening, especially in peri-urban areas with accompanying education and homebased rehabilitation programmes.
- More constructive collaboration and partnership between the Government of Angola and other stakeholders on issues relating to children.

### **Civil Rights and Liberty**

- The need to create mobile registration brigades especially in rural areas and for minority ethnic groups such as the San. The Government should regulate the video transmission of harmful material to children and promote better access to educational material through the establishment of libraries and school bookshops.
- The Government must investigate and take measures to prevent violations of the rights of the child in the provinces and especially in Cabinda.
- NGOs in collaboration with churches must draw up a programme to raise awareness on the rights of children amongst the police, army and other armed forces.
- To enable greater dissemination and knowledge of CRC all over Angolan territory, it is recommended that the Convention should be translated into the main national languages.
- The Ministry of Education should encourage all private and state schools to provide moral, civic and environmental education;
- The Government should promote urgent measures to protect children's privacy promoting low-cost self building housing projects for families;
- Intensively disseminate the Family Code and the Law on the Juvenile Justice;

- Ensure that civil society and the competent state bodies monitor social work with families.

### **Family Environment and Alternative Protection**

- The programme to trace and unite families must monitor children after they have been reunited with their families.
- Sanctions must be in place to deal with separated parents who refuse to contribute to the maintenance of their children.
- Children in public and not for profit children's homes should be monitored regularly.
- A strategic plan must be drawn up to protect children infected or affected by HIV-AIDS and this should be a Government priority.

### **Health and Well-being**

- The Government should develop efforts to extend programs for the interruption of mother to child transmission, voluntary counselling and testing and treatment with anti retrovirals to all the provinces;
- Recognising the high level of unemployment in Angola, it is necessary for the Government to adopt measures to promote sustainable livelihoods for the unemployed and their families;
- The Government should strengthen health and nutrition education programmes;
- Schools, NGOs and churches should promote access to information about relationships, sexuality and the right to say no, HIV/AIDS, STDs and primary health care;
- The Government should strengthen professional ethics of all technicians and health providers and improve supervision of public health services;
- The General Medical Council (Ordem dos Médicos) must be active in setting up forums, promoting studies and research into the prevalent diseases;
- Promotion of in-depth and scientific studies into the efficacy of medicinal plants;

### **Education, Leisure and Cultural Activities**

- Better allocation of resources and a large enough budget for the education sector ensuring much greater access of children to quality education;
- The Government should support free schooling, in accordance with article 7 of the Law on Basic Education;
- The school feeding project should be extended to the whole country;
- There is a need to reorganise national, school and local level sporting and other competitions to promote not only a healthy lifestyle for the learners but also a sense of unity in diversity
- More attention should be paid to teachers ensuring that their salaries are adequate and are paid regularly. They should also benefit from continuous training and distance learning programmes;
- Construct and rehabilitate school infrastructures and leisure space with community participation
- Run first aid training courses for all teachers and establish a protocol with the Ministry of Health to buy first aid kits for all schools in the country;

- Rules and Regulations governing the Education Reforms should be published as soon as possible;
- Democratic parent teachers association, with active participation of the learners, should be encouraged, where office does not depend on one's station in society
- Raise families' awareness of the need to send girls to school;
- The ban on use of inhuman and corporal punishment should be reinforced
- Reactivate organised holiday activities for children throughout the country (extra curricular activities and interest groups)

### **Special Protection Measures**

- The Government must encourage the establishment of centres for rehabilitation of substance abusers and take preventative and punitive measures against those who sell drugs and illegal substances;
- The Government should carry out more in-depth studies on minority groups and their living conditions
- There is need for more rigour in the legal handling of cases of exploitation and sexual abuse and the final verdict made public;
- An effort must be made by society as a whole to contribute to the psychological and physical recuperation of all children who were victims of the armed conflict.