

ANGOLA

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1 Population indicators

1.1 What is the total population of Angola?

The total population of Angola, according to the census conducted in 2014 by the National Institute for Social Security (INSS), was 24 384 301.¹

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Angola. What criteria are used to determine who falls within the class of persons with disabilities in Angola?

National statistics conducted by the INSS were used to obtain data on the prevalence of disabilities in Angola. Local non-governmental organisations (NGOs), such as the Federation of Organisations of Disabled People in Angola (FAPED), which is the umbrella body representing organisations working within the area of disability, also provide data, statistics and information as to the prevalence of disability.

Angola does not have an official body responsible for conducting a focused census on the prevalence of disabilities.

1.3 What is the total number and percentage of persons with disabilities in Angola?

In Angola, there is no particular organisation which conducts a national census on the state of disability in the country. The Ministry for Social Assistance and Reintegration puts the figure at 170 000, while the League for the Support of the Disabled (LARDEF) claims that the number is 1,2 million. However, according to statistics obtained by the INSS, in 2014 the organisation responsible for social security establishes that there are 170 000 people with disabilities in Angola.²

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1 <http://www.cdi.inss.gv.ao> (accessed 17 June 2015).

2 <http://www.cdi.inss.gv.ao> (accessed: 17 June 2015).

1.4 What is the total number and percentage of women with disabilities in Angola?

According to statistics obtained from the INSS in 2014, the total number of women living with disabilities in Angola is 79 900.³ This constitutes 0,7 per cent of the total population of women living with disabilities in Angola.

1.5 What is the total number and percentage of children with disabilities in Angola?

There is no nationally-acquired statistic highlighting the number of children living with disabilities in Angola.

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Angola?

According to statistics obtained from the INSS, the most prevalent forms of disability are the following:⁴

- motor disabilities (62 per cent). Of those with motor disabilities, 75 per cent were due to amputation resulting from contact with explosive devices, especially mines, while 22 per cent suffered from poliomyelitis;
- sensory disabilities (28 per cent); and
- mental disabilities (10 per cent).

2 Angola's international obligations

2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Angola? Did Angola sign and ratify the CRPD? Provide the date(s).

Angola acceded to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 19 March 2014.

2.2 If Angola has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Angola submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

Angola acceded to the CRPD on 19 March 2014. Angola was scheduled to send an initial report to the Committee of the CRPD on 19 March 2016, which marks two years since it acceded to the Convention. However, at this stage there is no information confirming that such initial report was sent to the Committee. After the initial two reports, Angola's first state report on the status of the

³ As above.

⁴ As above.

implementation of the CRPD is due to be submitted on 19 March 2018. The government department responsible for the drafting of such a report is the Ministry of Justice and Human Rights in co-ordination with the Office of the Presidency.

2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Angola also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

Angola follows a semi-monist approach to international law, meaning that after the state ratifies a treaty, such treaty law is first made public in the *Diario da Republica*. Only after this has been done is such law domesticated. To that end, following ratification of international instruments, such law is not immediately made national law. As per Angola's regional reporting mechanisms under the African Charter on Human and Peoples' Rights (African Charter), Angola submitted its national report on the implementation of the African Charter in 2010, and observed:⁵

The high number of persons with disabilities, in particular amputees, is related to the effects of the armed conflict which ravished Angola for nearly three decades. A contributing factor was the weak state of the health system and a lack of programmes which would aid in prevention of ailments, such as congenital conditions, which was further compounded by the low level of education within the Angolan populace. Persons with disabilities are faced with a number of problems arising from factors related, among others, to health (difficulty in accessing health services, shortage of special equipment, difficulty in accessing medical assistance and curative medicine, insufficient rolling stock and a meager compensation plan due to the lack of financial resources).

- water and hygiene (difficulty in accessing water points due to distance and physical barriers);
- social and family Issues (low level of social awareness, preventing persons with disabilities to recognise their abilities and skills which would otherwise have allowed them to carry out useful activities; abuse; neglect; ill-treatment; marginalisation and stigmatisation; disrespectful behavior; psychological violence; family humiliation and abandonment; lack of leisure facilities; difficulty in accessing public transport; parents who feel ashamed to register children);
- economic factors (extreme poverty due to lack/insufficient resources, loss of property after acquiring a disability, and lack of social protection).

As a result, the Angolan government has undertaken to establish:⁶

- community based rehabilitation (RBC). This project includes physical rehabilitation, education, technical and professional training, career guidance, and community-based psycho-social follow-up, the idea being to integrate persons with disabilities within their own communities;
- social integration projects have been developed with a view to gradually reducing discrimination and stigmatisation faced by persons with disabilities. These projects include agricultural production, animal husbandry and professional training.

5 African Commission on Human and Peoples' Rights, Second periodic report, [Http//www.achpr.org/states/angola/reports/2nd 1999-2010](http://www.achpr.org/states/angola/reports/2nd%201999-2010) (accessed 20 June 2015).

6 As above.

With regard to the Universal Periodic Review (UPR), Angola last submitted a report for review in December 2010.⁷ A reference was made regarding the rights of persons with disabilities under the UPR report of 2010. The report observes that persons with disabilities benefit from 'special services', especially targeting physical rehabilitation, schooling, vocational technical training, work orientation and psychosocial counselling aimed at reinsertion in the community without discrimination or stigmatisation.

2.4 Was there any domestic effect on Angola's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Angola's legislature to incorporate it into the legal system before the instrument can have force in Angola's domestic law? Have Angola's courts ever considered this question? If so, cite the case(s).

Regarding domestic effects on Angola's legal system as it relates to court decisions, Angola does not publicise its cases. Regarding reporting to the Committee of the CRPD, Angola acceded to the CRPD on 19 March 2014, as per regulations its initial report was due on 19 March 2016. At the time of writing, no information regarding the status of such report could be found.

However, Angola submitted its national report in 2010 on the implementation of the African Charter on Human and Peoples' Rights. As a result, the Angolan government has opted to establish community-based rehabilitation projects. This project includes physical rehabilitation, education, technical and professional training, career guidance, and community-based psychosocial follow-up, the idea being to integrate persons with disabilities within their own communities.⁸

Second, social integration projects have been developed with a view to gradually reducing discrimination and stigmatisation faced by persons with disabilities. These projects include agricultural production, animal husbandry and professional training.⁹

2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.

Angola follows the semi-monist principle and, as a result, treaties ratified are published within the *Diario da Republica* (national gazette) and thereafter become law. Angola has ratified a number of international instruments and regional treaties, including the International Covenant on Civil and Political Rights (ICCPR), the CRPD, the African Charter and the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, Angola has difficulties in complying with its reporting obligations.¹⁰ In respect of the UPR, Angola submitted its last report in February 2010. The UPR submitted by Angola made reference to persons with disabilities. A number of recommendations were made to Angola regarding the framework of the protection of human rights, of which Angola accepted the following:¹¹

7 http://www.univie.ac.at/bimtor/dateien/angola_upr_2010_report.pdf Human Rights Council 'National report submitted in accordance with para 15(a) of the annex to Human Rights Council Resolution 5/1*' 19 February 2010 (accessed 16 June 2015).

8 African Commission (n 5 above).

9 As above.

10 <http://www.osisa.org> (accessed 7 March 2015); Open Society Initiative for Southern Africa, Country Profiles Report Southern Africa Disability Rights and Law School Project 2012.

11 <http://www.upr-info.org/database> (accessed 12 August 2016).

- allocating additional resources to improving the country's health infrastructures, while ensuring that ongoing health reforms take into account the rights of women and children;
- clarifying the procedures for the establishment and recognition of associations and NGOs, and to guarantee their participation in the reform process;
- considering as a priority the most vulnerable groups in its population, in particular women and children; and
- considering heeding the appeals to proceed with the ratification of the remaining core human rights treaties, including the International Covenant on the Elimination of All Forms of Discrimination (ICERD), the Convention Against Torture (CAT) and the CRPD.

Despite the acceptance of these recommendations, at present no data is available indicating whether Angola has followed through with the recommendations. In compliance with recommendations by the African Commission, Angola has established community-based rehabilitation projects and social integration projects with the objective of gradually lowering levels of discrimination and stigmatisation faced by persons with disabilities.¹²

3 Constitution

3.1 Does the Constitution of Angola contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.

- Article 77(1) of the Angolan Constitution (Constitution) states that the state 'shall promote and guarantee the measures needed to ensure the universal right to medical and health care, as well as the right to child care and maternity care, care in illness, disability, old age and in situations in which they are unable to work, in accordance with the law'.¹³ Although this provision provides for health and social security, the problem remains of actually applying in practice the provisions set forth in the Constitution.
- Article 80(3) of the Constitution states that the state shall ensure special protection to children who are orphaned, disabled, abandoned or in any way deprived from a family environment.
- Article 83(1) of the Constitution states that disabled citizens shall fully enjoy the rights and be subject to the duties enshrined in the Constitution, without prejudice to any restrictions on the exercise or fulfilment of rights and duties they are unable, or not fully able, to enjoy or carry out. Article 83(2) of the Constitution further provides that the state shall adopt a national policy for the prevention of disability, the treatment, rehabilitation and integration of disabled citizens, the provision of support for their families and the removal of obstacles to mobility.
- Article 84(1) of the Constitution states that combatants of the national independence struggle, the country's veterans, those disabled during the course of military or paramilitary service and the minor children and surviving spouses of combatants killed in action, shall enjoy a special status and the protection of the state and society, under the terms of the Constitution and the law.

¹² African Commission (n 5 above).

¹³ Constitution of the Republic of Angola, 2010.

3.2 Does the Constitution of Angola contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

Article 54(2) of the Constitution states that the right to vote may not be restricted except with regard to the incapacities and ineligibilities prescribed in the Constitution. This provision, however, is very vague in nature. It does not spell out the degree of disability which would render a person incapacitated and ineligible. The same criticism applies to articles 129, 130 and 153 of the Constitution. These articles all mention incapacity in the form of mental illness, but do not clarify the level of disability which would constitute an individual being incapacitated to perform a particular function.

4 Legislation

4.1 Does Angola have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

Angola has enacted different pieces of legislation that mention people with disabilities or deal with issues relating to disabilities. The following table sets out the most prominent legislation that mentions or refers to disability-related issues:

Disability Allowances Law (Act 6/98 of 7 August 1998)	Concerns grants made by the government to citizens who are prevented by disability or other forms of permanent incapacitation from doing any form of work. To be eligible, a person with a disability must not be a beneficiary of any other social assistance regime, or have private sources of funding.
Draft Baseline Law on Social Protection (Act 7/04 of 15 October 2004)	Gives guidance on the norms that should govern national policies on the protection of vulnerable groups. Article 4 of this Law (paragraphs (b), (c) and (d)) describes the objective of basic social protection, which is to improve the wellbeing of individuals, families and communities by guaranteeing all citizens a minimum means of livelihood. This is to be achieved through assistance to people and families in especially difficult circumstances, whether due to unpredictable circumstances or any other cause beyond their control.
National Rehabilitation Institute Act of 1991 established by Decree 6-E/91 of 9 March 1991)	Establishes the National Rehabilitation Institute (INR), a government organ responsible for the development of a national policy of rehabilitation for people with disabilities. Its duties include planning, co-ordinating and controlling all projects relating to rehabilitation. The Institute, which works under the oversight of the head of state, is presided over by a president, assisted by a vice-president.

Decree 20/07 of 20 April 2008	Creates the National Council of Children.
Law 7/05 and Decrees 38/98 of 6 November and 46-C/92 of 9 September 2007	Provides family allowance and the law on support which strengthens the progenitors' responsibility with regard to the support of their children.
General National Police Command, by Order 242 of 11 October 2005	Creates the Violence against Women and Children Unit.
Law 1/05 of 1 July 2007	Establishes the conditions for awarding, acquiring, losing and reacquiring Angolan citizenship.

Furthermore, the Basic Law of Social Protection makes provision for the protection of vulnerable groups, both women and children.

Article 5 of the Social Protection Law states that basic social protection covers the resident population, which is in a situation of a lack, or reduction of substantial means and cannot take full responsibility for their protection. According to article 5 these individuals are the following:

- people or families in situations of grave poverty;
- women in disadvantaged situations;
- children and adolescents in need; and
- persons with disabilities at risk of social exclusion.

Regarding children's rights, Angola does not have any comprehensive legislation dealing directly with children's rights, such as comprehensive children's legislation. Rather, such legislation is found within Angola's constitutional law, resolutions of the national assembly, presidential decrees ministerial dispatches and resolutions. An important aspect is that ministerial dispatches are legislative in nature.¹⁴

Furthermore, there also seems to be some inconsistencies regarding the discrimination clause as it applies to children with disabilities. The Committee on the Rights of the Child has been critical of the law in allowing both girls and boys to marry under the age of 18 years without supervision by the courts. Girls are able to marry from the age of 15 years, whereas boys may marry from the age of 16 years. Despite the fact that the Constitution contains an anti-discriminatory clause, the Committee still highlights concerns relating to the safeguarding of the rights with children with disabilities, in particular highlighting those with HIV/AIDS. Furthermore, the CRC is directly enforceable in Angola, as article 26(3) of the Angolan Constitution permits that in the event of disputes that arise with regard to the nature of fundamental rights, judges an analysis of international instruments even if such conventions have not been raised by the parties themselves. Therefore, despite guarantees, as seen within the law, there is still a tension between the law and its implementation. This problem is compounded by the difficulties faced by minority groups in accessing justice, in particular persons with disabilities.

14 <http://www.crin.org/en/library/publications/angola-national-laws> (accessed 20 June 2015).

4.2 Does Angola have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.

Article 21(d) of the Constitution of Angola provides that the state will promote the well-being, social solidarity and improved quality of life of the people of Angola, especially among the most deprived groups of the population. Article 21(h) further provides for the promotion of equal rights and opportunities between Angolans, regardless of origins, race, party affiliation, sex, colour, age or any other form of discrimination.¹⁵

Article 23(1) of the Constitution maintains that no one may be discriminated against, privileged, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, ethnicity, colour, disability, language, place of birth, religion, political, ideological or philosophical beliefs, level of education or economic, social or professional status.

Law 8/04 on HIV and AIDS (2004) protects the rights of persons living with HIV, in particular the right to employment, free public health care, and confidentiality.

Article 77 of the Constitution states that the state shall promote and guarantee the measures needed to ensure the universal right to medical and health care, as well as the right to child care and maternity care, care in illness, disability, old age and in situations in which they are unable to work, in accordance with the law.

Law 7/05 and Decrees 38/98 of 6 November and 46-C/92 of 9 September 2007 establish a unit which allows for government to support families in need. This Law also indirectly targets persons with disabilities who are in a position where they cannot work due to their disability.

Law 13/01 of 31 December 2001 is the framework law on the education system. It establishes the national education plan as part of its objective to better produce an environment which makes it easier for persons with disabilities to receive an education.

5 Decisions of courts and tribunals

5.1 Have the courts (or tribunals) in Angola ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

No data is available on the decisions made by judiciary in Angola in respect of an issue or issues relating to disability. This is so mainly because of the fact that case law does not generally play a particularly strong role in the formation of Angolan law. Furthermore, the Supreme Court (*Tribunal Supremo*) and the courts in general do not report cases.¹⁶

15 Constitution of the Republic of Angola, 2010.

16 <http://www.crin.org/en/library/publications/angola-national-laws> (accessed 15 June 2015).

6 Policies and programmes

6.1 Does Angola have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

Decree 50/05 of 8 August 2005	Establishes a programme to assist street children, the community education programme, and support for children in difficulty.
Law 7/05 and Decrees 38/98 of 6 November 2007 and 46-C/92 of 9 September 2008	Makes provision for family allowance and the law on support which strengthens parents' responsibility with regard to the support of their children.
General National Police Command, by Order 242 of 11 October 2010	Creates the Violence against Women and Children Unit
Law 13/01 of 31 December 2001, the framework law on the education system	Establishes the National Action Plan for Education for All (PAN/EPT 2001-2015) and an Integrated Strategy for Improving the Educational System (2001-2015) which aim to ensure that all children have access to basic and compulsory education.

The Angolan education system was initially designed without a human rights approach, and, as such, human rights as a subject is not specifically enshrined in the school curriculum. However, the Ministry of Education, in collaboration with other public entities and civil society organisations, has begun the process of adopting human rights approaches in various sectors of government. This has been done by establishing a Co-ordinating Committee for the Integration of Human Rights in Subsystems Primary and Secondary Education. This Committee has proceeded to establish methodological guidelines for both primary and secondary education so as to mainstream human rights education. In addition, in 2013 the government began training teachers on human rights issues in order to introduce this subject to the school curriculum.¹⁷ Regarding programmes directly impacting persons with disabilities, the Angolan government has set up a programme supporting persons with disabilities with no means of transport with transportation and technical assistance, and community-based rehabilitation.¹⁸ The programme to provide a means of transportation and technical assistance has provided services for approximately 73 730 persons with disabilities as well as many devices and means of transportation, such as 200 wheelchairs for children, 2 004 three-wheeled manual vehicles, 16 560 guides for the blind, 3 698 pairs of crutches and 8 254 pairs of walking canes.

17 <http://www.crin.org/en/library/publications/angola-childrens-rights-references-universal-periodic-review> (accessed 10 August 2015).

18 As above.

6.2 Does Angola have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.

Angola has enacted different pieces of legislation that mention people with disabilities or deal with issues relating to disabilities. The following table sets out the most prominent legislation that refers to disability:

Legislation name	Legislation description
Decree 21/82 of 22 April 1982	Declares that 2% of employment vacancies in both the public and private sectors should be reserved for people with disabilities. Under the framework provided by the Decree, employers, whether in state institutions or private businesses, are instructed to absorb people with disabilities into their staff complement. They are also expected to create working conditions that accommodate the requirements of particular disabilities and comply with the norms of hygiene and safety.
Decree 6-E/91 of 9 March 1991 (<i>Instituto Nacional de Reabilitacao</i>)	Establishes the National Rehabilitation Institute (INR), a government organ responsible for the development of a national policy of rehabilitation for people with disabilities. Its duties include planning, co-ordinating and controlling all projects relating to rehabilitation. The Institute, which works under the oversight of the head of state, is presided over by a president, assisted by a vice-president.

7 Disability bodies

7.1 Other than the ordinary courts and tribunals, does Angola have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

The Ministry for Social Assistance and Reintegration (*Ministerio da Assitencia e Reinsercao Social* (MINARS)) has the objective of controlling policy in the area of education, assistance in social reinsertion with a perspective of social and human development and the promotion of social inclusion and reintegration.¹⁹

Established by Presidential Decree 1/10 of 5 March 2010 the Secretary of State for Human Rights (SEDH) has the objective of promoting and protecting the rights of individuals in Angola. The secretariat, driven by a secretary of state, has the mission of formulating and executing policies which promote and protect human rights.²⁰

¹⁹ A Luacuti *Genese da Constituicao Angolana de 2010 – O jornalismo ao service ao direito* (2010).

²⁰ Luacuti (n 19 above) 108.

Established by Decree 6-E/91 of 9 March 1991, the National Rehabilitation Institute (INR) is a government organ responsible for the development of a national policy for the rehabilitation of persons with disabilities.

7.2 Other than the ordinary courts or tribunals, does Angola have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

Although not focusing solely on disability rights issues, the following organisations address violations of the rights of persons with disabilities.²¹

Institution/body	Description
Ministry for Social Assistance and Reintegration (MINARS)	Although not an official body dealing specifically with the disabled, it focuses significantly on addressing issues relating to the disabled. 'MINARS is the government department most involved in projects dedicated to the disabled.' In Angola, MINARS is the government body responsible 'for supervising and co-ordinating the implementation of social policy on the most vulnerable groups of the population, ensuring their rights and promoting their development through measures that report the implementation of basic social policies of rehabilitation and social care'. ^a
National Family Council	The National Family Council is an organ of the Ministry of Family, the consultative organ which meets annually to discuss issues related to the family in Angola in various fields of national life. ^b

a. <http://www.minars.gov.ao/Institucionais> (accessed 16 March 2015).

b. <http://www.portalangop.co.ao/angola> Agencia Angola Press 'Encerrou Conselho Nacional da Familia em Catete' 12 July 2013.

21 H Kotze *Southern Africa Disability Rights and Law Project* (accessed 27 March 2015).

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

- 8.1 Does Angola have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of Angola has ever addressed issues relating to the rights of persons with disabilities.**

Angola has an Office of the Ombudsman established in terms of article 192 of the Constitution. The Ombudsman and Deputy Ombudsman are elected by the National Assembly on the decision of two-thirds of members in full exercise of their office.

Article 192(4) of the Angolan Constitution provides that citizens and corporate bodies may present the Ombudsman with complaints concerning acts or omissions by public authorities, which they shall consider, with no powers of decision, submitting the necessary recommendations for the prevention and remedying of injustices to the appropriate bodies.

Furthermore, article 192(5) goes on to state that the activity of the Ombudsman shall be independent of the means for ruling on appeals or disputes provided for in the Constitution and the law.

Angola also has an office of the public prosecutor, established by section 3, article 185 of the Angolan Constitution. Under article 186 of the Constitution, the public protector is responsible for representing the state, defending democratic legality and the interests defined by law, promoting the penal procedure and conducting penal actions, under the terms of the law.²²

Presidential Decree 1/10, of 5 March 2010 establishes a Secretariat of State for Human Rights (SEDH). The SEDH has the mission of formulating, executing and evaluating the policies of the Angolan state with regard to the promotion and protection of human rights in terms of the Angolan Constitution and international conventions.²³

²² <http://www.governo.gov.ao/Organismos.aspx?op=SG> (accessed: 21 June 2015).

²³ Luaucuti (n 19 above).

9 Disabled peoples organisations (DPOs) and other civil society organisations

9.1 Does Angola have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.

Angola has a number of DPOs advocating for persons with disabilities. The following table sets out the most prominent of these DPOs.

Organisation	Description
Federation of Organisations of Disabled People in Angola (FAPED) (the umbrella body for DPOs)	FAPED is the national affiliate of the Southern African Federation of the Disabled (SAFOD) in Angola. FAPED appears in the ambit of the self-representation of the associations of disabled people at both national and international levels. It aims to co-ordinate the actions of its members to partner with the Angolan government in developing disability politics and including it in the national politics of development. ^a The aim of FAPED is to represent associations of disabled people at national level and to participate in discussions with government about the policies linked to people with disabilities ^b
National Association for the Near-Sighted and the Blind (ANCA)	The ANCA assists persons with disabilities with accessing medical facilities and employment opportunities. The ANCA is however still in its embryonic stage. ^b

a. <http://safod.net/Angola.html> (accessed 23 March 2015) The Angolan Federation of the Association of People with Disabilities.

b. <http://www.afub-uafa.org/southern-africa> (accessed 24 March 2015) 'African Union of the Blind'.

9.2 In the countries in Angola's region (East Africa) are DPOs organised/co-ordinated at national and/or regional level?

In this region, DPOs do not function under any kind of umbrella body, but rather function through coalitions and networks working in different thematic areas

9.3 If Angola has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

Information on the structuring of DPOs in Angola could not be found. However, although the structures of the internal organisation of DPOs in Angola could not adequately be found, it was evident that, internally, Angolan DPOs are associated with organisations such as the Open Society, Human Rights Watch and Amnesty International, which serve as platforms of advocacy for their issues. Angola has

ratified the CRPD. Despite the government having worked with organisations such as the Lwini foundation, the National Association of the Disabled in Angola, the Angolan League of Support and Reintegration of the Physical Disabled,²⁴ there is no evidence that the Angolan government has involved DPOs in the implementation process of legislation relating to persons with disabilities.

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

DPOs in Angola have extensively lobbied the Angolan government to be included in the process of formulation and implementation of policies relating to persons with disabilities. More direct approaches have been made by creating both internal and external advocacy campaigns of the situation of persons with disabilities, and aware-raising campaigns.

However, despite these interventions, it has been acknowledged that, although equal rights for disabled persons in Angola are central in the Constitution, these rights are insufficient unless persons with disabilities are helped to exercise these rights. The disabled need a range of practical support measures that will help them to overcome the many barriers they face on a daily basis.²⁵

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

The main barriers faced by DPOs are that, despite the government having acceded to the CRPD, the subsequent effects are not felt domestically.

9.6 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement of DPOs?

No data has been recorded with regard to best practice models for ensuring the proper involvement of DPOs.

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

The following organisations operating in the areas of disability work in the Southern African region

- Open Society Foundation
- Disability and Social Response in Southern Africa
- Leonard Chesire Disability
- Norwegian Peoples Aid

Although the above-mentioned organisations have worked with local organisations in Angola, there has been limited implementation of disability rights projects in Angola. Furthermore, there does not seem to be any academic institutions openly supporting the work of DPOs.

24 <http://www.portalangop.co.ao/> (accessed 10 May 2016).

25 Kotze (n 21 above).

To date, there is no legislation pertaining solely to persons with disabilities. However, although Angola has recently ratified the CRPD, a successful outcome would be its implementation at domestic level, along with more co-ordination with local DPOs.

9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

DPOs in Angola seem to be doing effective work in the area of disability. However, most organisations lack proper institutional backing by government. Such effectiveness is also compounded by a lack of technical expertise on the ground, compounded by a massive brain drain, which hampers the effectiveness of established organisations which support the disability rights frameworks, inhibiting them from fully and effectively lobbying government institutions.

Furthermore, there seems to be a difficulty with communication between DPOs already operating in Angola and those in the region, due to a gap in the technical and informative skills held by the leadership of a great number of DPOs in Angola. This has hampered adequate and valuable communication and sharing of best practices with other DPOs in the Southern African region.

9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

The research conducted regarding persons with disabilities in Angola has revealed that DPOs in Angola suffer tremendously due to a lack of technical expertise. Such a deficit minimises the way in which these organisations' vision and objectives are disseminated to the public and interested parties.

It is, therefore, recommended that DPOs in Angola set forth mechanisms that would make clear to government the importance of domestically implementing the provisions of the CRPD. Second, a clear strategy is necessary on how to develop a national plan of action with the co-operation of all major DPOs in Angola.

9.10 Are there specific research institutes in the region where Angola is situated (East Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

The following organisations in the area of disability work in the Southern African region:

- Open Society Foundation
- Disability and Social Response in Southern Africa
- Leonard Chesire Disability
- Norwegian Peoples Aid

10 Government departments

10.1 Does Angola have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The *Ministerio da Assitencia e Reinsercao*, although not specifically focusing on issues of disability as part of its mandate. Furthermore, its mandate also deals with formulating policy, which promotes inclusion and social integration.²⁶

The Angolan Department of Education undertakes the education of children with disabilities.²⁷

Furthermore, the Ministry of Education and Social Integration works in collaboration in the area of education. This collaboration also includes education by providing an environment for learning of those with disabilities.²⁸

11 Main human rights concerns of people with disabilities in Angola

11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses

Despite the Constitution of 2010 which protects the fundamental rights of all citizens, persons with disabilities still face a number of challenges. First, access for persons with disabilities to the labour force remains difficult. Persons with disabilities still face grave discrimination in obtaining employment, and in situations where they do find employment, the work environment is not conducive to them to work adequately. Although article 3(1) of the Labour Law promotes the principle of equality, no mention has been made of this where persons with disabilities are involved.

Second, a social stigma exists, namely, that persons with disabilities are not entitled to legal recourses but, rather; the little that is being done is an act of charity. In interviews conducted by the Open Society Initiative, interviewees stated that the integration of persons with disabilities within broader society should not be one of charity, but rather one of human rights.²⁹

Lastly, another major challenge, encapsulating the above two, pertains to access to justice of persons with disabilities. Angolan society is not very open to the

26 Luacuti (n 19 above) 108 109.

27 Kotze (n 21 above).

28 Luacuti (n 19 above) 108.

29 Kotze (n 21 above).

needs of persons with disabilities, despite there being legislation that speaks in the language of equality. In reality, this is not the case.

The lack of education among persons with disabilities is also a major contributing factor, which prevents them from understanding their legal rights.

Despite its international agreements in the domain of human rights, Angola is still lacking as far as the implementation of these laws is concerned.

11.2 Do people with disabilities have a right to participation in political life (political representation and leadership) in Angola?

There is an exclusion from the right to vote and to stand for election inscribed in Angola's Constitution and electoral laws, directed at persons with psychosocial disabilities.³⁰

- Article 12 states that persons interned in a medical establishment or when so declared by a doctor's certificate, even if not interdicted by a judgment, or those notoriously recognised as demented, do not enjoy active electoral capacity.

According to the Angolan Constitution, participation in public life is fundamental, and enshrined in the Constitutional Act. However, this is limited in cases of persons with mental disabilities. It is important to note that the severity of the disability was not specified.

Such open-ended limitations may be problematic and open to abuse, especially as it would inevitably infringe on the right to equality, and participation in the political life of the state.

11.3 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in your country?

According to public policy, persons with disabilities benefit from special services, especially targeting physical rehabilitation, schooling, vocational technical training, work orientation and psychosocial counselling aimed at reinsertion in the community without discrimination or stigmatisation.³¹

According to the Angolan government, under the UPR submitted in February 2010, '[i]n the years 2005–2006, 20 877 persons with disabilities were looked after, 30 per cent of the total objective for those years'.³²

Article 83 of the Constitution grants persons with disabilities full rights without restriction and calls on the government to adopt national policies to prevent, treat, rehabilitate and integrate people with disabilities; to support their families; to remove obstacles to their mobility; to educate society about disability; and to encourage special learning and training opportunities for the disabled. It does not specifically mention the rights of persons with disabilities with regard to transportation, including air travel (Republic of Angola 2010 Constitution).

30 Submission to the human rights committee on the right to vote of persons with disabilities in Angola, 107th session, 2012 <http://www.ida.org> (accessed 27 March 2015).

31 Human Rights Council national report submitted in accordance with para 15(a) of the annex to Human Rights Council Resolution 5.1, 19 February 2010, <http://www.univie.ac.at> (accessed 27 March 2015).

32 <http://www.ohchr.org/EN/HRbodies/UPR/pages> (accessed 7 April 2015).

Despite the enactment of these decrees and legislations, the important question remains of equal access to the workplace and to educational institutions. This is because, despite persons with disabilities having legal rights to non-discrimination, where the implementation of these rights on the ground is concerned, this is lacking.

Access to education is, therefore, limited; because of the fact that the government does not make the environment for learning conducive for persons with disabilities, for instance, modifying the physical environment to accommodate these persons. There is also a lack of trained teachers who are in a position to adequately assist students with disabilities.

11.4 Case studies of specific vulnerable groups

No information is available regarding case studies of vulnerable groups in Angola.

12 Future perspective

12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in your country at the moment?

The current debate in Angola is about civil society organisations advocating for the rights of disabled persons on mechanisms the government should take to ratify the CRPD and its Optional Protocol.

12.2 What legal reforms would you like to see in your country? Why?

Angola is a country on the brink of economic and social development after the civil war lasting almost three decades. However, with this rate of development, the inequality gap is one which is steadily rising. Added to this, there is the neglect of fundamental rights, in general, and, more specifically, as far as persons with disabilities are concerned. Although Angola is party to international conventions and is attempting to put forth legislation to address the issue of disability rights, these steps have not been very effective.