

**AFRICAN UNION**

**African Committee of Experts on the  
Rights and Welfare of the Child**



**UNION AFRICAINE**

**Comité Africain d'Experts sur les  
Droits et le Bien-être de l'Enfant**

**الاتحاد الأفريقي**

*"An Africa Fit for  
Children"*

**UNIÃO AFRICANA**

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**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD  
(ACERWC) ON THE INITIAL REPORT OF THE REPUBLIC OF ANGOLA ON THE  
STATUS OF THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE  
RIGHTS AND WELFARE OF THE CHILD**

## **I. INTRODUCTION**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Angola and wishes to acknowledge with thanks the receipt of the initial report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The ACERWC considered the initial report of the Republic of Angola during its 30th Ordinary Session, which was held from 06 to 16 December 2017 in Khartoum, The Sudan.
2. The Committee also congratulates and appreciates the Government of Angola for sending its Delegation led by H.E. Ruth Madalena Mixinge, Secretary of State of Family and Gender Promotion, with whom the Members of the ACERWC had a productive discussion with. The dialogue indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After a careful consideration of the facts in the Report and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations which, in the Committee's view, provide guidance to better enhance the implementation of the Charter.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

3. The Committee commends the State Party for the measures it has taken to improve the situation of children's rights in the country including:
  - a. Domestic funding of most projects and programmes;
  - b. The ratification of various international instruments such as the Convention on the Rights of Persons with Disabilities;
  - c. Increased enrolment rate of children in schools;
  - d. Undertaking legislative measures including the adoption of the new Constitution and the 11 Commitments;
  - e. Efforts undertaken towards increasing birth registration including the adoption of a decree to exempt birth registration fees during the campaign; and
  - f. Institutional measures undertaken including the restructuring of the Ministry of Justice to the Ministry of Justice and Human Rights, the establishment of the National Council for Children and the Ombudsman.

### **III. FURTHER DEVELOPMENTS, AREAS OF CONCERN AND RECOMMENDATIONS**

#### **A. General measures of implementation**

4. The Committee notes with appreciation the various legislative measures undertaken by the Government such as the adoption of the Constitution and the 11 Commitments on child rights to ensure the protection and promotion of children's rights. The Committee, however; notes that there is no comprehensive child rights instrument in the State Party and recommends that the Government embarks to develop and adopt a child rights legislation with a more holistic approach that will incorporate and domesticate the rights stipulated in the Charter.
5. The Committee commends that substantial part of the national budget of the State Party is internally generated. Nevertheless, the Committee is concerned that there is inadequate funding for child rights related budgetary lines despite the country's revenue from the oil industry which is the main source of income in the State Party. In particular, the Committee recommends that the Government increases the budget allocation with a view to strengthening investment on children in line with the increasing demand and the population growth. Taking into consideration reports on decrease of oil revenue; the Committee encourages the State Party to undertake measures to continue to allocate the necessary financial and human resources for the effective provision of social services for children. The Committee recommends that the Government allocates sufficient financial and human resource to the National Council for Children to enable it execute its mandate on the protection of child rights, as well as its role of coordination of child rights issues. The State Party is encouraged to build the technical capacity of the National Council for Children and ensure that, among other things, it undertakes monitoring and evaluation of the actions undertaken on child rights issues.
6. From the dialogue with the Delegation of the State Party, the Committee has learned that the Office of Ombudsman is an independent institution which serves as a watchdog to the Government. The Committee commends the State Party for the establishment of the Ombudsman. The Committee further encourages the Government to strengthen the mandate of the Office of the Ombudsman and to increase its budget so that it can be able to meaningfully execute its responsibility of assessing and examining the actions of the Government. The Committee also recommends that the State Party establishes a Child Rights Division/Unit in the Office of the Ombudsman to address the specific issues of children that are reported to it.
7. While noting some of the measures undertaken by the State Party, as indicated by the Delegation during the dialogue, the Committee remains very concerned about

the impact of corruption and mismanagement of funds on the delivery of social services to children and their families. Therefore, the Committee urges the State Party to undertake a sustained effort to prevent and address cases of corruption by effectively holding individuals as well as entities accountable for their actions.

8. The Committee notes with appreciation the efforts undertaken to sensitize government organs on the rights of children. The Committee recommends that the State Party translates the Charter into local languages and disseminates it among the general public, particularly children, government organs, and CSOs to ensure the instrument is easily accessible, readily understood as this will strengthen its interpretation, appreciation and implementation.
9. The Committee also recommends that the State Party closely collaborate and work with CSOs and other stakeholders for an enhanced collaborative and integrated effort in protecting and promoting the rights and welfare of children in the Country. In this regard, the Committee encourages the State Party to widely disseminate these concluding observations and recommendations among stakeholders; to continuously engage the stakeholders in developing and implementing action plans and strategies on the implementation of these concluding observations and the African Children's Charter.

#### **B. Definition of a child**

10. While the Committee appreciates that the Constitution of the State Party clearly defines the child as anyone below the age of 18, the Committee is concerned that there are exceptions to the definition; particularly with regard to the minimum age of marriage. The Committee notes with concern that the Family Code sets the minimum age of marriage at 15 for girls and at 16 for boys on the condition that such exception is authorised by the relevant courts. The Committee reiterates that the Charter clearly sets the age of marriage at 18 and that there is no exception. The Committee appreciates that this gap is also recognised by the Delegation of the Government of Angola during the dialogue; hence the Committee recommends that the Government should revise the Family Code as a matter of urgency in order to comply with the Charter.

#### **C. General principles**

##### ***Non-discrimination***

11. The Committee recognizes with appreciation the various legislative measures put in place to ensure that no child is discriminated against. However, the Committee is concerned that the provision and delivery of child rights and welfare services in rural areas is considerably poor or non-existent when compared with the urban areas and municipalities. To this effect, the Committee recommends that the Government increases its efforts to deliver accessible basic services such as education, health

care, and birth registration to rural and remote areas and to ensure that children living in rural and remote areas are not marginalized. To effectively ensure service delivery in rural areas, the Committee encourages the State Party to increase the allocation of funds, human resource, and the required facilities.

12. The Committee notes with appreciation the Special Care Programmes designed to advance the protection and promotion of the rights of children with disabilities. The Committee recommends that the State Party undertakes measures to ensure that the Special Care Programmes do not exclude children with disabilities from mainstream services; but rather integrate them so that children with disabilities are enrolled within mainstream social structures. Furthermore, the Committee encourages the State Party to develop policies and programs towards the inclusion of children with disabilities in the delivery of basic services. In view of the fact that the State Party Report states that children with disabilities are excluded and stigmatized, the Committee strongly recommends that sensitization measures be put in place directed at encouraging change of societal attitudes towards children with disabilities and that protection of their rights through effective implementation of inclusion programmes, support systems, and prosecution of those who perpetrate discrimination against children with disabilities.
13. In addition, the Committee has been informed that there are cultural practices that discriminate children, particularly girls in matters of inheritance. The Committee, therefore; recommends that the State Party takes measures to eliminate such discriminatory customary practices by sensitizing communities and attach accountability against the perpetrators.

#### ***Best interest of the child***

14. The Committee is of the view that the best interest of the child encompasses procedural safeguards in the sense that judicial and administrative proceedings take the best interest of the child as their primary considerations. In this respect, it is important that judicial proceedings involving children in any capacity pass through an accelerated and speedy process. However, the Committee observed that judicial proceedings involving children do not guarantee the overarching principle of best interest of the child as the proceedings take a long period of time to be finalized. The Committee hence recommends that the State Party provides legislative safeguards for accelerated proceedings in cases where children are involved and sensitizes the judiciary on children's rights including the relevance of application of the principle of the best interest of the child.
15. Furthermore, as mentioned in the State Party's report, children are not mature enough to identify their best interests and hence in most cases what is considered for the best of the children is the decision that their parents make on their behalf. The Committee reiterates the stand taken by the UN Committee on the Rights of the Child (UNCRC) that 'an adult's judgment of a child's best interests cannot override

the obligation to respect all the child's rights under the Convention'. Therefore, the ACERWC recommends that the State Party develops clear guidelines on what the best interest of the child constitutes in line with internationally recognized standards and inform government actors and parents on what their role should be.

### ***The right to life, survival and development***

16. The Committee appreciates the efforts undertaken by the Government to reduce child mortality rate in the State Party. However, despite the remarkable reduction, the Committee notes that child mortality rate is still high in Angola. In this regard, the Committee recommends that the State Party increases its efforts to further reduce child mortality by, among others, scaling up measures to avert preventable diseases through accelerated coverage of immunization programs, as well as increased participation of families and communities in protecting the health and wellbeing of children. With regard to further improving the situation of the right to life, survival and development of children, the Committee encourages the State Party to train skilled birth attendants and assign them in all provinces and regions of the State Party.
17. In addition, the Committee notes that nutrition crisis is becoming a big problem in the country, especially in the southern region, due to climate change and which has led to malnutrition of a large number of children. Access to safe drinking water in those areas has also become a challenge due to the non-operation of water points and has led to increase in water borne diseases. With a view to responding to the nutrition crisis in the southern region, the Committee urges the State Party to collaborate with partners and provide food assistance and make water points operational to prevent outbreak of deadly diseases such as cholera. The Committee recommends that the State Party undertakes measures to engage in Public Health Education campaigns to sensitise communities on hygiene and handling of water in an effort to reduce the incidence of water borne diseases. The further Committee also recommends that the Government of Angola undertakes measures such as sensitization to promote and ensure exclusive breast feeding for the first 6 month. The Committee recommends that the State Party increases access to nutrition and micronutrients by taking actions to improve dietary diversification, provide supplementation of micronutrients that are not part of the usual diet of children, and integrate nutrition programmes with agricultural programmes.

### ***Participation of the child***

18. The Committee commends that there are various platforms such as child parliament exercises and the establishment of the National Children's Institute (INAC) to facilitate the participation of children. The Committee recommends that the State Party allocates sufficient budget to allow these platforms operate in all provinces and also ensure their effective operation.

19. The Committee has noted that children are not properly consulted during court proceedings that involve them. Therefore, the Committee encourages the State Party to undertake sensitization of the judiciary on the principle of participation of the child and ensure that children are consulted in matters that concern them. The Committee is of the view that the participation of children should not be limited to court proceedings but also in all other decision making processes that concern children. Hence, the Committee encourages the State Party to devise mechanism in which children are consulted and participate in decision making processes taking into consideration their evolving capacity. Moreover, the Committee recommends that the State Party sensitizes officials, communities, families, and teachers about child participation with a view to create a conducive and receptive environment for children's meaningful participation.

#### **D. Civil rights and freedoms**

##### ***Name, nationality, and registration at birth***

20. The Committee notes with appreciation the various campaigns undertaken by the Government of Angola in 1998, 2001, and 2016 to sensitize communities about birth registration and to provide free birth registration services during the campaigns. However, the Committee remains concerned that, despite these campaigns, the rate of birth registration still stands to be below 50%. The Committee is concerned about this situation because as it is stated in the State Party report, birth registration certificates are basis to obtain Identity Cards which are proof of Angolan nationality. The Committee notes that the reasons for the low birth registration are the cost of registration including fines for late registration, inaccessibility of birth registration services, and lack of awareness among parents. Therefore, the Committee recommends that the State Party:

- a. Removes all fees related to birth registration including the fines imposed on late registrations;
- b. Establishes mobile birth registration centers to ensure that such services are available and accessible in rural and remote areas;
- c. Provides birth registration services at health centers and religious institutes where birth is attended; and
- d. Continues to undertake extensive sensitization on the importance of birth registration.

21. In relation to the right to nationality, the Committee appreciates the legislative measures adopted to prevent statelessness by affording nationality to abandoned children born in Angola. The Committee recommends that the State Party accords nationality to all children who would otherwise be stateless. .

22. The Committee further recommends that the State Party makes reference to its General Comment No 2 on the right to name, birth registration, and nationality of children for additional guidance on implementation strategies of these rights.

***Freedom of expression, conscience, thought, religion, assembly, and protection of privacy***

23. The Committee commends the State Party with regard to article 47 of the Constitution of Angola that guarantees fundamental freedoms including the freedom to assembly. Nevertheless, the Committee's sources indicate that there are incidents of excessive use of force in cases of demonstrations which involve children, such as in the recent demonstration of students and teachers against school fees. If such occurrences do take place, the Committee recommends that law enforcement officials who have employed excessive use of force against children are held accountable. In addition, the Committee encourages the State Party to undertake training and sensitization of police and law enforcement personnel on the right to freedom of expression and assembly as it relates to children to prevent any kind of violence against children in the context of assembly and demonstration.

24. The Committee also recommends that the State Party ensures that children's privacy is protected in court proceedings by holding a closed hearing for cases that involve and concern children.

***Protection against abuse and torture***

25. The Committee appreciates the efforts undertaken by the State Party in terms of research and awareness raising in relation to the practice of witchcraft accusation of children, which is a common practice mainly in the northern parts even though it does exist in other parts of the country. However, the Committee finds that the number of children abused and tortured due to witchcraft accusations is alarming and accounts for the highest rate of the total number of abuses reported. The Committee therefore recommends that the State Party takes preventive measures by addressing the identified causes of such accusations which include orphan hood, sickness, and separation of children. Moreover, the Committee recommends that the State Party sensitizes communities to change their attitudes towards witchcraft accusations to prevent further abuse of children perceived to be practising witchcraft. The Committee strongly recommends that the State Party conducts investigation of cases of abuse as a result of witchcraft accusations and effectively prosecute perpetrators to ensure accountability.

26. The Committee also notes that corporal punishment is highly practiced at various settings; including at schools and home. The Committee encourages the State Party to craft legislation which bans corporal punishment in all settings and to also take administrative measures to train teachers and parents on positive disciplining.



27. Moreover, the Committee recommends that the State Party provides support and protection to children who are at risk of being abused such as children in the street, children with disabilities, and displaced children.
28. The Committee further recommends that the State Party provides physical, psychological, financial, and other necessary supports to the victims of abuse and torture.

#### **E. Family environment and alternative care**

29. The Committee appreciates the efforts made by the Government of Angola to ensure family environment and alternative care for children. The Committee also applauds the State Party for the adoption of the National Family Reunification and Reintegration Programme (PNLRF) and measures undertaken to deinstitutionalize children through foster care. The Committee recommends that the State Party strengthens its efforts to prevent the deprivation of family environment for children. The Committee has observed that, factors such as unemployment, forced displacement, and poverty are reported as the leading causes of abandonment and separation of children from their parents. Hence, the Committee recommends that the State Party formulates programmes and policies on job creation and family support. The Committee encourages the Government of Angola to take measures against parents who abandon children and those who fail to pay maintenance fee.
30. The Committee notes with concern that the number of children who are reunited with their families is low when compared to the number of children that have been separated from their parents. Therefore, the Committee encourages the State Party to intensify its reunification and reintegration efforts.
31. Furthermore, the Committee recommends that the State Party conducts active monitoring of reception centers and foster parents to ensure that children are provided with a living environment that is conducive and does not hamper their wellbeing. In order to create a sustainable family environment, the Committee recommends that the State Party not only promote foster care but also domestic adoption.

#### **F. Basic health and welfare**

32. The Committee notes with appreciation the measures undertaken by the State Party to improve the health sector including the development of the National Health Development Plan. However, the Committee remains worried about the low budget allocated for the health sector and the implementation rate of the budget allocated which stands at 75%. The Committee recommends that the State Party increases its budgetary allocation for the health sector and comply with the Abuja Declaration. In order to ensure that the State Party has sufficient budget for its health program deliverables, the Committee recommends that the State Party formulates an efficient service delivery mechanisms and thereby reduce the high administration cost which

accounts for close to 40% of the total budget allocated for the health sector. The Committee further recommends that the State Party increase its efforts to fully implement its health plans and programmes and ensure effective utilization and full implementation of the budget allocated.

33. Moreover, the Committee notes with concern that there is low health coverage especially in rural areas and that health services are predominantly centralized. The State Party is encouraged to increase the coverage of health services by establishing more health care centers and by decentralizing skilled medical personnel and facilities across all provinces.
34. While the Committee recognizes with appreciation the reduced rate of child mortality, it is concerned about the very high maternal mortality and child mortality that is due to preventable diseases, especially of Malaria. In this regard, the Committee recommends that the State Party:
  - a. undertakes a study to identify the main factors leading to such high maternal and child mortality in order to come up with programmes that can respond to the problem;
  - b. provides free primary health service to children and mothers; in particular provide free antenatal and postnatal care;
  - c. provides free and culturally acceptable skilled care during child birth by training and assigning skilled birth attendants in all provinces and by sensitizing the community to give birth in health care facilities; and
  - d. invests in prevention and early identification of malaria by establishing community case management, providing insecticide treated mosquito nets, and providing intermittent preventive treatments.
35. Additionally, the Committee recommends that the State Party undertakes monitoring and evaluation of its health plans and programs to assess their impact on children's welfare. The Committee also encourages the State Party to closely work with partners and stakeholders in its endeavours to improve its health service.

#### **G. Education, leisure and cultural activities**

36. The Committee commends the adoption of the Basic Law of Education Systems (Law No 1/01) which ensures free and compulsory primary education and the National Plan for Education. The Committee also appreciates the monitoring and evaluation of school and teaching activities which is being undertaken by the Government. While noting the progress in the education field, the Committee is concerned that the net attendance rate in primary school is low especially in rural areas and the enrolment and net attendance rate in secondary schools is very low. Additionally, the Committee has observed that there is a high dropout rate in early primary school stages and there are significant numbers of children who are out of school. The Committee further notes that the School Lunch Program is not operating

in most provinces due to inadequate funds. Even though the budget allocation for the education sector is showing increase, the Committee notes that the budget allocated is not adequate enough to enable the State Party comply with its international and regional obligations with respect to the right to education. Therefore, the Committee strongly recommends that the State Party undertakes the following measures to improve the right to education of children in its territory:

- a. Increase the budget allocation for the education sector proportionally to the population growth and the needs of children;
- b. Identify causes that are keeping children out of school and that are forcing children to dropout from school without even completing primary education;
- c. Take urgent measures to operationalize the School Lunch Program to support children coming from disadvantaged families and increase attendance rates;
- d. Elevate the quality of education and performance of students by providing materials and textbooks to schools, and training teachers;
- e. Provide incentives to disadvantaged families to prevent dropouts and reintegration of children who are currently out of school;
- f. Formulate programs such as alternative or non-formal education solutions to reach children who are out of school;
- g. Invest in early childhood care and development to increase school performance and completion of primary education without repletion; and
- h. Undertake sensitization to make the returns to education well known by parents and community leaders.

37. Moreover, the Committee's is concerned that there are indications that there is violence and sexual harassment perpetrated by teachers against students. In this regard, the Committee encourages the State Party to investigate such allegations and take serious measures against those who perpetrate violence and sexual abuse.

38. On the right of children to leisure, cultural and recreational activities, the Committee recommends that the State Party creates an environment for leisure and recreation in schools and integrate such plans while building schools in all provinces. The Committee also encourages the State Party to establish public leisure and recreational centers to reach out of school and other children.

39. In relation to children with disabilities, the Committee appreciates that there is a special education for children with disabilities and that the Government is trying to establish the same in many provinces. In addition to establishing special education, the Committee recommends that the State Party intensifies its efforts to work towards inclusive education by making mainstream schools accessible to children with disabilities, and training more teachers in special needs education. In addition, the Committee recommends that leisure and recreational facilities be built in a way that they will cater for children with different forms of disabilities.

## **H. Special protection measures**

### ***Refugee and displaced Children***

40. The Committee commends the State Party for developing the Post Conflict Program and the Milk and Porridge program to address the needs of children in emergency situations. The Committee also commends that the State Party has undertaken measures to returnee Angolan refugees from neighbouring countries.
41. The Committee notes from the State Party Report that the number of refugees obtaining assistance has declined in 2012. The Committee is concerned about this decrease as the number of refugees is reportedly on an increase aggravated by the situation in the neighbouring Democratic Republic of Congo. The United Nations reports show that the living condition of refugee camps is poor which is now exacerbated by the food and water shortage in the southern region of the State Party. The Committee recommends that the State Party strengthens its efforts to relocate and resettle refugees to other provinces where refugee children and their parents can be accommodated in a better living conditions. Moreover, the Committee encourages the State Party to improve the living conditions in refugee camps by providing adequate food, and basic services such as education, health and birth registration.
42. The Committee recommends that the State Party identifies unaccompanied minors and provide them with support and assistance including family reunification.

### ***Children in armed conflict***

43. The Committee appreciates the efforts undertaken by the State Party for the recovery and social reintegration of children involved and affected by the armed conflict that took place in the State Party. The Committee also commends the endorsement of the Safe School Declaration by the State Party. Even though peace has been achieved in the State Party since 2002, there are devastations among the population due to the long and protracted conflict, as it is reflected in the State Party report. The impact of armed conflict has left many families separated and many children orphaned. The Committee recommends that the State Party vigilantly works in the prevention of armed conflict and the involvement of children in any hostilities. Furthermore, the State Party is encouraged to address the remnants of armed conflict by promoting peace and security, and supporting families that were affected by the conflict.

### ***Children in conflict with the law***

44. The Committee commends that the State Party has adopted the Juvenile Court Law and the Juvenile Court Procedure Code and established the Juvenile Custody Commission and the Juvenile Court to improve juvenile justice administration. However, the Committee is concerned that the Juvenile Court is operational only in

the Luanda Province and the juvenile administration in Luanda does not have adequate trained human and financial resources. Moreover, the Committee has observed from the State Party report that there are no rehabilitation centers for children who are detained and that children are detained with adults. The Committee is of the view that lack of implementation of the Juvenile Court Law and the lack of separate facilities to accommodate children in conflict with the law is contrary to the principles of the Charter which urge for prevention and diversion measures as well as provision of legal aid, alternatives to custodial sentences, and separation of children in detention facilities. Therefore, the Committee recommends that the State Party:

- a. Puts in place preventive measures by identifying causes that lead to juvenile delinquency and addressing the known factors such as poverty and poor parental guidance;
- b. Establishes juvenile courts in all provinces to ensure that children are not subjected to the regular court proceedings and appropriate alternative diversion measures are implemented;
- c. Provides free legal and any appropriate assistance to children in conflict or in contact with the law;
- d. Ensures that non-custodial sentences are applied as a matter of priority;
- e. Establishes rehabilitation centers for children who are sentenced to custodial penalties;
- f. Ensures that children are not detained with adults; and
- g. Provides adequate budgetary allocation for the juvenile justice and conducts training for law enforcement and the judiciary on juvenile case administrations.

### ***Children of imprisoned caregivers***

45. The Committee notes with appreciation that the State Party provides prenatal and antenatal care for pregnant women in prison. The Committee however notes from the State Party report that children below the age of 3 might be imprisoned with their mothers. The Committee recommends that the State Party provides non-custodial sentences to expectant mothers and mothers of infants. In cases where custodial sentence is mandatory, the Committee encourages the State Party not to imprison children with their mothers. Mothers who are detained with their children should be provided with alternative institutions. For further guidance on the protection of children of imprisoned caregivers, the Committee encourages the State Party to make reference to its General Comment No 1 on article 30 of the African Children's Charter.

### ***Child Labour and exploitation***

46. The State Party report indicates that any kind of labour is prohibited for children of mandatory school age. However, the Committee notes that mandatory age of school

is set at 12 and hence the implication is that children above the age of 12 can be involved in labour, a situation that can adversely affect their welfare and development. Moreover, the Committee observes that large numbers of children (20%) between 5 and 14 years of age are involved in child labour including worst forms of child labour, and the rate is higher in rural areas as it is reaching up to 32%. The root causes identified for such high rate of child labour include poverty, social traditions and patterns and poor education system. The Committee, while commending the State Party's efforts in addressing the root causes, mainly poverty, through various strategies, is concerned that less attention is given to labour inspection, holding perpetrators accountable and sensitization of the community. Therefore, the Committee recommends that the State Party intensify its efforts in conducting continuous and thorough labour inspections to rescue children from child labour and hold perpetrators accountable. Moreover as household chores accounts for the highest form of child labour, the Committee encourages the State Party to undertake sensitizations and campaigns with special attention in rural areas to change societal patterns and encourage families to send their children to school.

#### ***Sale, abduction and trafficking of children***

47. The Committee notes that children are trafficked from and to the State Party for forced labour and commercial sex purposes. However the magnitude of the problem is not assessed by the State Party as there is no data on the status of child trafficking and abduction in the State Party. The Committee also notes that even though there is a law which prohibits and penalizes trafficking, the rate of investigation and prosecution of trafficking is declining in the State Party. The Committee strongly recommends that the State Party conducts a survey to assess the situation of trafficking and abduction of children and identify the causes and patterns with a view to develop prevention and protection measures. It also recommends that the State Party undertakes a close monitoring and inspection of the construction and mining sector to prevent child trafficking for forced labour. Moreover, the Committee recommends that children who are trafficked and used for criminal activities should be treated as victims and not criminals. The Committee also encourages the State Party to investigate and prosecute trafficking cases.
48. The Committee commends that the State Party is undertaking protection measures by providing assistance for child victims and encourages the State Party to continue such efforts and further train law enforcement and social service officials on identification of vulnerable children.

#### ***Sexual abuse and exploitation***

49. The Committee notes with concern that commercial sexual exploitation is increasing in the State Party and that children are the main victims of such exploitation. In addition, the Committee has been reliably informed there are sexual abuses

reported in schools perpetrated by teachers. The Committee recommends that the State Party takes serious actions against teachers who sexually abuse children. The State Party is also encouraged to take serious measures against perpetrators of commercial sexual exploitation including those who recruit children and those who sexually abuse children. With regards to the tourism sector, the Committee recommends that the State Party intensifies its legislative and administrative control in the tourism sector to prevent commercial sexual exploitation of children. Furthermore, the Committee encourages the State Party to ensure the rehabilitation and reintegration of victims of sexual abuses. To this end, the State Party is encouraged to allocate budget to such programmes, establish rehabilitation centers, and train social workers and psychologists who can support the victims.

### ***Child marriage***

50. The Committee urges the State Party to revise its Family Code and eliminate all marriages below the age of 18. The Committee encourages the State Party to launch the African Union Campaign to End Child Marriage and develop national strategies and plans to eradicate the phenomenon. The State Party should involve parents, community leaders, and children themselves in the process of eliminating child marriage through sensitizations and campaigns to end child marriage.

### ***Children living and working on the street***

51. The Committee notes with concern that many children have become orphans and family heads due to HIV/AIDS which in turn leads children to end up living and working on the streets. Parents in an extreme poverty also send their children to beg and work on the street for their livelihoods. The Committee notes with appreciation the efforts undertaken towards reunification with families and placement of children in foster care. The Committee encourages the State Party to continue its effort and provide rehabilitation and reintegration programmes for children rescued from the streets. In addition, the Committee recommends that the State Party takes proactive measures by providing support to orphaned children and child headed families to prevent the situation of children on the streets.

#### **I. Responsibility of the child**

52. The Committee notes that the responsibilities of children are enshrined in the Constitution of the State Party as a general rule applicable to all. The Committee recommends that the State Party undertakes to uphold the principle of best interest of the child when applying the constitutionally enshrined responsibilities of the child and implements such provision bearing in mind that the responsibilities of the child

are aimed at empowering children. The Committee also recommends that the State Party ensures families and communities do not abuse such responsibilities of the child and assign children with duties that might violate their rights prescribed under the African Children's Charter.

#### **J. Conclusion**

53. The African Committee of Experts on the Rights and Welfare of the Child appreciates the efforts of the Government of Angola in the promotion and protection of the rights of children and aspires to the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up mission to ascertain the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its combined periodic report by 2021 and to include in it information on the implementation of the present concluding observations. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Angola the assurances of its highest consideration.