

## **International Disability Alliance (IDA)**

### Member Organizations:

Disabled Peoples' International, Down Syndrome International,  
Inclusion International, International Federation of Hard of Hearing People,  
World Blind Union, World Federation of the Deaf,  
World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry,  
Arab Organization of Disabled People, European Disability Forum,  
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con  
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

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### **Suggestions for disability-relevant questions to be included in the List of Issues of the CEDAW Committee 54th session (February 2013) on the implementation of the CEDAW in Angola**

The International Disability Alliance (IDA) has prepared the following recommendations, based on references to persons with disabilities to be found in the State report submitted to the Committee on the Elimination of Discrimination against Women, and Treaty Body Concluding Observations (see Annex below).

#### **ANGOLA**

Angola has not signed or ratified the Convention on the Rights of Persons with Disabilities (CRPD).

#### **IDA suggestions for list of issues**

##### **Article 2, 3, 4, 5**

- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (see CESCR Committee Concluding Observations, [E/C.12/AGO/CO/3](#), 2009, para 8, and CRC Committee Concluding Observations [CRC/C/15/ADD.246](#), 2004, para 15, 40 & 41, in Annex below)
  - Please provide the Committee detailed information on what steps are being taken to ensure the presence of the rights of women with disabilities in national policies, including concerning health care, education, employment and social protection.
  - What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence, abuse, exploitation and harmful practices? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
  - What steps are being taken to strengthen activities undertaken to combat discrimination, in particular with regard to children with disabilities, who are still exposed to ongoing discriminatory attitudes and behaviours? (see CRC Committee Concluding Observations, [CRC/C/AGO/CO/2-4](#), 2010, para 29, and [CRC/C/15/ADD.246](#), 2004, para 21 & 41, in Annex below)
  - What steps are being taken to accede to the CRPD and its Optional Protocol?

### **Article 7**

- What steps are being taken to repeal provisions in the Constitution (2010), Electoral Law (2004) and the Electoral Registration Law (2005) which restrict or exclude persons with disabilities from the right to vote on an equal basis with others<sup>1</sup> in accordance with Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), which comprises the latest international standards with respect to participation in political and public life of persons with disabilities including women with disabilities?<sup>2</sup> (see State report paras 46 & 47)

### **Article 10**

- What measures are being taken to guarantee the implementation of inclusive education in the law and practice? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. What steps are being taken to incorporate inclusive education (as set out in Article 24 of the CRPD) into all core teacher training curricula and in service training to infuse the values and principles of inclusive education at the start of a teacher's careers and continuously, in order to create a culture of inclusive learning in a school? (see CRC Committee Concluding Observations, [CRC/C/AGO/CO/2-4](#), 2010, para 47 & 48, and CESCR Committee Concluding Observations, [E/C.12/AGO/CO/3](#), 2009, para 38, in Annex below)

### **Article 11**

- What steps are being taken to address the gender gap and unemployment rates of women with disabilities? (see State report para 104, also see CESCR Committee Concluding Observations, [E/C.12/AGO/CO/3](#), 2009, para 19, in Annex below)
- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities? In particular how are services and assistance rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance?

### **Articles 12 & 16**

- What steps are being taken to adopt a Plan of Action to guarantee human conditions of life and health care to women in psychiatric hospitals and in prisons according to the United Nations relevant standard minimum rules? (see CESCR Committee Concluding Observations, [E/C.12/AGO/CO/3](#), 2009, para 35, in Annex below)

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<sup>1</sup> In the Constitution Article 154, section 1 states, "The following shall be ineligible for election as Members: d) individuals legally defined as incapacitated." In the Electoral Law Article 12 states, "The following persons do not enjoy active electoral capacity...b) those notoriously recognised as demented when interned in a medical establishment or when so declared by a doctor's certificate, even if not interdicted by a judgement." In the Electoral Registration Law Article 40 states, "1. The authorities or persons responsible for hospital units shall send to the registration authority at the place of registration, on a monthly basis, a list containing the identification details, which are referred to in Article 38, of the citizens who have reached 18 years of age and have been hospitalised for proven and recognized dementia resulting from a psychiatric anomaly, but who are not interdicted by virtue of a final unappealable sentence, and shall send, on an annual basis, during a period of registration, a list of those persons who having been interned under the aforesaid conditions will have reached 18 years of age by the end of the period of registration.

<sup>2</sup> This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, A/HRC/19/36, 21 December 2011 para 45.

- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?

#### **Article 14**

- What steps are being taken to combat poverty among women with disabilities and to ensure them adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications? (see CESCR Committee Concluding Observations, [E/C.12/AGO/CO/3](#), 2009, paras 16 & 28, in Annex below)

#### **Article 15**

- Reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of women with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a women from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.

#### **State report**

##### **Select references to women with disabilities:**

46. Active and passive participation in the electoral process is guaranteed to all Angolan citizens over 18 years of age, in full exercise of political rights and **in perfect enjoyment of their mental faculties**. There is absolutely no discrimination based on gender, religious beliefs or political choices. The political parties are responsible for ensuring active participation by the minimum number of women, in the sense of competing on the same conditions as men and therefore having the ability to attain the political positions resulting therefrom.

47. Restrictions on the right to vote apply to those aged under 18 on voting dates, to **those declared insane by the health services** and to criminals who have lost their civil and political rights, temporarily or permanently. These restrictions also apply to foreigners and immigrants, as this act covers Angolans exclusively.

60. **Special Education**, a form of education that was greatly expanded in 2004, includes more than 10,000 students from the eighteen provinces who are at various levels of schooling, including higher education.

104. Discrimination against women in terms of employment:

- (a) Discrimination still exists, in terms of the right to work, against people who are seropositive and **people who have disabilities**;
- (b) Some gaps still exist in terms of employment opportunities for women in the private sector;
- (c) With regard to the right to freely choose one's profession, job, promotion, etc., the procedures of the government's General Inspectorate need to be strengthened, in order to better ensure compliance with the policies approved in this area;

(d) Social security exists for women who work in the formal sector, specifically in cases of reform, unemployment, illness, **disability**, old age or any other inability to work. There are laws and decrees that govern the prerequisites for exercising this right.

## **ANNEX - References to women and girls with disabilities by other treaty bodies with respect to Angola:**

Concluding Observations of the CRC Committee, [CRC/C/AGO/CO/2-4](#), 2010

### Non-discrimination

28. The Committee welcomes the fact that the new Constitution contains an article on non-discrimination that explicitly includes **children with disabilities** and recognizes the efforts of the State party to combat discrimination, but is concerned about ongoing discrimination against **children with disabilities**, children with HIV/AIDS and San children due to traditional attitudes in society. While noting the State party's indication that the provisions of the Durban Declaration and Programme of Action from the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be addressed under national legislation, the Committee nevertheless regrets that the State party has not adopted these instruments.

29. The Committee urges the State party to continue and strengthen its activities undertaken to combat discrimination, in particular with regard to **children with disabilities**, children with HIV/AIDS and San Children, who are still exposed to ongoing discriminatory attitudes and behaviours. It further recommends that the State party adopt as soon as possible the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action as well as the outcome document adopted at the 2009 Durban Review Conference.

### **Children with disabilities**

47. The Committee notes that the Constitution acknowledges the rights of **children with physical and mental disabilities** to live "full and decent lives" without discrimination based on their **disability**. The Committee also notes that programs are carried out to care of **persons with disabilities** and to ensure their social inclusion. However, the Committee remains concerned that there is still resistance to the full integration of **persons with disabilities** in society, that legislative and policy gaps in the protection of the rights of **children with disabilities** remain and that professional staff working with **children with disabilities** may not be adequately trained. The Committee also notes with regret that the State party has not yet ratified **the Convention on the Rights of Persons with Disabilities and its Optional Protocol**.

48. The Committee recommends that the State party:

- (a) Ensure full implementation of, and, if necessary create additional, legislation and policies for the protection of the rights of **children with disabilities**;
- (b) Continue and further strengthen its programmes and services for all **children with disabilities** in order to ensure that appropriate care, protection and inclusive education

are provided to these children and that they can actively participate in the community. In this regard, the State party should make certain that such services receive adequate human and financial resources;

(c) Provide adequate training for professional staff working with **children with disabilities**, such as teachers, social workers and medical, paramedical and related personnel,;

(d) Consider signing and ratifying **the Convention on the Rights of Persons with Disabilities and its Optional Protocol**; and

(e) Take into account **the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities** (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of **children with disabilities** (CRC/C/GC/9, 2006).

9. Ratification of International Instruments

76. The Committee encourages the State party to consider ratifying:

(d) **The Convention on the Rights of Persons with Disabilities**,

Concluding Observations of the CESCR Committee, [E/C.12/AGO/CO/3](#), 2009

8. The Committee recommends that when carrying out its next census in 2009, the State party adopt rights-based indicators and benchmarks to monitor the progressive realization of the rights recognized in the Covenant and that to this end establish a data collection, and provide in its second periodic report updated statistical data on the enjoyment of economic, social and cultural rights, disaggregated by gender, age, rural/urban population and by refugee/IDPs, HIV/AIDS and **disability status**.

16. While taking note of the adoption of the programme "Vem comigo", the Committee is concerned at the inadequacy of measures to ensure adequate standards of living for **persons with disabilities, including the mentally ill**.

The Committee encourages the State party to continue its efforts towards the adoption of concrete measures to enable **persons with disabilities** to enjoy fully the rights guaranteed by the Covenant.

19. The Committee regrets that, despite its macroeconomic growth in last years, the State party has not created sufficient jobs for men and women, in particular those living in slums, **persons with disabilities** and IDPs. The Committee regrets that supervision by the General Labour Inspectorate is inadequate.

The Committee recommends that the benefits of the State party's macroeconomic growth be used to promote policies to create jobs specially for the most marginalized and disadvantaged individuals. It also recommends that the State party intensify its efforts, in both urban and rural areas to: (a) achieve higher level of employment, e.g. through vocational training and infrastructural measures; (b) ensure that labour inspectors act independently and effectively to combat violations of basic labour rights; and (c) establish a data collection system to monitor unemployment and informal sector employment.

28. The Committee notes with concern that, despite the unprecedented economic growth, a high percentage of the population of the State party lives in poverty and extreme

poverty, including persons living in rural and deprived urban areas, the landless persons, women, children, female-headed households, families affected by HIV/AIDS, **persons with disabilities** and IDPs. The Committee is concerned that its Poverty Reduction Strategy is apparently ineffective. The Committee in particular notes that the State party has not yet created an efficient coordination mechanism to combat poverty.

The Committee urges the State party to take all necessary measures to implement a poverty reduction strategy which should integrate the economic, social and cultural rights, in line with statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E.12/2001/17, annex VII). The Committee recommends that the State Party include evaluation measures to assess the impact of its strategy and identify its weaknesses. The Committee requests that the State party include in its next report comparative data disaggregated by gender, age, rural and urban populations, as well as indicators on the number of persons living in extreme poverty, and on the progress made in its efforts to combat poverty.

35. The Committee is concerned about the poor physical conditions, poor access to adequate food and water, severe overcrowding, and **lack of adequate medical treatment in the psychiatric hospitals** and prisons in the State party.

The Committee urges the State party to adopt a Plan of Action to guarantee human conditions of life and health care to **all psychiatric hospital patients** and to all prisons' inmates, according to the United Nations relevant standard minimum rules, and to provide the Committee with adequate information on progress achieved in those **institutions** in the next periodic report.

#### Article 13

38. The Committee notes with concern that: (a) indicators for education in the State party are very low; (b) the illiteracy rate among people over 15 years is very high; (c) children from poor families, girls, **children with disabilities**, victims of mine accidents and children living in both urban and remote rural areas have limited access to education, including education in their mother tongue, and often drop out of school.

The Committee recommends that the State party: (a) adopt a comprehensive plan of action concerning the educational system; (b) ensure the availability of teachers in remote rural areas, and that they are fully trained and qualified; and (c) increase public expenditure on education in general, and take deliberate and targeted measures towards the progressive realization of the right to education for **the disadvantaged and marginalized groups** throughout the country.

46. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and **the Convention on the Rights of Persons with Disabilities and its Optional Protocol**.

Concluding Observations of the CRC Committee, [CRC/C/15/ADD.246](#), 2004

**Data collection**

15. The Committee appreciates the efforts undertaken by the State party to improve data collection. However, it expresses concern at the lack of adequately disaggregated data (by age, sex, urban and rural areas, etc.) and insufficient data in some areas covered by the Convention, including on **disabled children**.

Non-discrimination

21. The Committee is concerned at the discrimination faced by **children with disabilities**, girls, and children belonging to the San communities in the State party.

22. The Committee recommends that the State party take the necessary legislative measures to explicitly prohibit all forms of discrimination, in accordance with article 2 of the Convention. In this regard, it encourages the State party to include “**disability**” as a legally unacceptable ground for discrimination in the new constitution currently under consideration. The Committee also recommends that the State party undertake the necessary actions, including awareness-raising and educational campaigns, to reduce and prevent discrimination in practice, particularly against girls.

**Children with disabilities**

40. The Committee welcomes the efforts to elaborate a strategy to support **children with disabilities**, in conjunction with UNICEF. However, the Committee regrets the lack of official data on the number of **children with disabilities** and the lack of care facilities for these children, especially in rural areas, and the fact that a large number of **children with disabilities** do not attend any form of education.

41. In light of **the Standard Rules on the Equalization of Opportunities for Persons with Disabilities** (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee at its day of general discussion on the rights of **children with disabilities** (see CRC/C/69), the Committee recommends that the State party take all necessary measures:

- (a) To address all issues of discrimination, including social discrimination, in particular against **children with disabilities** living in rural areas;
- (b) To collect accurate statistical data on **children with disabilities**;
- (c) To provide equal educational opportunities for **children with disabilities**, including by providing the necessary support and ensuring that teachers are trained to educate **children with disabilities** in regular schools;
- (d) To ensure equal access to health services;
- (e) To continue and strengthen cooperation with UNICEF.