**Angola**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The ‘Housing Rights and Human Rights Brief’ is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| Revision | Date | Author |
|  1 |  15/01/2016 | SN  |
|  2 | 07/04/2016 |  SG |
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**Summary**

Angola gained its independence from Portugal in 1975. Angola is governed by its 2010 Constitution. The Constitution provides that every Angolan citizen has the right to housing and quality of life, and makes special provisions for the youth and the elderly in relation to the right to housing. The Constitution also expressly provides that local authorities, among others, shall have the responsibility to implement the right to housing.

The Ministry of Urbanisation and Housing is the relevant institution for the implementation of the right to housing.

Angola has ratified most of the major international human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

UN Review mechanisms have made a range of recommendations on housing to the State of Angola. The recommendations include providing necessary resources to realize the right to adequate housing, ensuring that the country’s housing policy is drafted and implemented with international human rights standards, and continuing to pursue efforts aimed at increasing women’s access to housing.

 **Legal Framework**

***Constitution[[1]](#footnote-1)***

Angola is governed under its 2010 Constitution, which provides for fundamental human rights and freedoms. The following constitutional provisions are relevant to the realisation of the right to adequate housing:

‘Article 85:

Every citizen shall have the right to housing and quality of life.’

‘Article 81

(c) In order to ensure effective enjoyment of their economic, social and cultural rights, young people shall receive special protection, particularly in access to housing.’

‘Article 82

The elderly shall have the right to economic security, housing and a family and community life that respects their personal autonomy and prevents and overcomes isolation or social marginalisation.’

‘Article 219

Under the terms of the law, local authorities shall have responsibilities in the spheres of education, health, energy, water, rural and urban facilities, heritage, culture and science, transport and communications, leisure time and sporting activities, housing, social services, civil defence, the environment and basic sanitation, consumer rights, the promotion of economic and social development, town and country planning, the municipal police force, decentralised cooperation and twinning.’

**Government**

***Political System***

Angola gained its independence in 1975 and adopted its third constitution in 2010. Under its 2010 Constitution, the country is a presidential republic and multi-party system, whereby the President is the head of state and head of government. The political and governance structure in Angola is organised into three branches: the executive, the legislature (National Assembly) and the judiciary. In Angola, legislative power is vested in the President, the parliament and the government.

***Government Departments***

Angola has a Ministry of Urbanisation and Housing, a National Housing Institute, a Ministry of Public Works, and an Office of Special Work, all with land and housing-related mandates. The Ministry of Urbanisation and Housing is tasked with proposing the formulation, preparation, coordination, execution and executive policy enforcement in the fields spatial planning , urban planning, housing and registration.

**Judiciary**

No legal decisions regarding housing could be sourced.

**International Conventions[[2]](#footnote-2)**

The State has ratified most of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to adequate housing.

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT | 24 Sep 2013 |   |
| International Covenant on Civil and Political Rights | CCPR |  | 10 Jan 1992 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |   | 17 Sept 1986 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD | 24 Sep 2013 |   |
| International Covenant on Economic, Social and Cultural Rights | CESCR |   | 10 Jan 1992 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |   |   |
| Convention on the Rights of the Child | CRC | 14 Feb 1990   | 05 Dec 1990 |
| Convention on the Rights of Persons with Disabilities | CRPD |   | 19 May 2014 (a) |
| Convention Relating to the Status of Refugees | Refugee Convention |  | 23 Jun 1981 (a) |
| Protocol Relating to the Status of Refugees | Protocol Relating to the Status of refugees |  | 23 Jun 1981 (a)  |

Angola has not signed:

* The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (2003).

**UN Reviews and Agencies**

UN Review mechanisms have made a range of recommendations on housing to the State of Angola. The recommendations include providing necessary resources to realize the right to adequate housing, ensuring that the country’s housing policy is drafted and implemented with international human rights standards, and continuing to pursue efforts aimed at increasing women’s access to housing.

***Universal Periodic Review***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR (2010)[[3]](#footnote-3)

‘Recommendation 40: To facilitate visits requested by the Special Rapporteurs on adequate housing, freedom of opinion and expression, and independence of judges and lawyers, and to cooperate with the United Nations country team in improving the implementation of obligations.’

‘Recommendation 120: To continue its efforts to improve the living conditions of the people, including by creating the resources necessary to realize the right to adequate housing.’

‘Recommendation 132: To consider intensifying efforts to achieve further gains in the areas of poverty reduction; the right to adequate housing; the right to health, water and basic sanitation; and the right to education for all sectors of society.’

‘Recommendation 134: To extend an invitation to the Special Rapporteur on the right to adequate housing, in order to obtain independent advice concerning the development of legislation and policies in accordance with international standards.’

‘Recommendation 140: To continue to seek the assistance of the international community to help upgrade its educational system, improve health services and provide adequate housing, drinking water and sanitation to its citizens.’

‘Recommendation 141: To build on the momentum achieved this far in the construction of social housing, with a view to reversing the housing deficit.’

‘Recommendation 161: To take measures to end internal displacements, and to undertake social housing and land reform initiatives that benefit low-income, vulnerable and marginalized individuals living in informal settlements.’

 Second UPR (2014)[[4]](#footnote-4)

‘Recommendations: 134.70. Continue efforts aimed at increasing women’s access to employment, public life, education, housing and health, through their full participation in the political, economic, social and cultural fields.’

‘Recommendations: 134.141. Ensure that its housing policy is drafted and implemented in accordance with international human rights standards, including access to an effective remedy and adequate compensation, and that the necessary assistance is provided to all evicted persons.’

‘Recommendations: 134.142. Intensify efforts to achieve further gains in the areas of poverty reduction, especially focusing on providing necessary resources to realize the right to adequate housing and improving the living conditions of the people in rural areas.’

***Report of the United Nations High Commissioner for Human Rights (2014)*[[5]](#footnote-5)**

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

In 2013, the High Commissioner for Human Rights had suggested that the Government accept a visit by the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and Angola agreed to the visit. In the same year, the Special Rapporteur sent a communication concerning information received that on 1, 2, 4 and 5 February 2013 families from the Maiombe neighbourhood of Cacuaco municipality, in the capital, Luanda, had allegedly been forcibly evicted. While it was recognized that the Government must free up land to carry out construction projects necessary for the further development of a modern, prosperous economy, it was emphasized that people should never be evicted and their housing bulldozed without prior consultation, adequate compensation and alternative housing being made available.

The Angola review found that the Government was implementing the National Programme on Housing and Urban Development, with the main focus on building 35,000 houses and ensuring the right to adequate housing. Evictions occurred only by court order and people were resettled. About 20,000 homes built in the Province of Luanda (Zango project) had been given free of charge to citizens who had been evicted. Also, efforts had been made to improve the distribution of energy and water, and the delegation mentioned the three main programmes in that regard.

***Committee on Economic, Social and Cultural Rights (2008)[[6]](#footnote-6)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

The Concluding Observations for Angola, by the Committee, were last made in 2008. The Committee was concerned about the large proportion of the population living in slum conditions and about the lack of effective measures to provide social housing for low-income. The Committee was also concerned about individuals in vulnerable situations who are living in informal settlements and are frequently deprived of affordable access to adequate water and sanitation.

To solve the problem, the Committee recommended that Angola adopt a comprehensive housing plan and policies, and allocate sufficient budgetary resources to ensure its implementation, especially for low-income groups and marginalized individuals and groups. The Committee also recommended that Angola take immediate measures to ensure safe access to adequate water and sanitation in informal settlements in Luanda and other big cities in line with the Committee’s general comment No. 15 (2002) on the right to water.

The Committee was also concerned about the forced evictions which were taking place in the Luanda neighbourhoods, informal settlements and agricultural areas, reportedly without prior notice and provision of adequate alternative housing or compensation, and sometimes with excessive use of force and abuse.

The Committee recommended that Angola take appropriate measures to ensure that evictions are only used as a last resort, adopt legislation or guidelines strictly defining the circumstances and safeguards under which evictions must take place, in accordance with the Committee’s general comment No. 7 (1997) on the right to adequate housing (art. 11.1): forced evictions. The government was also urged to investigate all allegations of excessive use of force by police and state officials involved in forced evictions and bring all those responsible to justice. The Committee also recommended that Angola should ensure that every victim of forced evictions is provided with adequate alternative housing or compensation and that he or she has access to an effective remedy.

***United Nations Country Team (UNCT)[[7]](#footnote-7)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

The UNCT in Angola ensures the strategic coordination and orientation of the UNDAF, which does not contain anything relevant on the right to adequate housing.

***United Nations Development Assistance Framework (UNDAF) (2009-2013)[[8]](#footnote-8)***

*The UNDAF is a partnership that has been developed between the UN and Angola which articulates the development vision, goals and aspirations of the people of Angola. The UNDAF forms the overall framework for the UNCT’s work in Angola between 2009 and 2013.*

Angola’s UNDAF does not mention anything on the right to adequate housing.

**UN-Habitat[[9]](#footnote-9)**

The following project is a UN-Habitat project in Angola:

The UN-Habitat Cooperation Programme in Angola (2014)

This project targets the urban development and management sector in Angola. The main purpose is to support the formulation and implementation of a National Urban Policy (NUP) in Angola. The policy will help improve the inter-sectorial coordination for addressing urban issues, focus on key areas such as urban and regional planning, support the improvement of related rules and regulations, with clear implementation mechanisms and planned strategic interventions.

Adequate policy, planning and monitoring tools have helped central, regional and local authorities to better address urbanisation issues in Angola at the different levels of interventions. The Government of Angola, at the different levels, has developed a proper understanding of the key urbanisation issues to be addressed.

**Further Information**

* Constitution of Angola: <https://www.constituteproject.org/constitution/Angola_2010.pdf> (not official translation)
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/234/92/PDF/G1423492.pdf?OpenElement>
* Report of the United Nations High Commissioner for Human Rights (2014): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/139/84/PDF/G1413984.pdf?OpenElement>
* CESCR: [file:///C:/Users/Administrator/Downloads/G0845610.pdf](file:///C%3A/Users/Administrator/Downloads/G0845610.pdf)
* UNCT: <http://reliefweb.int/organization/unct-angola>
* UNDAF : <http://www.unfpa.org/sites/default/files/portal-ocument/Angola_UNDAF%202009-2013.pdf_0.pdf>
* UN-Habitat Angola Summary: <http://open.unhabitat.org/project/41120-2729/>
* UN-OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>
1. <https://www.constituteproject.org/constitution/Angola_2010.pdf> (not official translation). [↑](#footnote-ref-1)
2. http://indicators.ohchr.org/ [↑](#footnote-ref-2)
3. http://www.ohchr.org/EN/HRBodies/UPR/PAGES/AOSession7.aspx [↑](#footnote-ref-3)
4. http://www.ohchr.org/EN/HRBodies/UPR/Pages/AOSession20.aspx [↑](#footnote-ref-4)
5. A/HRC/WG.6/20/AGO/2 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/139/84/PDF/G1413984.pdf?OpenElement> [↑](#footnote-ref-5)
6. E/C.12/AGO/CO/3 [file:///C:/Users/Administrator/Downloads/G0845610.pdf](file:///C%3A/Users/Administrator/Downloads/G0845610.pdf) [↑](#footnote-ref-6)
7. http://reliefweb.int/organization/unct-angola [↑](#footnote-ref-7)
8. <http://www.unfpa.org/sites/default/files/portal-document/Angola_UNDAF%202009-2013.pdf_0.pdf> [↑](#footnote-ref-8)
9. <http://open.unhabitat.org/project/41120-2729/> [↑](#footnote-ref-9)