Supplementary report to the fifth to seventh periodic reports of Angola on the implementation of the Convention on the Rights of the Child regarding, “Sexual Exploitation of Children in Angola” for the examination of the implementation of the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography in Angola

Submitted by
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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States’ response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 102 network members operating in 93 countries.

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SCARJoV is Angolan non-governmental organisation working on reintegration and promotion of the rights of most at risk population such as: youth, children, sex workers and women victims of violence. In the past ten years SCARJoV’s work was recognised by ARASA with the 1st Edition of HIV and Human Rights Award 2007. SCARJoV is a member of the local Human Right Working Monitoring Group.
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Context of this supplementary report

1. In 2005, the Government of Angola (GoA) ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and thus committed itself explicitly to combat sexual exploitation of children (SEC) in Angola. In September 2015, through the adoption of the 2030 agenda for Sustainable Development, the GoA re-committed explicitly to eliminate all forms of violence against children, including sexual abuse and exploitation. The GoA is not only bound by these international instruments to combat SEC, but also by its own national legal framework as outlined in article 19, 22 and 23 of the Money Laundering Law.

2. In February 2017, the GoA submitted its report due under article 44 of the Convention on the Rights of the Child, including a subchapter on exploitation and sexual abuse, and its first report on the OPSC. The present submission intends to increase the focus on the issue of SEC by the GoA.

3. The present submission is based on research and work of OMUNGA Association, SCARJoV Association and ECPAT International.

4. The scope of this supplementary report is limited to SEC and its different manifestations, including exploitation of children in prostitution, online child sexual exploitation (hereinafter ‘OCSE’), child sexual abuse materials (hereinafter ‘CSAM’), trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism (hereinafter ‘SECTT’) and child, early and forced marriage (hereinafter ‘CEFM’).

Status and developments of sexual exploitation of children in Angola

5. Four decades of civil war put Angola in a critical position, destroying infrastructures and impeding access to most basic services. In 2002, Angola started a period of reconstruction, which lead it to the fastest growing economy in Sub-Saharan Africa and allowed the GoA to invest in education, infrastructures and health. Despite the improvements, the United Nations Development Programme ranked Angola as the 150th country of 188 countries on the human development index of 2016, with 30% of the population living below the international poverty line of USD 1.90 per day. Due to lack of implementation of the policies and legal frameworks, SEC is still a grave issue for the GoA.

6. With over 13 million of children, more than half of Angola’s population is below the age of 18. Only 36% of children are registered at birth. Unregistered children are more vulnerable to trafficking, sexual exploitation, child marriage and child labour. Furthermore, UNICEF ranked Angola as the country with the highest under-five-mortality-rate, with 157 deaths per thousand live births. 32,000 Children in Angola live with HIV, while 24% of the children in Angola are engaged in child labour, including in agriculture, mining and services.

7. It cannot be denied that all SEC manifestations are prevalent in Angola. The main causes of SEC are poverty, unemployment, unstable families, AIDS/HIV pandemic, parental disengagement and lack of access to education and basic social services. Other relevant factors are social tolerance and demand for sex with children and the risks posed for children living or working in the streets.

8. There is little to no data available on most manifestations of SEC. No recent studies have taken place to shed light on prostitution and trafficking of children in Angola, nor on SECTT and CEFM.

9. OSCE and child pornography are probably on the rise as pathways for offenders are multiplying fast. Due to the 2013/2017 National Development Programme, mobile phone and Internet users have increased to 14 million users of mobile networks and 29.5% of the population (5.9 million of users) is connected to the Internet in comparison with 4.6% in 2010.
General measures of implementation

Policy and overall strategy

10. In 1999, the GoA approved a Plan of Action and Intervention Against the Sexual and Commercial Exploitation of Children which included the objectives of protecting and defending the rights of child victims of sexual and commercial exploitation and rehabilitating and preventing the social exclusion of these child victims. However, the plan is not efficient due to a lack of implementation.16

11. In 2013, the GoA, launched the National Development Plan for 2013-2017 which includes protection of the rights of the child. However, no recommendations specifically target SEC or any of its manifestations.

Coordination and evaluation

12. The Ministry of the Interior and its agencies, including the National Police, Border Police, and Immigration Services are responsible for the enforcement of criminal laws and the conduct of operations and investigations related to SEC. The Attorney General’s Office prosecutes child labour cases, including the worst forms of child labour. The Court for Minors handles protective proceedings where a child has been the victim of abuse, exploitation, or neglect.

13. The Ministry of Assistance and Social Reintegration (MINARS) ensures coordination between various government agencies related to social welfare and victim protection.

14. It is the responsibility of the National Children's Institute (INAC), in general, to ensure at national level the implementation of Government policies in the field of advocacy, research and the social protection of children. Provincial services are decentralised with the purpose of ensuring the implementation and follow-up of national and provincial protection, and research guidelines and programs related to child rights. INAC also receives complaints about cases of child abuse and collaborates with the MINARS to provide shelter and help to reintegrate children.

15. The National Council for Children, led by MINARS, coordinates the Government’s efforts on children’s issues. It is a forum for dialogue, which includes ministries such as the Ministries of Justice and Human Rights, the Interior, Education, Culture, and the Ministry of Public Administration, Labour, and Social Security (MAPTSS), and related organisations including UNICEF, religious institutions, and civil society organisations.

16. To coordinate efforts to address child issues, Provincial Human Rights Committees and provincial, municipal and communal Councils provide linkage and interaction.17

17. In November 2014, the GoA established a Commission to combat trafficking persons (‘the Commission’) with representatives from the Ministry of Justice and Human Rights, MINARS, the MAPTSS, and Ministry of the Interior. The Commission coordinates enforcement efforts on human trafficking, including child trafficking for labour and commercial sexual exploitation. The Commission works on the elaboration of its National Plan against Trafficking in Human Beings and on the formulation of various legal instruments to better combat trafficking.18

Prevention of the sale of the children, child prostitution and child pornography (art.9 (par. 1 and 2))

Measures adopted to prevent offences prohibited under the Optional Protocol

18. In 2013, the GoA launched, with the support of UNICEF, a large campaign to prioritise birth registration. In 2015, an EU-funded program implemented by the Ministry of Justice and Human Rights and UNICEF was launched to increase birth registration, raise awareness and make it affordable and accessible to all citizens.19 One of the major ongoing works with the Ministry of Social Assistance and Reintegration is to develop a new decentralised model of integrated social protection services, part of the EU-funded SIMSAP social protection project. Registering children is an important counter measure to end SEC, as the movements of children are easier to monitor when their identity and age are established.
19. The GoA launched programs to prevent and protect children from abuse and negligence such as SOS for reporting, the National Children’s Observatory for the on-going monitoring and collection of information and data, the National Children’s Fund, psycho-social treatment for victims of violence, family counselling, and the Information and Awareness Program.\(^{20}\)

20. In 2010, the GoA approved, through Joint Executive Decree No 8/10 of 20 January, in the fight against SECTT the Tourism Code of Conduct against the Sexual Abuse and Exploitation of Children.

21. Last June, the Commission to combat trafficking persons organised a training on combating human trafficking for professionals working with the criminal justice system in Angola.\(^{21}\)

**Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4(2) and (3), 5 and 7)**

*Existing criminal or penal laws and regulations*

22. In 2014, the GoA enacted the Law No. 3/14 on crimes underlying money laundering, which criminalises all forms of trafficking including *child trafficking for sexual purposes* and *child prostitution*.\(^{22}\)

23. The *Penal Code*, protects children under age 16 from *child pornography*, but this protection does not extend to age 18, and there are no provisions against possession of child pornography.\(^{23}\)

24. The article 184 of the *Penal Code* is also relevant to protect children from *OSCE*.\(^{24}\) In addition, the *Law to Combat Crime in the Field of ICT and Information Society* gives more details on the prohibition of distribution, possession and production of CSAM through the Internet.\(^{25}\) However, the protection does not explicitly extend protection to children and no reporting platform (website or hotline) is dedicated to child online protection.

25. Although the GoA approved the Tourism Code of Conduct against the Sexual Abuse and Exploitation of Children through Joint Executive Decree No 8/10 of 20 January in 2010 it seems that no legislation explicitly prohibits SECTT.

26. Under the Angola *Family Code*, only people over the age of 18 can marry. However, *CEFM* is allowed in two cases: boys may marry at 16 and girls at 15 with the permission of a person having authority over the minor or when permission has not been granted, the court can provide permission, after a review of the circumstances and taking into account the minor’s interests, the marriage appears to be the best solution and after hearing the National Family Council.\(^{26}\)

27. The *Law No. 25/12 on the Protection and Development of the Whole Child* of 2012 defines priorities and coordinates the government’s policies to combat all forms of abuse against children, including trafficking, and sexual exploitation, and aims to strengthen and harmonise legal and institutional instruments to ensure the rights of the child. It also establishes the protection of children as *victims and/or witnesses* in crimes and its social reintegration and, physical and psychological recovery.\(^{27}\) In addition, the law codified the “11 Commitments to Children” campaign defining 11 strategic pillars and intervention areas.\(^{28}\)

28. Finally, the *Law No. 25/11 against Domestic Violence* of 2011 ensures protection and assistance to victims and to punish perpetrators for acts of violence and informs victims of their rights.

*Extraterritorial jurisdiction and extradition*

29. The Law of Angola does award jurisdiction to national courts to adjudicate anyone accused of SEC on Angolan territory or when the act is committed outside the country by an Angolan citizen or resident of Angola, provided that the act is punishable by the law of the place of their commission.\(^{29}\)

30. The GoA established mutually beneficial Cooperation Protocols with the Republic of Portugal and the Federative Republic of Brazil.\(^{30}\)
Protection of the rights of child victims (art. 8 and 9(3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

31. In 2011, the GoA created a helpline – SOS Crianças – with the intention to receive, advise and refer cases of violence against a child and, to strengthen multidisciplinary capacity to respond to the search for sustainable solutions to ensure a rapid, effective and efficient response to all cases of violations of the rights of the child in Angola.

32. The Networks for the Protection and Promotion of the Rights of the Child, the Friends of the Child Units and the National Criminal Investigation Unit of the Division of Violence against Women and Children were created at provincial, municipal, communal and local levels to prevent and respond to situations of violence against children.31

33. The Court for Minors, established by Law No 9/96, provides legal protection for children.

Recovery and Reintegration of victims

34. Little services are available for victims of SEC. The scarce services available are not provided by the government, but charities run by the Catholic Church and other philanthropic institutions.

International cooperation

35. The GoA cooperates with the Republic of Portugal in the context of mutual legal assistance and with bordering countries regarding human trafficking issues.32

Recommendations to the GoA

Measures of general implementation

1. Develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment in all areas covered by the OPSC;

2. Conduct an assessment on all SEC manifestations to develop evidence-based policies and appropriate legal framework;

3. Collect data on the profile of the perpetrators, the number of prosecutions and convictions, broken down by type of offense;

4. Update and efficiently implement the Plan of Action and Intervention Against the Sexual and Commercial Exploitation of Children;

5. Strengthen coordination between the various government departments and agencies working in the areas covered by the OPSC;

6. Increase the resources of the various government departments and agencies working in the areas covered by the OPSC;

7. Develop and implement education and awareness programs regarding prevention measures and the adverse effects of all offenses covered by the OPSC;

8. Systematically disseminate information about the content and implementation of the provisions of the OPSC to state agents as well as to all relevant professionals, especially border police officers, judges and prosecutors;

9. Mobilise sufficient resources to offer systematic and targeted training on the provisions of the OPSC to state agents as well as all relevant professionals, in particular border police officers, judges and prosecutors;

10. Ensure active and meaningful consultation with and participation by civil society organizations in the development of budgets for service delivery for children, as well as in the monitoring of their implementation.
Prevention

11. Prioritise SEC prevention and raise SEC awareness among the general public and especially the most vulnerable and poor communities;

12. Provide information about the sanctions related to SEC offences to all citizens and visitors of Angola;

13. Continue to raise awareness on the importance of birth registration and ease financial and bureaucratic burdens;

14. Invest in child empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk;

15. Establish a sex offenders’ register to ensure the activities of offenders are monitored/restricted and the possibility for interaction with children is reduced;

16. Coordinate, support, monitor and evaluate awareness raising on SEC issues;

17. Promoting child protective social norms through community development projects, and the media, including social networks;

18. Strengthen the efforts to identify, report and support children who are at risk of becoming victims, or are victims, of offences under the Optional Protocol;

19. Invest in a public education programme to raise awareness, in mandatory school education on online behaviour and safety and in knowledge and reporting of online child sexual exploitation and abuse offences;

20. Engage the private sector, including Internet Service Providers, to block, remove and report online child sexual exploitation and abuse content;

21. Enhance the implementation of the regulatory framework and take all legislative, administrative, social and other measures necessary to prevent and eliminate child sex tourism;

22. Comply with the provisions of the UNWTO Framework Convention on Tourism Ethics;

23. Inform the travel and tourism sector on the harmful effects of SECTT and encourage development of child protection policies by the private sector and promote the companies that are involved in the fight against SECTT. Encourage business enterprises in the tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;

24. Ensure that staff working with children (e.g. in schools) have police authorisations and knowledge of codes of conduct and consequences of violations;

25. Ensure that the child's voice is heard and taken into consideration in all legal and social proceedings affecting the child;

26. Work with children as agents of change, for example, through social networks and the Declaration of the Rights of Child Victims of Sexual Exploitation and Abuse. ECPAT and its partners developed the Bill of Rights for Sexually Exploited Sexual Abuse and Abuse with the support of 400 children and young people, most of whom are survivors of SEA from 28 countries. The Bill of Rights was approved at the Global Forum for Adult Survivors of Child Sexual Exploitation on November 18, 2016. English: http://bit.ly/BoReng, French: http://bit.ly/BoRfr
Prohibition

27. Prohibit the mere possession and the possession with the intent to distribute or sell, production, dissemination of 'child pornography' and criminalise all conducts related to 'child pornography', in particular all online solicitation of children for sexual purposes, viewing/accessing 'child pornography' and live streaming of child sexual abuse;

28. Provide a legal definition and criminalise SECTT;

29. Extend the age of majority to 18 years of age for all SEC manifestations;

30. Raise the age of marriage to 18 years of age for both girls and boys without exceptions;

31. Effectively fight against impunity and corruption by fully enforcing existing laws and conducting rigorous investigations and prosecuting officials and teachers who commit SEC offenses;

32. Establish in conformity with article 4 OPSC extraterritorial jurisdiction over all acts prohibited under the OPSC.

Protection

33. Ensure that law enforcement agencies have the resources and skills to identify, investigate and respond to SEC and are able to use victim-centred and child friendly methods when dealing with child victims and witnesses, and that enforcement is not undermined by corruption or social tolerance for SEC;

34. Ensure that child-friendly services are available and regulated by quality standards, put in place by competent and well-trained staff with adequate resources and easily accessible to all children;

35. Invest in the development of analytical tools and new investigative techniques to enable law enforcement to identify perpetrators and rescue victims;

36. Cooperate across agencies and borders among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having sexually exploited a child in another country;

37. Establish dedicated units in the law enforcement and prosecution office that address SEC and online sexual crimes against children, including child sexual exploitation material;


40. Offer or subsidise tailored recovery and reintegration services to SEC victims;

41. Develop more emergency shelters for child victims who offer integrated services (psychological, legal, medical, etc.), pending the decision of the juvenile judge;

42. Ensure that SEC victims are not treated as criminals; the burden of proof falls on the authorities and not on the victim.

43. Ensure that victims are able to seek compensation for their damages.
International cooperation

44. Cooperate across agencies and borders among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having sexually exploited a child in another country;

45. Enhance the regular exchange of up to date information about travelling child sex offenders among law enforcement agencies across jurisdictions of countries of demand, supply and victimisation, including greater use of the following tools:

- INTERPOL 'Green Notice' for convicted sex offenders who are likely to reoffend in other countries;
- Denying entry in the country to convicted child sex offenders who are likely to reoffend; and
- The development of sex offender registries that comply with the international standards on confidentiality and privacy.
1 Sustainable Development Goal Targets 5.2.8.7 and 16.2
7 Ibid., 54.
10 Ibid., 118.
11 Ibid., 130.
12 Ibid., 150.
20 Ibid., article 184.
32 Ibid., 28.