

THEME: THE CHALLENGES OF BEING AN OMBUDSMAN WOMAN IN AN AFRICAN PATRIARCAL SOCIETY AND HOW OMBUDSMAN WOMEN CAN MAKE A DIFFERENCE IN THE POOR AND MARGINALIZED LIFE "



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Problem:

1. To what extent have African states contributed to the emancipation of the role of women in society in all areas of social life?

Objective:

Present the reality of the situation inherent to the challenges of being an Ombudsman woman, in an African patriarchal society.

Expected results:

This article aims to expose the influence of patriarchy in the construction of social and human evolution, directly valuing the female image and its social, family and professional role. As a result of this influence, countless aggressions against the female figure gained space to emerge and grow, promoting a split between the two genders.

The State cannot be exempted from the duty to protect and promote greater gender equality, numerous re-education measures, legislative changes and discussions were carried out and promoted with the aim of reaching a solution.

We can see that several instruments, such as treaties, agreements, conventions, protocols, specific laws, were approved at National and international level, were some of the tools used by States to achieve this objective.

Discussing the effectiveness of the approved measures and strategies and proposing new ones, is the responsibility of the whole society and a duty of the State, to end gender discrimination and eradicate poverty.

Theme: "THE CHALLENGES OF BEING AN OMBUDSMAN WOMAN IN AN AFRICAN PATRIARCAL SOCIETY AND HOW OMBUDSMAN WOMEN CAN MAKE A DIFFERENCE IN THE POOR AND MARGINALIZED LIFE"

Theme of the Lecture Delivered by His Excellency, Assistant Justice, Dr. Florbela Rocha Araújo, at the Video Conference Seminar, alluding to the celebration of the month of women in the Republic of South Africa, on August 27, 2020.

Your Excellencies Ladies and Gentlemen in charge of the Research Center for African Ombudsmen and Mediators -AORC, Durban-South Africa and all participants in the seminar.

Ladies and Gentlemen,

I would like to start by thanking on behalf of the Ombudsman, for the invitation to participate in this event where we are going to address a topic of unquestionable importance for our society, for the world in general and for Africans in particular, at a time that is increasingly desired more ensuring gender equality, women's empowerment, combating poverty in order to positively tackle the most varied problems that are reflected in our society and, certainly this Webinar is a significant and profound advance to continue the struggle for defense of the rights, freedoms and guarantees of all citizens, especially women, aiming essentially to combat social asymmetries, to speak of social justice.

The lecture we are going to give aims to make known the role of the Deputy Ombudsman in the defense of the rights, freedoms and guarantees of citizens in different contexts and sectors of public and social life, as well as to strengthen the collaboration between the Ombudsman and other institutions of the State, to expand public knowledge, and in particular civil society, in order to start discussing the challenges of being a woman in an African patriarchal society and how women can make a difference in the lives of the poor and marginalized.

On the other hand, the respective text in commemoration of the celebration of the month of Women in the Republic of South Africa, will focus on 6 points, namely:

- **Brief Understanding of the African Patriarchal System.**
- **The challenges of being an Ombudsman woman in a Patriarchal society.**
- **Challenges as an Adjunct Justice Ombudsman.**

- **How Ombudsman Women can make a difference in the lives of the marginalized poor.**
- **The Principle of Equality in Angola as a Democratic and Law State.**
- **Conclusions and Suggestions.**

1. Brief notions about the African Patriarchal System.

Patriarchate refers to the origin of the term "family", from the Latin word *famulus*, which means "domestic slave". This new concept of union of individuals was consolidated as an institution in Ancient Rome, becoming the basis for the formation of the entire social structure of humanity. The Roman family was centered on men, while women assumed a secondary role.

"The patriarch had his wife, children, slaves and vassals under his power, as well as the right to life and death over all of them. The authority of the "pater familiae" over the children even prevailed over the authority of the State and lasts until the death of the patriarch, who could even turn his son into a slave and sell him ".

It is worth emphasizing that patriarchy does not mean the power of the father, but the male power, centered on the figure of the man.

The principle of subordination that is reflected in women being hierarchically subordinate to men, and young people are hierarchically subordinate to older men, patriarchs of the community ". This sense of patriarchy characterized by male supremacy, devaluation of female identity and functional attribution of being a woman, only for procreation, goes back to Ancient History and the Middle Ages.

Many currents characterize the patriarchate system as an unjust social system that reinforces the role of gender and is oppressive for both women and men. It often includes any social mechanism that evokes male domination over women.

Some characterize patriarchy as a system that made women "objects and in an inferior position to men, whose purpose is merely the reproduction of heirs, for her, two factors marked the bases of the constitution of patriarchy.

In Angola, patriarchy prevailed predominantly in the last century, today it is still felt in suburban regions and, especially in municipalities far from

cities, because as men have evolved and legislation has been approved internally and internationally, they have been gaining awareness .

2- THE CHALLENGES OF BEING AN OMBUDSMAN WOMAN IN A PATRIARCAL SOCIETY.

Gender is an important factor as a manifestation of the dignity of the human person, taking into account that the gender inequality that we still see is a source of risk and vulnerability.

Ensuring that societies continue to function and, at the same time, guaranteeing women's right to access opportunities and the freedom to flourish as a full-fledged citizen is one of the most current priorities of social protection and development policies.

Recently, the Sustainable Development Goals (SDGs) recognized equality as a key element in the reduction of inequality, gender violence and poverty, supporting a prominent perspective for the struggle of women.

Although adequate policies and institutional and conscience changes are the fundamental basis for the promotion of women's well-being, this process is rooted in complex, dynamic and strongly interconnected social systems and beliefs.

Africa is currently facing many challenges and the perception is growing that the search for solutions to most of these problems does not occur until there is greater involvement of the majority population group in our continent.

Women represent a segment of the population in all countries of Africa, although there are notable examples of strengthening their role in certain regions, there is no doubt that we are still far from the desired numbers, just look at our reality, comparing with other horizons of Europe, Asia, America etc., where women already occupy around 50% in decision-making positions, whether in Parliament, in government at central and local level, Courts, Diplomacy etc.

The commemoration of these dates, such as the month of African Women, the month of Women in South Africa, Angolan Women and others, are dates that remind everyone, and especially women, Africans the need to reflect on the condition of women, still marked by

challenges that end up blocking everyone's life. It is necessary that institutional initiatives, public and private, to eradicate those social indicators that most affect families and women in particular continue to be carried out with effectiveness and monitoring.

It is not enough to promote campaigns to eradicate illiteracy if the entities linked to them are not persistent and if that process is not sustainable.

The same holds true for school performance, a very big challenge in many communities, both urban and rural, in which women's dropout levels due to early pregnancy have been very high.

From the legislative component to the materialization of important projects, numerous initiatives to promote women have been born, a fact that should be followed by greater pro-activism on the part of women, regardless of traditions and customs.

In large parts of the national territory, women continue to be relegated to positions and functions that laws and most Angolans repudiate, most Angolans today, from rural areas, deeply marked by customary law, to urban areas, recognizes that we cannot wait for advancement and progress as long as women are in inferior conditions than men.

More than constituting a supposed gain or advantage for men, keeping women in an inferior and unequal condition compared to men only contributes to considerable delays for the whole of society. It is true that, regarding the condition of women, we continue to face challenges every day, the most important being the set of registered advances and changes that is witnessed throughout the country.

We can see that in some African countries, such as South Africa, Mozambique, Zambia and Angola, there have been improvements, compared to many regions of the world in relation to the condition of women, regardless of barriers, still to be overcome in order to have a more balanced society, from the point of view of rights and duties for women and men. There is no doubt that the pace at which we are evolving, with the reforms and changes that society undergoes as awareness and awareness of the situation increases, the more progress we will achieve, for the good of women and African families.

2.1- Challenges as an Adjunct Justice Provider.

The Ombudsman is a public entity independent of the State, which in the light of our reality finds its main legal - normative foundations in article 192 of the Constitution of the Republic of Angola and in Laws 29/20, of 28

July (Organic Law of the Ombudsman Statute) and Law No. 27/20, of 20 July, (Law of the Ombudsman), which is assisted by an Assistant Ombudsman, elected by the National Assembly

The Ombudsman is an independent entity that defends citizens' rights, freedoms and guarantees, also monitors with due attention and makes recommendations or requests for clarification on all cases of violations of citizens' rights, freedoms and guarantees whenever they are placed, either by complaint or by checking on their verification visits, the penitentiary establishments or even through hearings that they grant to citizens, as well as the Adjunct Ombudsman.

The Ombudsman's main function is to defend and promote the rights, freedoms, guarantees and legitimate interests of citizens, ensuring, through informal means, justice and the legality of the exercise of public powers.

The Deputy Ombudsman, in the garb of a public authority and as a jurist belonging to some Associations that defend gender equality and the empowerment of women, such as the Angolan Association of Women in Legal Careers and Association of Port Women and related activities it has been openly debated, through lectures, seminars, conferences, visits and actions that reinforce the constant need to recognize the true role that women play in society, from the professional, family and social aspects, as well as in the defense of rights of the elderly, girls and vulnerable children.

Before the appearance of the COVID-19 pandemic that restricted our work, we visited hospitals, prisons, nursing homes, daycare centers, in order to learn about the conditions of this vulnerable layer of society and made suggestions to the competent entities that allowed the improvement the conditions of children in the Pediatric Hospital and the elderly who were in a home without conditions.

In the lectures we gave internally and internationally, we highlighted the need for women to fight for their recognition as full human beings and for their rights, freedoms and guarantees, as well as the need to eradicate domestic violence, poverty, because we recognize that the struggle is not yet over, social inequalities and violations still persist in many areas of life.

In summary, in my day-to-day work as an Assistant Ombudsman, I have done everything to take into account the 12 areas on women's rights, namely:

1. Women and poverty;
2. Education and Training of Women;

3. Women and Health;
4. Violence against Women;
5. Women and Armed Conflicts;
6. Women and the Economy;
7. Women in Power and Leadership;
8. Institutional mechanisms for the Advancement of Women;
9. Women's Human Rights;
10. Women and information technologies;
11. Women and the Environment;
12. Girls' Rights.

The United Nations in the 1970s, for example, declared the United Nations Decade for Women: Equality, Development and Peace, from 1976 to 1985. In 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted. .

This instrument is the most important human rights instrument for the protection and promotion of women's rights, it is the first document to expressly recognize women as full human beings, this Declaration contains civil and political rights, as well as economic, social and cultural rights .

In Africa, we highlight the Protocol to the African Charter on Human and Peoples' Rights, on the Rights of Women in Africa, better known as the Maputo Protocol, which was drafted and adopted by the Member States of the African Union in 2003.

This important document for the African continent in the field of human rights, reinforced the basic principles for the promotion of the human rights of African women in all areas of life, urging States Parties to combat all forms of discrimination against women.

2.2- HOW OMBUDSMAN WOMEN CAN MAKE A DIFFERENCE IN THE LIFE OF THE POOR AND THE MARGINALIZED ”.

The fight against domestic violence, access to the active participation of women in political and economic life, through appropriate measures, legislative, institutional and others.

One of the fundamental concerns of women to be able to overcome poverty and gender inequality is to sensitize men to dignify and respect the rights of women and the most disadvantaged classes, because throughout history, man has always tended to worry about himself and not with others, thus leading to a state of war, because some sought to have advantages over others, sacrificing general interests for the sake of personal interests.

The effective combat of these situations implies the creation of urgent and deep measures, equipped with structures (such as schools, public hospitals and a set of adequate sanitation measures), to ensure that these situations directly benefit all citizens.

If we do not have the capacity to recognize that the struggle for a more just society depends on the initiative of all of us, leaders, government officials, civil society, men and women on an equal footing, we will continue to contribute to the rise of the rich and the poor, in order to change this paradigm, it is essential that we all go hand in hand for this great battle, in order to avoid that people are not missing the minimum.

As the Deputy Ombudsman and as a staunch defender of citizens' rights, freedoms and guarantees, the solution to the problem of poverty eradication begins with combating the unreasonable ambition of men, with corruption, encouraging equality of everyone to respect the principle of equality so that there is social justice.

Poverty and inequality will only come to an end on the day when everyone understands its meaning, on the day that each one cares about tomorrow, with the other, on the day that education is a priority, on the day that politics is carried out together with the people, and finally, all rights and duties are guaranteed, without discrimination.

For this reason, I reaffirm that, in order to move to Africa, it is necessary for us women, leaders and educators to encourage the governments of our countries to comply with the approved legislation and to change behavior, not to limit ourselves only to approving strategies and programs, but, to go further, in order to combat these weaknesses that disrupt the system and sadden us as human beings.

Regarding the marginalized, the policies drawn up by the governments and the legislation passed are not always complied with by the executors, the difficulties of which start from the education sector where there is a lack of educational means adapted to people in this condition, as well as in most institutions.

For example: access by people with disabilities to certain places cannot depend only on the goodwill of people, but on a policy dictated by the leaders of African countries.

The media play an important role in spreading the problems and the merits of people in situations of marginalized, I understand that the media, especially in Angola, are defective in addressing issues related to people with disabilities and need to understand the situation as a problem for the defense of human rights.

3- The Principle of Equality in Angola as a Democratic and Law State.

Article 1 of the Constitution of the Republic of Angola stipulates that our Republic is based on the dignity of the human person and on the will of the Angolan people who promote and defend the rights and freedoms of man, both as an individual and as a member of organized social groups, it ensures the respect and guarantee of its effectiveness by the legislative, executive and judicial powers, its organs and institutions, as well as by all natural and legal persons.

Since Angola is a state that follows the Democratic path, in its Constitution it ensures the defense of the dignity of the human person and equality between men and women without any discrimination, we can see from article 18 of the Constitutional Laws of Angola of 1975 and 1992 the enshrining of the principle of equality, although in practice equality was very distant, women could not hold certain positions.

Along this path, the Angolan State has prepared and coordinated the development of global sector strategies, taking into account the policies, plans and projects to be developed with a view to ensuring gender equality and the empowerment of women in the most varied segments of Angolan society.

As part of the promotion and protection of women's rights, Angola has made several international and national commitments.

At the international level, in the United Nations system, Angola approved the Convention on All Forms of Discrimination against Women (CEDAW) on September 17, 1986, through National Assembly Resolution 15/84, of September 19 and its Additional Protocol on 23 June 2007 (by National Assembly Resolution 23/07 of 23 June) and subsequently ratified.

Within the framework of the African System, Angola approved the African Charter on Human and Peoples' Rights and its additional Protocol on the Rights of Women in Africa, through National Assembly

Resolution No. 25/07, of 25 June. This protocol is also considered as a Maputo protocol, which was later ratified.

At the national level, there are several mechanisms for the promotion and protection of women's rights, whether they are legal mechanisms, the existence of legislation that regulates aspects of the promotion of women's rights, institutional mechanisms such as the Ministry of Social Welfare and the Promotion of Women, which Executive level outlines policies related to women.

There are also work commissions, associations such as the Women of Angolan Legal Careers and Non-State Organizations that promote the integral development of women and the defense of their rights.

The Government is implementing the National Development Plan - PDN 2018-2022, which includes specific actions for women, with a view to promoting equal opportunities and enhancing their role in the family, social, political, economic and business fields, as well as, with a view to securely ensuring the empowerment of young women and women in rural areas.

A set of programs are running, in which we highlight the following:

- a) Promotion of Gender and Women's Empowerment;
- b) Valuing the Family and Strengthening Family Skills;**
- c) Support for the Victim of Gender-Based Violence;**
- d) Economic and productive structuring of communities, with a focus on women.**

Likewise, in order to strengthen the articulation within the scope of the social response in favor of women and the protection of their rights, the Government consolidated the consultative bodies for social consultation, monitoring and control of the implementation of legislative and political measures.

3.1- Mechanisms for the Protection and Promotion of the Rights of the Family, Women and Children at the National Level.

Angola was modifying and repealing its legislation, in order to give greater guarantee of gender equality and defense of the rights of women and children with the following legislative framework: The Constitution of the Republic of Angola - article 23 enshrines the Principle of Equality, not admitting any discrimination between men and women;

- a. Law no. 1/88, of 20 February, which approved the Family Code,**

establishes equality between men and women in all areas of the family, as well as in relations with children, in property matters, ends the incognito children and establishes the de facto union, under the terms of articles 3, 112, 127 and 128 of the Family Code;

b. Law n° 25/11, of July 14th - Against Domestic Violence and its Regulation (Presidential Decree n° 124/13, of August 28th) create mechanisms to prevent domestic violence and stipulate sanctions for violators;

c. Law of the Judge of Minors, Law No. 9/96 of 19 April;

d. Presidential Decree No. 138/12 of 20 June, on the National Program to Support Rural Women;

e. Presidential Decree No. 52/12 of 26 March, which creates the National Commission for the Audit and Prevention of Maternal, Neonatal and Child Deaths;

f. Presidential Decree n° 26/13 of 8 May, which approves the Executive Plan to Combat Domestic Violence and creates the Multisectoral Commission for the implementation of the Plan, as well as the schedule of actions;

g. Presidential Decree No. 222/13 of 24 September, which establishes the National Policy for Gender Equality and Equity;

h. Presidential Decree No. 155/19 of 30 August on the legal framework for domestic work and social protection for domestic service workers;

i. Presidential Decree No. 36/15 of January 30, Legal Regime for Recognition of the Union of Fact by Mutual Agreement and Dissolution of the Union of Fact recognized;

j. Presidential Decree No. 143/17 of 26 June, on the National Action Plan for the implementation of United Nations Security Council Resolution No. 1325, concerning Women, Peace and Security;

k. The National Program for the Development of Rural Women (PNADEMUR) and its inclusion in the 2013-2017 PND integration of the gender perspective in the National Strategy to Combat Poverty;
l. In the area of health: Policies and standards for the provision of sexual and reproductive health services revised in 2004 and Strategic Plan for the Accelerated Reduction of Maternal Infant Mortality (2004-2009);
m. National Development Plan and the Integrated Investment Program in Municipalities;
n. Multisectoral Gender Council;
o. National Maternal and Child Death Commission;
p. Presidential Decree No. 26/13 - regarding the Executive Plan against Domestic Violence and the respective Action schedule;
q. Order No. 554/19 of 8 February, from the Minister of Mineral Resources and Petroleum, which approves the granting of mineral rights in favor of the mining cooperative and women entrepreneurs;
r. Order No. 973/19 - Organic Regulation of the Directorate for Combating Crimes;
s. Presidential Decree nº 100/20, of 14 April, which approves the strategy for Human Rights.

In 1994, the Secretary of State for the Family and Protection of Women was created, which in 1992 became the Ministry of Family and Promotion of Women, with a larger structure and in 2017 it became the Ministry of Social Action, Family and Promotion of Women , which is the body, charged with defining and implementing national policies for the defense and guarantee of women's rights, inserted in the family and society in general and of the most vulnerable populations.

3.2- Other mechanisms for the Promotion and Protection of Family and Women.

- a. 7th National Assembly Commission, Health, Family, Youth, Sports, Former Combatants and Social Action Commission;
- b. 10th National Assembly Commission, Rights Commission;
- c. Group of Women Parliamentarians, as a legislative body;
- d. Courts and law enforcement agencies;
- e. Ombudsman;
- f. Provincial directorates;
- g. Advisory Centers;
- h. Shelter houses.

3.3- Some Women's Defense and Promotion Organizations

- a. OMA: Organization of Angolan Women;
- b. LIMA: League of Angolan Women;
- c. Forum of Women Journalists for Gender Equality;
- d. Women in Action Platform - (PMA);
- e. Rede Mulher;
- f. Network of Women living with HIV;
- g. AAMCJ- Angolan Women's Association and Legal Career.
- h. AMPACA-Associação Angola das Mulheres Marítimas port and related activities.

This change represents a reaffirmation that women's rights are human rights and that gender equality is a matter of universal interest, benefiting everyone ", and that inequality between men and women generates domestic violence.

3- CONCLUSIONS:

In view of the above, taking into account the facts narrated, the following conclusions are reached:

1- That at the level of most countries on the African continent there is still inequality between men and women, domestic violence and a weak representation of women in the various decision-making bodies, at the level of governments, parliaments, courts, diplomacy, etc.;

2- African States known notoriously as developing countries live in a situation of poverty, and the economic situation has worsened dramatically, with the appearance of COVID-19;

3- That although there are rules on the protection of social rights, it is difficult to maintain an adequate tenor of life for families, in relation to food, housing, health, social security, maternity, child labor, due to non-compliance with policies and strategies defined by some executors and the diversion of funds allocated;

4- That as an Adjunct Justice Ombudsman, I defend the rights, freedoms and guarantees of citizens, especially women, the elderly, children, the fight against domestic violence and poverty;

5- That the fight to eradicate domestic violence and gender equality depends on us men and women, mainly the government, our leaders who have the responsibility to think about the world as a whole, in order to have a happier tomorrow, where people do not live in extreme poverty, but with dignity

SUGGESTIONS:

In view of the above, we must suggest the following:

1. States continue to have responsibility for the realization of an ideal of dignified life in society, guaranteeing the adequate protection of economic, social and cultural rights, which must be provided by the State through policies of distributive justice;

2. That African Heads of Government and other entities give more value to the role of women and are more sensitive to the problems that society is experiencing, as a result of the various conventions, protocols and

resolutions of the United Nations, African Union, SADC etc., approved, adhered to or ratified by States;

3. That the Executors of the essential policies and diplomas approved of a family nature allow to combat certain practices against human rights and put into practice the principle of gender equality, ending the incognito children, trying to legalize the de facto union and, defend the rights of rural women, domestic workers, children, girls, especially against domestic violence;

4. That at the level of decision-making bodies of the Central and Local Government, Parliament, Courts, Diplomacy, and others, women continue to gain their space, allowing for a considerable increase in their presence in the various decision-making bodies as there is still a negligible number;

5. With regard to the marginalized, continue to ensure an inclusive policy of States in favor of those citizens, as well as the creation of a set of social infrastructures in respect for people with disabilities;

6. An adequate fight against poverty and the protection of the marginalized is necessary, with a view to the correct protection and protection of social rights, as a horizon for the defense of fundamental rights, imposing on the State a duty to act, to have active public policies that guarantee citizens individual access to economic, social and cultural goods related to the improvement of well-being and material living conditions;

7. It is increasingly necessary to ensure the role of women in society, recognition and respect based on gender, it is a duty of all, especially women, so that we are not seen and seen only in a secondary or accessory aspect, as home managers;

8. We must defend the central idea of equality and non-discrimination for greater protection of women, whether by States, public, private,

cooperative, any other form of social organization or by individuals, being an obligation of immediate and not progressive application;

9. For the pursuit and defense of the dignity of the human person, States must ensure the defense and observance of human rights, in harmony with internationally recognized principles.

Luanda, August 23, 2020

The Deputy Ombudsman

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