



Research Paper

The impact of international law on the human person dignity in Angola. Province of Bengo – Caxito

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ABSTRACT

The objective of this research was to analyze the Impact of International Law on the dignity of the human person in Angola. Then, descriptive study, bibliographical research, case study and observation technique, after informed agreement, whose data were collected through a questionnaire in 2019. The research sample consisted of senior employees who maintained direct and indirect contact with vulnerable citizens. Variables such as age, genre, academic level, profession, institutional support, public security, local services and protection organ were considered in the present work. The results made it possible to visualize that the sample of the institution studied was predominantly young people who came into conflict with the Law 0.33% of 17 and 18 years old and 0.19% of 14 years old. However, the dignity of the human person without a doubt is the basis or foundation of all other criminal constitutional principles. Any violation of another principle equally affects the dignity of the human person. Man (the human being) is not a thing, he is not just a citizen, he is above all people endowed with rights. But, in the face of situations such as social inequalities, the State has an obligation to protect children against all forms of discrimination and thus takes positive measures to promote their rights to protect the rights of vulnerable citizens. It is concluded that all adolescents who sought INAC's services need protection which is what characterizes a Democratic State of Law and the protection of the fundamental rights of every human being.

KEYWORDS: Dignity, Human person, International law, Democratic state, Protection

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I. INTRODUCTION

Barbieri (2008) and Reis (2012, p.203) classify moderately, dealing with the principle of the dignity of the human person “is dealing with their insertion within a democratic state of law” which constitutes the foundation of our constitutional system and our organization as a Federative State, intended to ensure the exercise of social and individual rights, freedom, security, well-being, development, equality, justice as supreme values of a fraternal, pluralistic and unprejudiced society, founded on social and committed harmony, in the internal and international order with the peaceful solution of disputes. As we can observe in the preamble of our constitution which very well explains the aspirations of society and also the search for legal security. For Comparato (2009) and Reis (2012) state that one of the striking tendencies of modern thought is the widespread conviction that the true foundation of validity of law in general and human rights in particular should no longer be sought in the supernatural sphere of religious revelation, nor in a metaphysical abstraction nature as the immutable essence of all world beings. If the law is a human creation, its value derives precisely from the one who created it. This means that this foundation is none other than man himself considered in his substantial dignity as a person before which individual and group specifications are always secondary. In the same sense, Reis (2012, p. 204) adds that the great normative texts after the Second World War enshrine this idea. The Universal Declaration of Human Rights approved by the General Assembly of the United Nations in 1948 opens with the statement that “all human beings are born free and equal in dignity and rights” (Article 1). The Constitution of the Federal Republic of Germany of 1949 solemnly proclaims in its article: 1, “Man's dignity is sacred and it is the duty of all State authorities to respect and protect it”. The German people therefore recognize the inviolable and inalienable rights of man as the foundation of the entire human community of peace and justice in the world. The fundamental rights set out below are binding on the legislature and the courts as a directly applicable law. Analogously, the Portuguese Constitution of 1976 opens with the

proclamation that Portugal is a sovereign Republic based on the dignity of the human person and on the popular will and committed to build just a freedom and solidarity society. For the Spanish Constitution of 1978, “the dignity of the person, the inviolable rights that are inherent to him, the free development of the personality, respect for the law and the rights of others are the foundation of political order and social peace. The Brazilian Constitution of 1988 in turn, places “the dignity of the human person” as one of the foundations of the Republic (Article 1, III). In fact, this should be presented as the foundation of the Brazilian State and not just as one of the foundations. The Constitution of the Republic of Angola approved on January 21 in the year 2010, enshrines a sovereign and independent Republic based on “the dignity of the human person and the will of the angolan people which has as its fundamental objective the construction of a freedom, fair, democracy, solidarity, peace, equality and social progress” (Article 1). So, what is the dignity of the human person? According to the lexicon of legal terms (2011), Dalloz complements the following concepts of dignity as “an infinite value of the human person that obliges the human being to be treated as an end and never as a mere means”. “It is the fundamental attribute of the human person that founds him at the same time as a moral subject and a subject of law”. “It is a principle with Constitutional value equally guaranteed in international law, namely by the European Convention on Human Rights and by the Charter of Fundamental Rights of the European Union”. Paraphrasing Guerra (2015), the Universal Declaration of Human Rights in its preamble stipulates that the individuals of the United Nations reaffirm in the aforementioned letter their faith in fundamental human rights in the dignity and worth of the human person in the equal rights of men and women in order to promote social rights and improve living conditions. In Article 1, the declaration stipulated that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Article 5 adds to the stipulation that no one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment. Alongside the African Charter of Human and Peoples' Rights, an international organization was born within it, the Organization of African Unity (OAU), an entity created in 1963 and transformed into the African Union (AU) in 2002.

II. METHODOLOGY

In order to carry out this work, descriptive analyse, case study, bibliographic, comparative and individual observation methods were used. Bibliographic research was a "fundamental step to carry out the present work" that will influence all stages of a research, insofar as it provides the theoretical basis on which the work was based (Amaral, 2007). However, the comparative method “was used both for comparisons of groups in the present and in the past” or between existing and past ones, as well as among societies of equal or different stages of development (Andrade, 2017).

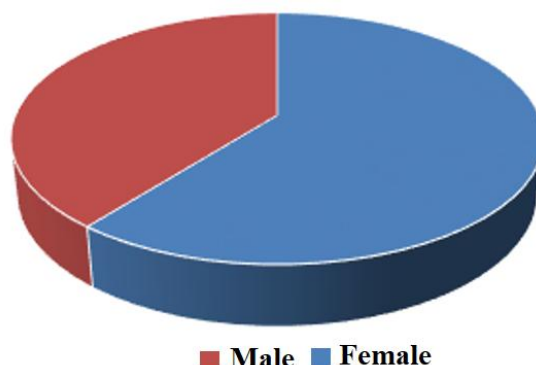
III. RESULTS AND DISCUSSION

Results obtained from the present work are presented as Tables and Figures including their well interpretations for a good understanding of the situation studied.

Table 1. Profile of those questioned by gender violated

| Surveyed gender | Frequency(F) | Percentage % |
|-----------------|--------------|--------------|
| Male | 154 | 0,61 |
| Female | 100 | 0,39 |
| Total | 254 | 100% |

3.1. Survey carried out at the National Children's Institute (Bengo provincial service)



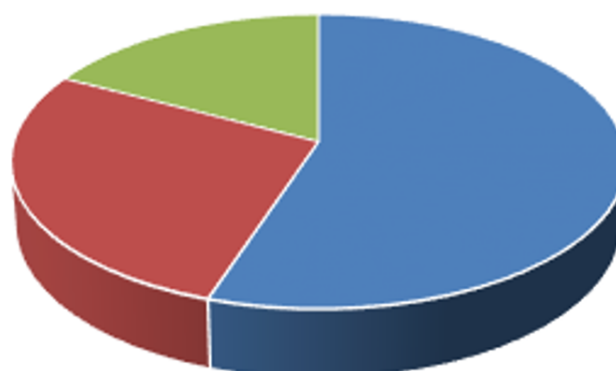
■ Male ■ Female

Figure 1. Distribution by gender

Table 2. Profile of those questioned for being in conflict with the law

| Age of respondents | Frequency (F) | Percentage % |
|--------------------|---------------|--------------|
| 10 - 12 | 54 | 0,21 |
| 13 - 14 | 50 | 0,20 |
| 15 - 16 | 66 | 0,26 |
| 17-18 | 84 | 0,33 |
| Total | 254 | 100% |

From Table 2, it can be seen that the adolescents who went to the provincial service of Bengo (INAC), the age group from 17 to 18 years old is the one that has the highest frequency, 84 (eighty-four) corresponding to 0.33%; the age group of 13 to 14 years old is less frequent than 50 (fifty) corresponding to 0.19% percent.



■ Primary school
 ■ I. Primary education cycle
 ■ Ic. Secondary education cycle
 ■ Bachelor

Figure 2. Academic level of the adolescents questioned

Figure 2 asked about the academic level of adolescents where the following was noticed: the most frequent level of qualifications with 140 (one hundred and forty) respondents is that 0.55% have primary education and the lowest frequency is II. Cycle with 44 (forty-four) responding to 0.17%.

Table 3. Professions of adolescents questioned

| Profession | Frequency | Percentage |
|--------------|-----------|------------|
| Electrician | 14 | 0,06 |
| beat - plate | 13 | 0,05 |
| Mason | 20 | 0,08 |
| Painter | 35 | 0,14 |
| shoemaker | 2 | 0,01 |

| | | |
|-----------------|-----|------|
| cold technician | 20 | 0,08 |
| Mechanic Helper | 150 | 0,59 |
| Total | 254 | 100% |

In table 3, it was established that among the professionals and non-professionals of those questioned, the most frequent with 150 respondents with 0.59% and the least frequent is the 02 (two) respondents with 0.01%.

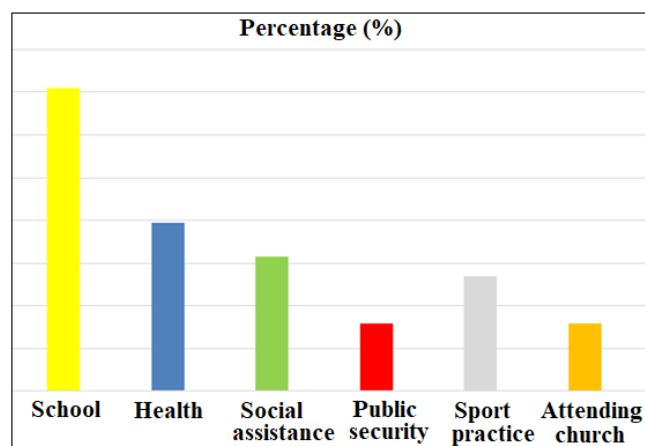


Figure 3. Profile of the respondents

The Figure 3 represents the profile of the respondents regarding the proposal for reflection, action to the central and local government of adolescents in supporting communities and vulnerable citizens.

Table 3 showed that the biggest institutional respondents aiming to guarantee the development of adolescents are 90 (ninety) respondents or 0.35% percent have less frequency 20 (twenty) each of them and corresponding or 0.08% of respondents.

Table 4. Those questioned what is your opinion about the state's policy as a protector and at the same time a guarantee of rights for adolescents.

| Local services | Frequency (f) | Percentage % |
|-----------------|---------------|--------------|
| Education | 80 | 0,31 |
| Health - family | 45 | 0,18 |
| social welfare | 35 | 0,14 |
| justice | 50 | 0,20 |
| laws | 44 | 0,17 |
| Total | 254 | 100% |

From Table 4, it was noticed that the adolescents who went to the national children's institute (INAC-bengo) which has a higher frequency 80 (eighty) respondent 0.31% who attend school and less frequently is well-being with (35) thirty-five respondents with 0.14% (thirteen point seven hundred and seventy-nine) percent.

Table 5. Profile of adolescents questioned, what is your suggestion for revising the concept of human dignity in the fields of law and justice with an emphasis on Angolan Constitutional Norms.

| Protection organs | Frequency (f) | Percentage (%) |
|--|---------------|----------------|
| International humanitarian organisation (UN) | 150 | 0,59 |
| Courts | 54 | 0,21 |
| INAC | 50 | 0,20 |
| Total | 254 | 100% |

Therefore, Table 5 indicated that the highest percentage is from international organs of the (UN) with 150 (one hundred and fifty) respondents or 0.59% and Courts with 54 (fifty-four) respondents or 0.21%. Less frequently, INAC with 50 (fifty) respondents to 0.20%.

IV. CONCLUSION

This study aimed to analyze the international law impact on the human person dignity in Angola. According to the Angolan Constitution, in the face of social inequalities for the protection of citizens' rights in order to propose a reflection and action to the central and local government to support vulnerable communities and citizens, especially adolescents, they must actively participate in decision-making and protection of human dignity.

It is important to analyze the role of the State as protector and at the same time as guarantor. From this study it was possible to identify what are the problems that are at the base of the community, however, it is essential to consolidate the dignity of the human person.

The study pointed out the serious risks that some families face, this time, preventive measures for young people within families, continuous dialogue and specific institutions, and others, hold lectures, seminars on the dignity of the human person, that is to achieve the human dimension in society.

The results show that the population of the studied institution is predominantly male. Among the adolescents questioned, what is your suggestion for revising the concept of human dignity in the fields of law and justice with an emphasis on Angolan constitutional norms, for young people only international humanitarian organizations that can envision the advancement of justice with 0.59%.

Due to the data collected, it was observed that young people must in a way maintain a permanent dialogue with their family members, that is their parents as the main preventive measure so that they cannot enter into conflict with the Law.

It is concluded that the National and International policies ratified by the Angolan State and promoted by International Organs (The United Nations) are of great value and impact on society in general, thus calling for greater social awareness in which the UN call the Universal Declaration of Human Rights.

REFERENCES

- [1]. Alexandrino, José Melo. *Osdireitos Humanos emÁfrica*. Coimbra editora, 1ª Edição, 2011.
- [2]. Barbieri, Samia Roges Jordy. *A Declaração Universal dos Direitos dos Povosindígenas e a Dignidade da pessoa Humana*. In: *Revista da escolanacional de advocacia- ENA*. Nº. 9 out. 2008.
- [3]. Barros, Flavio Augusto Monteiro de Manuel. *Direito Civil; Lei de introdução e parteGeral*. Vj. SP: Método, 2005
- [4]. Carrasco, Ângelo. *A Longa marha dos direitoshumanos. (percursohistoricoincompleto)*. Nzila, 2005.
- [5]. Castilho, Ricardo. *Direitos Humanos, 4ª edição* São Paulo: Saraiva 2017. SARMENTO, Daniel. *Dignidade da Pessoa Humana, Conteúdo, trajetória e metodologia*. 2ª edição, Belo Horizonte: Forum, 2016.
- [6]. Comparato, FábioKonder. *Afirmaçãohistórica dos direitoshumanos*. 3ª Edição. São Paulo: saraiva, 2003.
- [7]. *Constituição, de angola*, 2010
- [8]. Diniz, Fernanda Paula. *Direitos do Idoso. Na perspectiva civil – constitucional*. Arraes EditoresLda. 2011.
- [9]. Firmino, Miguel Sadrac. *DireitosFundamentais e GarantiasInstitucionaisnaConstituição de Angola de 2010*. 2016. P.37 (Dissertação de MestradoemDireito) American World University.
- [10]. Franco, wanildo Jose Nobre. *PrincípiosFundamentais do Estado Brasileiro*. Disponível em [http // www.Boletimjuridico.com.br/doutrina/texto-asp.id.997](http://www.Boletimjuridico.com.br/doutrina/texto-asp.id.997), acesso em 7 de fevereiro de 2009.
- [11]. Guerra, Sidney. *Direitointernacional dos Direitos Humanos*. 2ª Edição. Editorasaraiva, 2015.
- [12]. Malheiro, Emersom. *Curso de Direitos Humanos*. 3ª Edição, revista act. E ampl. SP: Atlas, 2016.
- [13]. Novais, Jorge Reis. *DireitosFundamentais e JustiçaConstitucional*. Coimbra editora, 1ª edição, 2012.
- [14]. Pes, João Hélioferreira. *Direitos Humanos. Crianças e Adolescentes*. Editora: Curitiba Jururá, 2012.
- [15]. Pinto, João. *Justiçainternacional e direitoshumanosnaconstituiçãoAngolana*. EditoraUnia, de 2010.
- [16]. Ramos, André Carvalho. *Curso de DireitosHmanos*. 5ª Edição, São Paulo: Editorasaraiva, 2018.