

# ANGOLA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Angola is a constitutional republic. The ruling Popular Movement for the Liberation of Angola (MPLA), led by President Jose Eduardo dos Santos, has been in power since independence in 1975 and exercised tight, centralized control over government planning, policymaking, and media outlets. On August 31, the government held the first fully constituted presidential and legislative elections in the country's history. The MPLA won 71.8 percent of the vote, and on September 28, dos Santos began his a new five-year term as president. Domestic and international observers reported that polling throughout the country was peaceful and largely well organized. Observers did highlight problems associated with the ruling party's control of media and other resources, many citizens who were unable to vote because of confusion about their registration status, and insufficient credentials for domestic and political party election observers. Security forces reported to civilian authorities.

The three most important human rights abuses were official corruption and impunity; limits on the freedoms of assembly, association, speech, and press; and cruel and excessive punishment, including reported cases of torture and beatings as well as unlawful killings by police and other security personnel.

Other human rights abuses included: harsh and potentially life-threatening prison conditions; arbitrary arrest and detention; lengthy pretrial detention; impunity for human rights abusers; lack of judicial process and judicial inefficiency; infringements on citizens' privacy rights and forced evictions without compensation; restrictions on nongovernmental organizations (NGOs); discrimination and violence against women; abuse of children; trafficking in persons; discrimination against persons with disabilities, indigenous people, and persons with HIV/AIDS; limits on workers' rights; and forced labor.

The government took limited steps to prosecute or punish officials who committed abuses; however, accountability was weak due to a lack of checks and balances, lack of institutional capacity, a culture of impunity, and widespread government corruption.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings, including politically motivated killings. Political parties, human rights activists, and domestic media sources reported that political party supporters and security forces arbitrarily killed at least eight persons during the year.

For example, on October 3, police in Luanda allegedly killed a detainee. Police arrested the youth on unknown charges, held him in jail overnight, and told his family the next day to pick up his body at the morgue. The family claimed that his body was mutilated, and that it appeared their son had been beaten to death. Authorities took no further action.

Media reported fights between supporters of the two main political parties, the ruling MPLA and opposition National Union for the Total Independence of Angola (UNITA), throughout the year, especially in the months leading up to the August elections. On January 18 and July 14, UNITA supporters killed a total of six MPLA supporters in separate fights in Huambo Province. The government arrested offenders in both cases, but it was unknown if they prosecuted those responsible.

A respected human rights activist reported that the private security firm Bicuar killed an artisanal miner in the diamond-rich region of Lunda Norte on September 14. The police detained the head of security for Bicuar for an unknown length of time and required that the firm pay for the funeral costs. It was not known if any further action was taken against the firm or the alleged shooter.

A respected human organization claimed that members of the National Police killed seven unarmed civilians on December 7 in the Luanda neighborhood of Cacucaco. The seven men were found handcuffed and lying on the ground. Some appeared to have been beaten to death while others had been shot, execution style. The human rights organization suggested that the men may have been robbers and thieves and that the police killed them extrajudicially to send a message.

Impunity remained a serious problem, and the results of investigations into security force abuses were seldom released.

There were no developments in the reported cases of arbitrary killings in 2011.

Land mines placed during the civil war and other explosive remnants of war (ERW) remained a threat. No local agency compiled nationwide incident statistics

for the year. According to a compilation of sources, land mine and ERW accidents killed 38 and injured at least 51 in 2011. This represents an increase from (unofficially) 18 killed and 24 injured in 2010. According to the National Institute for Demining Affairs, most recent incidents were related to ERW rather than land mines, especially by children who found the design appealing or by adults who had the misconception that the explosives have mercury or other materials inside that can be sold for a profit. The government continued to strengthen and expand national demining capacity during the year, and it partnered extensively with international NGOs on demining operations and mine-risk education.

### **b. Disappearance**

There were two reports of politically motivated disappearances. Alves Kamulingue and Isaias Kassule, leaders of a group calling itself the United Patriotic Movement (MPU), disappeared in May. The MPU is comprised of former members of the presidential guard who claim that the government has not fulfilled promises to improve their social and economic conditions after completing their service. According to the MPU, government-backed henchmen abducted the two MPU leaders in separate operations. Many civil society leaders suspected the men were dead, and at year's end no further information was available on the two.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, government security forces reportedly tortured, beat, and otherwise abused persons. Unlike in 2011, reports of beatings and other abuses en route to and in police stations during interrogations were common.

Police and other security forces were not held accountable for torture committed in previous years. Although the government punished some violators administratively, no new prosecutions were known to have occurred during the year. Police were not, however, able to act with complete impunity. In March, authorities arrested a police officer in Bengo Province for poisoning four laborers who worked on his farm. No information was available about his trial or sentencing. In November a court convicted a police officer from Huila Province for murdering his wife and received a sentence of 18 years in jail.

The government continued to conduct operations to identify, detain, and expel irregular migrants from the provinces bordering the Democratic Republic of the Congo (DRC): Cabinda, Zaire, Uige, Malange, Lunda Norte, Lunda Sul, and Moxico. In particular, in the diamond-rich Lunda Norte Province, NGOs and the media reported acts of violence and degrading treatment, including rape and sexual abuse, associated with these operations. According to a Human Rights Watch (HRW) report, the government expelled more than 25,000 individuals between January and May, with more than 1,000 associated incidents of sexual or gender-based violence in that time. On March 23, three Congolese migrants died while in a police detention center in Cabinda, allegedly of asphyxiation in an overcrowded cell.

According to the same report, most serious abuses reported by expelled migrants (including sexual violence, torture, and inhumane treatment) took place in detention facilities that are under the supervision of the Ministry of Interior, and were routinely committed by a broad range of security forces, including agents of the Rapid Intervention Police, the border police, prison guards, Angolan Armed Forces (FAA) personnel, and immigration officials.

The government did not carry out any thorough and impartial investigations into past allegations of serious abuse of migrants by its security forces during expulsions from the country, continued to deny the veracity of the allegations, and failed to prosecute alleged perpetrators.

Police and immigration officials at border checkpoints extorted money from travelers and harassed returning Angolan refugees as well as migrants and refugees from other countries.

There was one report of abuse by the army. Military authorities accused the commander of an army training school of torturing a soldier in training by, among other abuses, tying him to a tree and beating him over a period of several hours. There was no known resulting action or punishment for the alleged incident.

A prominent human rights activist reported abuses by private security companies in Lunda Norte, noting that these companies routinely killed and committed acts of torture against miners in the province. He also reported regular complaints of sexual abuse of women. In previous years human rights activists reported that private security companies hired by diamond companies to protect their concessions from illegal exploitation committed abuses.

In November 2011 human rights activist Rafael Marques filed a criminal complaint against nine generals (all allegedly shareholders of Lumanhe Mining, Importation, and Exportation Company, Ltd) and two private security companies for committing “daily acts of torture and, frequently, homicide” against residents of districts with diamond mining concessions in Lunda Norte. The Office of the Attorney General concluded in June that the armed forces were not connected in the actions of the companies and the alleged cases of homicide, torture, violations, and extortion. Marques reportedly was not told of the decision until late November, after the appeals window had closed. The same nine generals named in Marques’ case filed slander and libel cases against Marques in Portugal in late 2011. The case was under investigation at year’s end.

### **Prison and Detention Center Conditions**

Prison conditions were potentially harsh and life threatening, and NGOs continued to highlight corruption, overcrowding, and deaths possibly resulting from poor conditions. An HRW report released in May indicated that prison guards were among those accused of committing abuses, including sexual violence, torture, and inhumane treatment, against migrants. HRW found no evidence that superiors ordered officials to commit such serious crimes, but the victims’ testimony indicated a high degree of complicity among the different security services involved in expulsion operations.

Physical Conditions: Overcrowding was a major problem. In March the national director for prison services, Commissioner Domingos Ferreira de Andrade, said there were approximately 12,000 available places for more than 19,000 prisoners. Luanda Province alone housed more than 7,000 prisoners.

At the end of 2011, including those being held in pretrial detention, there were 18,534 (97 percent) men and 522 (3 percent) women in state custody. The average age of the prison population was 31 years, and two-thirds of these had an education level below middle school. Approximately 9,000 of the inmates were under 21 years of age. No information was available about the number of juveniles in state custody. The Ministry of Interior claimed in March that only 417 of nearly 20,000 inmates were HIV positive.

According to media reports, men, women, and juveniles were not held together in prisons.

The Ministry of Interior was building five new prisons in Uige, Luanda, Malange, Huambo, and Namibe provinces during the year to create between 4,000 and 5,000 new places to help ease overcrowding. The government opened new prisons in Bengo Province in 2010 and 2012, in Luanda and Lunda Norte in 2011, and in Cunene in 2012.

Children under three years of age may stay with their mothers in prison but may also leave the prison with family members. The Ministry of Interior worked with social assistants to ensure the children's well-being. The children were supposed to receive dietary supplements, milk, and diapers, but this did not always happen. There were no prison day care centers.

Provincial prisons regularly housed juveniles, often incarcerated for petty theft, together with adults because separate juvenile detention centers and juvenile court systems did not exist outside Luanda. Construction continued on a juvenile detention center in Kwanza Sul Province. Luanda prisons separated juveniles from the main prison population. There was little coordination among government ministries to address the factors leading to juvenile crime.

Authorities frequently held pretrial detainees with sentenced inmates, and short-term detainees with those serving long-term sentences for violent crimes, especially in provincial prisons.

Prison conditions varied widely between urban and rural areas. Prisons generally provided some medical care, sanitation, potable water, and food, although it was customary for families to bring food to prisoners. HRW reported that the withholding of food, water, and sanitation facilities contributed to the vulnerability of inmates to sexual abuse and exploitation.

At least one prisoner died of unknown causes.

Authorities provided prisoners education to lessen recidivism and promote social reintegration. The Ministry of Justice and Human Rights launched a new program early in the year called "New Direction, New Opportunities." The goal of the program was to provide technical training and social education programs to help improve prisoners' reintegration into society. In some prisons inmates grew food and made bread to feed other inmates and sell to police, as well as at the local market. Limited vocational training was done in a public-private partnership with local industry. The labor was voluntary. In some prisons inmates had access to sports and recreation facilities.

Administration: Authorities were taking steps to improve prison recordkeeping, and efforts were under way to move from a manual recordkeeping system to a computerized database including biometric data and a link to other agencies, such as police and justice. Adequate statistics were available in each facility, and authorities were able to locate every prisoner.

Most prisoners were allowed visitors and could list five visitors for free entry; other visitors had to pay 50 kwanza (\$0.52) to enter. According to a press report, underpaid guards accepted bribes up to 1,000 kwanzas (\$10.52) for visitors to enter the prison expeditiously and deliver food. Prison guards continued to demand that prisoners pay for weekend passes to which they were entitled without charge.

The law provides the right for prisoners to practice their religion. The government allowed prisoners to submit complaints to judicial authorities without censorship and request investigation of conditions. The government investigated and monitored prison and detention center conditions.

Some offenders, including violent offenders, reportedly were able to pay fines and bribes to secure their freedom, but it was unclear how prevalent this practice was. There was no official policy regarding alternatives to incarceration for nonviolent offenders.

An independent Office of the Ombudsman existed to mediate between an aggrieved public and an offending public office or institution. The office had no decision-making or adjudicative powers, but it helped citizens access justice and advised government entities on citizen rights. The office also educated the public about the role of the ombudsman and human rights and published reports.

Monitoring: The government permitted visits to prisons by independent local and international human rights observers, foreign diplomats, and human rights observers. In September 2011 a foreign diplomatic delegation visited the new prison in Lunda Norte and noted it had sanitation, ventilation, lighting, medical care, and food, and it was not overcrowded. The International Committee of the Red Cross visits the Cabinda prison on a regular basis in accordance with its standard modalities. In December 2011 a spokesperson for a local NGO reported having visited Luanda prisons during the year and described conditions as increasingly humane.

HRW reported that security officials sexually abused inmates, particularly women and girl migrants in their custody. Authorities did not allow guards to have relationships with female detainees, but it was unclear authorities consistently enforced it. There were unsubstantiated indications that male prisoners raped other male prisoners.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, security forces often did not respect these prohibitions in practice.

According to several NGO and civil society sources, police arbitrarily arrested individuals without due process and routinely arrested individuals who participated in antigovernment protests, despite this right being protected by the constitution. Police used this tactic to prevent protests from taking place. They often released the detainees after a few hours but reportedly sometimes kept them for days. For example, in August police arrested up to 14 members of the opposition party Broad Consensus for National Salvation-Electoral Coalition (CASA-CE) for gathering in front of the National Electoral Commission (CNE) and protesting against irregularities in the electoral process. Police held the protesters in jail for two days, one of which was voting day, before being released without charge.

In September a respected human rights activist reported that police arrested at least nine soldiers in September for demanding higher salaries and better living and working conditions. Police accused them of breaking military law that prohibit soldiers from making demands in a group in an “unruly or mutinous manner.” Authorities detailed these soldiers in a bank vault overnight before transferring them to prison for a week while they awaited trial. No information on the outcome of the trial was available by year’s end.

#### **Role of the Police and Security Apparatus**

The National Police, controlled by the Ministry of Interior, are responsible for internal security and law enforcement. The Internal Intelligence Service reports to the presidency and investigates sensitive state security matters. The FAA is responsible for external security but also has domestic security responsibilities, including border security, expulsion of irregular immigrants, and small-scale actions against the Front for the Liberation of the Enclave of Cabinda (FLEC) separatists in Cabinda.

Civilian authorities generally maintained effective control over the FAA and the National Police, and the government had mechanisms to investigate and punish abuse and corruption. The security forces generally were effective, although sometimes brutal, at maintaining stability. The National Police and FAA have internal mechanisms to investigate security force abuses, and the government provided some training to reform the security forces.

Other than personnel assigned to elite units, police were poorly paid, and the practice of supplementing income through extortion of civilians was widespread. Corruption and impunity remained serious problems. A domestic NGO reported that police throughout the country were abusive and created a gulf between authority figures and the people they are meant to protect. Most complaints were handled within the National Police by opaque internal disciplinary procedures, which sometimes led to formal punishment, including dismissal. The government had not established regular or transparent mechanisms to expedite investigations and punish alleged offenders, and it rarely disclosed publicly the results of internal investigations.

Police participated in professional training with foreign law enforcement officials from several countries in the region. Authorities in Huambo Province recognized that police had been committing abuses of authority and initiated a campaign with civil society to help report on and curb these abuses.

### **Arrest Procedures and Treatment While in Detention**

Prior to an arrest, the law requires a judge or magistrate to issue a warrant, although a person caught committing a crime may be arrested immediately without a warrant. However, security force personnel did not always procure arrest warrants before detaining persons. In 2010 a local NGO estimated that police conducted as many as 75 percent of searches without a warrant.

Police can legally detain an individual under reasonable suspicion for six hours without evidence of a crime.

The law states detainees should not be held longer than 24 hours, but many were held for days.

The constitution provides the right to prompt judicial determination of the detention's legality, but authorities often did not respect this right in practice.

The law mandates that detainees be informed of charges against them within five days. In certain cases the prosecutor may permit the suspect to return home and provide a warrant of surveillance to local police. This generally occurred in practice.

For misdemeanors the suspect may be detained for 30 days before trial. For felonies, the prosecutor may prolong pretrial detention up to 45 days. Pretrial detention may be prolonged by court order while officials build their case. Requests to prolong pretrial detention are not made public, which made it difficult to determine whether authorities exceeded the limits. Civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons.

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that prison officials demanded bribes to release prisoners. Prisoners are allowed access to a lawyer, although this did not always happen in practice.

The law mandates access to legal counsel for detainees and states that indigent detainees should be provided a lawyer by the state. These rights often were not respected, in part due to the shortage of legal professionals. Reportedly, 95 percent of all lawyers nationwide were based in Luanda, implying an even greater shortage in rural areas. The law also allows family members prompt access to detainees; however, courts occasionally ignored this right or made it conditional upon payment of a bribe.

Arbitrary Arrest: Unlawful arrest and detention remained serious problems. NGOs continued efforts to secure the release of persons detained illegally. Security officials arbitrarily arrested groups or individuals not aligned with the ruling MPLA.

In March police reportedly detained a group of traditional leaders from Lunda Norte days prior to a visit by President dos Santos because of their association with the Movement for Autonomy and Independence of the Lundas.

Unlike in previous years, there were no reports of security forces detaining Cabinda residents suspected of FLEC activity or collaboration.

Pretrial Detention: Excessively long pretrial detention continued to be a serious problem. An inadequate number of judges and poor communication among

authorities contributed to the problem. Police beat and then released detainees rather than prepare a formal court case. In some cases authorities held inmates in prison for up to two years before their trials began. In 2011 NGOs reported that more than 50 percent of inmates were pretrial detainees, most of whom had not been formally charged. The government often did not release detainees who had been held beyond the legal time limit, claiming that previous releases of pretrial detainees had resulted in an increase in crime.

#### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, the judiciary remained understaffed, inefficient, corrupt (see section 4), and subject to executive and political influence. While the law provides for an independent and impartial judiciary in civil matters, the judiciary encountered political interference.

There were long trial delays at the Supreme Court. Criminal courts also had a large backlog of cases, which resulted in major delays in hearings. There were only 19 municipal courts for 163 municipalities. In several instances, the government would choose to expedite a case when it stood to gain by winning.

Informal courts remained the principal institutions through which citizens resolved conflicts in rural areas. Each community in which they were located established local rules. Traditional leaders also heard and decided local cases. These informal systems did not provide citizens with the same rights to a fair trial as the formal legal system.

Most municipalities did not have prosecutors or judges. Local police often served as investigator, prosecutor, and judge. Both the National Police and the FAA have internal court systems that generally remained closed to outside scrutiny. Although members of these organizations can be tried under their internal regulations, cases that include violations of criminal or civil laws can also fall under the jurisdiction of provincial courts.

#### **Trial Procedures**

Although the law provides for the right to a fair trial, the government did not always respect this right. Suspects must be in the presence of a judge and defense attorney when charged. Defendants are presumed innocent until convicted. By law, trials are usually public, although each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and

consult with an attorney in a timely manner. The law requires that an attorney be provided at public expense if an indigent defendant faces serious criminal charges. Outside of Luanda the public defender was generally not a trained attorney due to shortages in qualified personnel. Defendants do not have the right to confront their accusers. They may question witnesses against them and present witnesses and evidence on their own behalf. In general, defendants had enough time and facilities to prepare a defense. The government did not always respect all of these rights in practice. It was not known whether defendants were compelled to testify or confess guilt.

Defendants and their attorneys have the right to access government-held evidence relevant to their cases. In addition defendants have the right to appeal. These rights were not always respected in practice.

The law extends to all citizens. A separate court under the Ministry of Justice and Human Rights is designated for children's affairs. It functions as part of Luanda's provincial court system. The juvenile court also hears cases of minors between the ages of 12 and 16 who are accused of committing a criminal offense. Minors over the age of 16 accused of committing a criminal offense are tried in regular courts. In many rural provinces, there is no provision for juvenile courts, so offenders as young as 12 can be tried as adults. In many cases traditional leaders (known as "sobas") have state authority to resolve disputes and determine punishments for criminal offences, including offences committed by juveniles. The law is unclear where the authority of the soba ends and that of the official legal system begins.

The president appoints Supreme Court justices for life terms without confirmation by the National Assembly. The Supreme Court generally heard cases concerning alleged political and security crimes.

### **Political Prisoners and Detainees**

There were reports of political prisoners. At the beginning of the year, at least two political activists from the Movement for Autonomy and Independence of the Lundas remained imprisoned for crimes against state security and instigating a rebellion, even though the state security law under which they were convicted had been repealed. A report from credible news source indicated that they remained in prison at year's end.

### **Civil Judicial Procedures and Remedies**

Damages for human rights violations could be sought in municipal or provincial courts and appealed to the Supreme Court. No cases were decided in the plaintiffs favor during the year.

### **Property Restitution**

The law requires that citizens cannot be relocated without being provided fair indemnification. In practice authorities relocated several thousand persons during the year; most did not receive fair indemnification. Under the constitution all untitled land belongs to the state. The state claimed many of the former residents did not have clear title to their dwellings, which made them illegally constructed.

The government exercised eminent domain to destroy private homes, although less often than in the previous year. Titled homeowners were not compensated at fair market value for the loss of their residences or land. Untitled homeowners often received no compensation at all.

Between May 12 and June 12, according to a local NGO, authorities demolished the homes of more than 250 families in Lubango and forced families to relocate nine miles away to the village of Tchitone, which did not have sufficient access to water, shelter, electricity, health facilities, or schools.

At year's end residents of the 1,557 homes destroyed in Lubango in September 2010 remained in resettlement camps.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but the government did not always respect these prohibitions in practice. For example, the government maintained surveillance of certain groups, including government critics, opposition parties, and journalists.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press; however, state dominance of most media outlets and self-censorship by journalists limited these rights in practice. There was minimal private media outside of Luanda.

Freedom of Speech: Individuals reported practicing self-censorship but generally were able to criticize the government without fear of direct reprisals. The government engaged in subtle repression and economic coercion, often in the form of withdrawing business or job opportunities, to discourage criticism. Multiple sources reported that citizens often curtailed their support of an opposition political party because they would suffer reprisals from MPLA supporters.

On July 14, the government prevented a youth group from holding an antigovernment protest in Luanda. Police arrived at the protest routes early and arrested, detained, or intimidated protesters. On August 3, police used a similar tactic in Lubango to prevent a group of former soldiers from protesting for their pensions.

Freedom of Press: There were 13 privately owned weekly newspapers and eight Luanda-based commercial radio stations. All but two of these publications, *Folha 8*, and *Agora*, were rumored to be owned by groups or individuals tied to the government. Nongovernment radio stations could broadcast only in provinces where they physically established antennas. The government allowed only government-owned Radio Nacional to use repeaters to expand signal reach and was thus the only station broadcasting in much of the country. As a result most private radio stations could reach audiences only in Luanda. Radio Mais, whose ownership included individuals associated with the ruling party, also broadcast in Huambo and Benguela. Radio 2000, whose owners were also believed to be connected to the ruling party, operated in Huila. Privately owned Radio Comercial operated in Cabinda but suspended operations in November for financial reasons.

Private radio and print media criticized the government openly and at times harshly, but at their peril. Local journalists were not able to criticize government officials, particularly the president, without fear of arrest or harassment.

The government also restricted nationwide independent broadcasting through licensing laws. However, despite such restrictive laws, Radio Mais broadcasts to two provinces outside Luanda. During the year Radio Ecclesia negotiated with the Ministry of Social Communication to expand its broadcast range to five provinces, but at year's end it still broadcast only in Luanda. State-owned Radio Nacional opened multiple community-based radio stations during the year, including Radio Viana in Luanda and Radio Caala in Huambo. More than one source reported that Radio Ecclesia, which is operated by the Roman Catholic Church and was once considered to be a good source of nonpartisan information, decreased its coverage

of controversial news topics in favor of softer programming that generally favored the government.

Official news outlets, including Angolan Public Television, favored the ruling party. The government gave opposition parties limited access to state-owned media and, besides the broadcast time given during the electoral campaign period from July 30 to August 29, asked them to pay in exchange for coverage of their events and statements.

Violence and Harassment: During the year, authorities arrested, harassed, and intimidated journalists. For example, on July 14, police detained Coque Mukuta, a journalist from Voice of America, and Isaac Manuel, a journalist from Radio & Television of Portugal, for attempting to cover a planned protest (see section on Freedom of Assembly). They were released later without charge.

On June 13, unidentified assailants broke into the home of Voice of America reporter Jose Manuel Gimbi, who was not home at the time, and stole items related to his work, including computers, a voice recorder, and important work-related documents. Gimbi filed a complaint with local authorities, but police took no known action.

Censorship or Content Restrictions: There were reports security forces interfered with journalists' attempts to take pictures or video during the year. For example, during a March 7 demonstration, a journalist reported plainclothes individuals believed to be linked to police stole or destroyed cameras and media equipment.

During the year security guards and signs warned visitors not to take photographs of any government-affiliated buildings or persons because security forces might seize their cameras or detain them.

Human rights activists and journalists practiced self-censorship.

Libel Laws/National Security: Defamation is a crime punishable by imprisonment or a fine, although the burden of proof is on the party accused of defamation to provide evidence of the validity of the allegedly damaging material.

On March 12, the criminal investigation police raided the office of *Folha 8* and confiscated equipment including computers and hard disks. The search warrant alleged a charge of "outrage against the president," a crime under the 2010 Law on Crimes against the Security of the State. The charge was based on a cartoon

circulating on the Internet and republished in *Folha 8* in which the president and two senior officials were depicted as thieves. The case was unresolved at year's end.

On May 11, a court tried journalist Ramiro Aleixo for two articles he wrote nearly five years earlier on the trial and conviction of a former director of the Angolan Intelligence Services, Fernando Garcia Miala. Authorities accused Aleixo of defamation, slander, and injury against the military justice system for criticizing its judicial process as farcical. The court had not resolved the case at year's end.

The October 2011 conviction for libel of William Tonet, editor of *Folha 8*, was under appeal at year's end.

Publishing Restrictions: The minister of social communication, the spokesperson of the presidency, and the national director of information maintained significant decision-making authority over the media. It was commonly understood that these individuals actively vetted news stories in the state-controlled print, television, and radio media fora, and even exercised considerable authority over nonstate media controlled by figures close to the government. Stories critical of President dos Santos or the MPLA were not published or broadcast by these organs.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, in 2011 approximately 15 percent of individuals used the Internet.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

Although the constitution and law provide for the right of assembly, the government regularly restricted this right. At least 13 public demonstrations took place during the year; police detained persons during at least nine of these demonstrations.

The law requires written notification to the local administrator and police three days before public assemblies are to be held, but it does not require government permission for such events. However, the government at times prohibited events based on perceived or claimed security considerations. Participants potentially were liable for “offenses against the honor and consideration due to persons and to organs of sovereignty.” Police and administrators did not interfere with progovernment gatherings or gatherings organized by opposition political parties. However, nonpartisan groups intending to criticize the government or government leaders often met a heavy police presence and government excuses preventing them from carrying out the event. Usually authorities claimed that the timing or venue requested was problematic or that the proper authorities had not received notification.

During the year activists suffered intimidation, including anonymous death threats, because of their involvement in public demonstrations. For example, on March 9, the day before a planned antigovernment protest in Luanda, unidentified assailants broke into the house of protest leader Dionisio “Carbono” Casimiro and beat the group of young men who had gathered to discuss their plans for the following day. The assailants were widely assumed to be acting with the permission of, and likely even direction from, the government. Police took no action against the assailants.

On March 10, antigovernment protesters calling themselves the Student Revolutionary Movement organized protests in Luanda and Benguela. The protests drew attention to potential fraud in the upcoming presidential and parliamentary elections focusing on the controversial appointment of Suzana Ingles as chairperson of the National Electoral Commission. Armed groups rapidly dispersed both rallies, and the protesters alleged that these armed groups had been organized by the government.

On August 3, authorities in Lubango prevented a group of former combatants from protesting for their pensions. Although organizers claimed they complied with local laws and properly notified authorities about the planned demonstration, police and state security officers arrived early to disperse the former combatants before they could begin a protest. Authorities reportedly beat and detained 14 protesters and one journalist, releasing them later the same day.

## **Freedom of Association**

The constitution and law provide for the right of association, and the government generally respected this right in practice. Nevertheless, extensive and unexplained delays in the NGO registration process continued to be a problem. According to a 2011 survey, the Ministry of Justice and Human Rights properly certified approximately 70 percent of the NGOs operating in the country. The rest were unable to obtain certification, but were nevertheless allowed to operate.

The government sometimes arbitrarily restricted the activities of NGOs. One NGO reported that the government welcomed activities focused on health or education but threatened to close the NGO when it engaged in activities focused on political awareness and civil rights.

The government sometimes arbitrarily restricted the activities of associations it considered subversive by refusing to grant permits for organized activities. During the year opposition parties generally were permitted to organize and hold meetings; however, opposition officials continued to report obstructions to the free exercise of their parties' right to meet. For example, local authorities threatened members who attended such meetings.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government at times restricted these rights in practice. During the year the government improved the road network and decreased checkpoints between provinces. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern. Security forces frequently abused irregular migrants in the border region shared with the DRC.

In-country Movement: Extortion and harassment at government checkpoints in rural areas and at provincial and international border checkpoints interfered with the right to travel. Extortion by police was routine in cities on major commercial

routes. The government and private security companies restricted access to the areas around designated diamond concessions. The government regularly denied citizens living near concession areas access for any purpose, including for obtaining water.

Land mines and other ERW remaining from the civil war continued to impede freedom of movement in rural areas.

### **Internally Displaced Persons (IDPs)**

Officially there were no longer significant numbers of IDPs. The majority of persons previously considered IDPs either returned home or did not intend to return to their area of origin, as many considered their new locations to be home. Some stated a lack of physical infrastructure, government services such as medical care, and the presence of land mines were major deterrents to their return.

In the capital, where there is lack of clarity over land possession and ownership, the government forcibly evicted many poor and vulnerable individuals, including former displaced persons who decided to remain. Most IDPs who never returned to the countryside stayed in the peripheries of Luanda or provincial towns. With few job skills and limited education, most could not find jobs in the formal market. Many worked in the informal economy and lived in slums without access to adequate social services, such as housing, education, water, and sanitation and health services. Although they did not face specific discrimination and their living conditions were broadly the same as those of the non-displaced population, many former IDPs were among the poorest and remained excluded from mechanisms to protect their rights.

The Ministry of Assistance and Social Reinsertion has primary responsibility for returnees and any remaining IDPs as well as housing and resettlement programs; however, its efforts remained inadequate. The ministry delegated primary responsibility to provincial governments for the safe, voluntary resettlement of IDPs in areas cleared of mines and with access to water, arable land, markets, and adequate state administration. However, their efforts also were largely inadequate to meet these needs.

The government did not restrict aid efforts by international humanitarian groups and allowed international organizations access to refugee camps, returnee welcome centers, and border crossings to conduct assessment missions.

## Protection of Refugees

Government officials and returning Angolan refugees reported that returnees received some assistance from the Ministry of Assistance and Social Reinsertion and international organizations, but they continued to require legal assistance to regularize their status, supplies to restart their careers, education and language training, agricultural supplies, and housing materials.

In 2009 the government and the UNHCR resumed joint efforts to repatriate thousands of refugees remaining outside the country since the civil war. These efforts continued even after June 30, when the UNHCR and regional governments agreed to a cessation of prima facie refugee status for Angolans on the grounds that asylum and protection for most Angolans was no longer required. During the year Angolan refugees returned voluntarily from Namibia, Zambia, the Republic of Congo, and the DRC. According to the UNHCR, nearly 125,000 Angolan refugees remained in neighboring countries at year's end. The government cooperated with the UNHCR on voluntary refugee repatriation and reintegration programs, but operations were significantly delayed due to funding constraints and lack of reintegration support to returnees.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country hosted more than 16,000 refugees and more than 4,000 asylum seekers, the majority from the DRC.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Employment: There were no formal restrictions on a refugee's ability to seek employment. Refugees sometimes faced difficulty obtaining employment due to a lack of legal documents required to work in the formal sector and difficulty in obtaining such documents. These difficulties were compounded by a general lack of acceptance of the refugee card and a lack of knowledge about the rights it was intended to safeguard.

Access to Basic Services: Persons with recognized refugee status could take advantage of public services. Refugees sometimes faced difficulty obtaining

access to public services such as health care and education due to a lack of legal documents. Corruption by officials compounded these difficulties.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens with the right to change their government peacefully. In August citizens exercised the right to elect legislative representatives and the president. The constitution calls for the first ever elections at the municipal and provincial levels to happen according to the principle of “gradualism” where local elections are to be held in provinces and municipalities based on a variable timeline. The right to elect local leaders remained restricted, and elections did not occur at the provincial or municipal levels.

#### **Elections and Political Participation**

Recent Elections: On August 31, the government held legislative elections and the country’s first postwar presidential elections. According to the new constitution passed in 2010, presidential and legislative elections should be held regularly every five years. The ruling MPLA won 71.8 percent of the vote in the legislative elections. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, although the ruling party enjoyed advantages due to state control of major media and other resources. Opposition parties criticized many aspects of the electoral process, including ruling party control of the major media, late disbursement of public campaign funds, the CNE’s failure to accredit some opposition and civil society electoral observers, and the large number of people who were unable to vote because they were either not registered or were registered in a location far from their residences. These and other irregularities led to an abstention rate of 37 percent, much higher than the 13 percent abstention rate recorded in the 2008 legislative elections. Opposition parties contested the electoral results but accepted their seats in the National Assembly. On September 19, the Constitutional Court rejected opposition appeals and certified the election results as free and fair.

Political Parties: The ruling MPLA party dominated all political institutions. Political power was concentrated in the presidency and the Council of Ministers, through which the president exercised executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly consists of 220 deputies elected under a party list proportional representation system. This body has the authority

to draft, debate, and pass legislation, but the executive branch proposed and drafted legislation for the assembly's approval. After the August legislative elections, opposition deputies held 20 percent of the parliamentary seats, a 7 percent increase from 2008.

Opposition parties stated their members were subject to harassment, intimidation, and assault by supporters of the MPLA. UNITA continued to argue that the MPLA had not lived up to the terms of the 2002 peace accord, and former combatants lacked the social services and assistance needed to reintegrate into society. Former combatants also reported difficulties obtaining pensions due to bureaucratic delays or discrimination. During the year UNITA reported that its members suffered intimidation and harassment. For example, government authorities denied electricity and water access to UNITA headquarters in at least three provinces.

Opposition party members and civil society leaders cited examples of political intolerance during the 2012 election process.

Participation of Women and Minorities: Of the 220 deputies in the National Assembly, 76 were women. Two women served as governors (out of 18 nationwide), and eight women were cabinet ministers (out of 35).

The country has three dominant linguistic groups: the Ovimbundu, Mbundu, and Bakongo, which together constitute approximately 77 percent of the population. All were represented in government, as were other groups. Political parties must be represented in all 18 provinces; however, only the MPLA and UNITA (and CASA-CE to a lesser extent) had truly national constituencies. By law no political party could limit party membership based on ethnicity, race, or gender.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for official corruption, the government did not implement these laws effectively, and local and international NGOs and media sources reported that officials engaged in corrupt practices with impunity.

Government corruption at all levels was endemic. The country does not have a special entity mandated with the responsibility of combating corruption. Public prosecutions were rare. During the year the government did not charge or prosecute any high-level official for corruption. The Financial Court, the

government agency most directly responsible for investigating and prosecuting government corruption, released a list of officials found guilty of embezzlement in 2011. The list included mostly municipal administrators, two ambassadors, and lower-level civil servants in several ministries. Any actions taken against these individuals were not made public. The National Criminal Investigation Department of the National Police also investigated some cases.

Government corruption was widespread, and accountability was limited due to a lack of checks and balances, lack of institutional capacity, and a culture of impunity. The judiciary was corrupt and subject to political influence and conflict of interest.

In January anticorruption activist Rafael Marques filed a criminal complaint with the attorney general against the partners of an Angolan company, Nazaki Oil and Gas, including the then president of Sonangol (the state-owned oil company) Manuel Vicente, General Helder Manuel Vieira Dias Junior “Kopelipa,” minister of state and chief of the president’s military cabinet, and General Leopoldino Fragoso do Nascimento “Dino,” advisor to President dos Santos. The complaint charged that all profited from illicit enrichment resulting from partnership with a foreign oil company that had obtained several exploration licenses from Sonangol. The attorney general did not respond to the allegations.

In September, the Luanda Military Tribunal tried 15 presidential guards for the crime of making “demands in a group” for better wages and working conditions. During the trial evidence came to light that the soldiers were used as private security guards and laborers by senior military officers setting up private businesses with state funds. The attorney general did not pursue any claims against the officers.

In November the attorney general in Portugal opened a fraud and money laundering investigation against Angolan Vice President Manuel Vicente and other high-ranking Angolan political leaders. The case centered around potentially illicit business dealings that Vicente and others allegedly carried out with Portuguese firms in Portugal in 2010 when the Portuguese bank Banco Espirito Santo sold \$325 million dollars worth of shares in one of its subsidiaries, Banco Espirito Santo de Angola, to an Angolan capital investment firm called Portmill. Portmill is allegedly owned by high-ranking members of the government, including Vice President Manuel Vicente (who was chief executive officer of the state-owned oil company Sonangol when this sale took place in 2010), Minister of State for Security Affairs Manuel Helder Vieira Dias Junior “Kopelipa,” and General

Leopoldino Nascimento “Dino,” a confidant of Angolan President dos Santos and the former head of communications for the president. The Portuguese Attorney General’s Office reportedly opened the investigation based on credible evidence that Portmill used illegally gained funds to make the purchase and that Portmill and Banco Espirito Santo committed fraud and money laundering in the process. Manuel Vicente publicly denied any wrongdoing. The Portuguese attorney general had not filed charges against Portmill or its stakeholders as of year’s end.

There were no further developments in the July 2011 corruption case against the former governor of Luanda, Jose Maria dos Santos, accused of trying to extort \$25 million from an Israeli developer.

The case of Joaquim Ribeiro, the former commander of the Luanda Provincial Police who was under investigation for embezzling public funds and ordering the killing of a police officer who had incriminating information, continued at year’s end.

In October 2011 David Mendes from the Partido Popular (an opposition party) filed a criminal complaint with the attorney general against President dos Santos and Elisio Figueiredo (a Portuguese citizen and the financial advisor of President dos Santos), Pierre Falcone (a French citizen and arms dealer), and Manuel Vicente (then president of the state-owned oil company Sonangol) for their involvement in embezzling public funds of more than \$775 million. In April the attorney general responded that he lacked jurisdiction to pursue a lawsuit against the president. Mendes countered with a request that the remaining three defendants be prosecuted. By year’s end the attorney general took no further action.

In 2010 the National Assembly approved a law on public probity, which requires most government officials to declare their assets to the attorney general. However, no officials made information available to the public during the year, and the president, vice president, and president of the National Assembly are exempt from these requirements. The law stipulates that nonexempt government officials declare all real estate holdings, household goods, livestock, cash assets, land titles, and stock holdings. Declarations are to include all assets in country and overseas. The law does not cover spouses and children. Nonexempt government officials are to make a new declaration within 30 days of assuming a new post and every two years thereafter. The law does not stipulate for a redeclaration to be made upon leaving office but does state that officials must return all government property within 60 days. Penalties for noncompliance with the law vary depending on

which section of the law was violated but include removal from office, a bar from government work for three to five years, a bar from contracting with the government for three years, repayment of the illicitly gained assets, and a fine of up to 100 times the value of the accepted bribe. The National Office of Economic Police is responsible for investigating violations of this law, as well as other financial and economic crimes, and then referring them to the Financial Court for prosecution.

The Attorney General's Office, National Assembly, Financial Court, Supreme Court, and National Directorate of Inspection and Investigation of Economic Activities (DNIAE) were all agencies responsible for combating corruption. The Attorney General's Office had the authority to initiate investigations into potential cases of corruption at high levels. The DNIAE did so at lower levels. The court system had responsibility for convicting and punishing corruption cases.

The government made progress in improving transparency in its economic operations, in large part due to the measures implemented under a Stand-By Arrangement agreement reached in May with the International Monetary Fund (IMF). According to the IMF, "significant progress has also been made toward improving fiscal transparency and accountability."

As a condition of the IMF program, the state-owned oil company Sonangol published its 2009, 2010, and 2011 audited financial statements on its Web site. In December 2011 the IMF reported that \$32 billion (3.04 trillion kwanzas) was unaccounted for in the government's fiscal accounts during the period 2007-10. Some readers of the IMF report suggested that most of that sum may have resulted from misreporting of transfers from Sonangol to the national treasury. The government adopted several reforms to improve accountability of oil transfers, including the phase-out of quasi-fiscal activities by Sonangol and enhanced reporting of oil revenues.

The government published online a detailed block-by-block accounting of the monthly revenues it received from Sonangol's oil production. However, there continued to be a significant lack of transparency in the government's overall procurement and use of loans received from private banks and foreign governments.

To monitor and control expenditures more effectively, the Ministry of Finance continued implementation of the Integrated Financial System, designed to record all central government expenditures.

The financial statements of Endiama, the state diamond parastatal, were not made public. Serious transparency problems remained in the diamond industry, particularly regarding allocation of exploration, production, and purchasing rights and reporting of revenues.

In October the government launched a five billion dollar sovereign wealth fund tasked with investing some of the country's oil wealth in infrastructure and social development projects. Appointment of the president's economic affairs advisor and his son to sit on the three-person board raised concerns of government transparency, although a performance review, an annual report to the National Assembly, and the appointment of internationally recognized independent auditors are intended to ensure accountability.

The business climate continued to favor those connected to the government, including members of the president's family. Government ministers and other high-level officials commonly and openly owned interests in companies regulated by or doing business with their respective ministries. There are laws and regulations regarding conflict of interest, but they were not widely enforced. Petty corruption among police, teachers, and other government employees was widespread. Police extorted money from citizens and refugees, and prison officials extorted money from family members of inmates (see sections 1.c., 1.d., and 2.d.).

As in previous years, there were credible reports that government officials benefitted from their political positions to profit from business deals. For example, a foreign government investigated reports of complaints filed against foreign companies that had engaged in corrupt practices with Angolan officials.

The law provides for public access to government information. While the amount of information posted on government Web sites gradually increased, it remained limited. Laws are made public by being published in the official gazette; this publication can be purchased for a small fee but was not available online. In general the government was not responsive to requests for information, and it was sometimes unclear what information the government considered public versus private.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups operated throughout the country. Some of those investigating government corruption and human rights abuses alleged government interference in their activities. Civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons.

Local NGOs promoted and defended human rights to the extent possible during the year by asserting constitutional rights, protesting labor conditions, providing free legal counsel, lobbying government officials, and publishing investigative reports.

The Law of Association requires NGOs to specify their mandate and areas of activity. The government used this provision to prevent or discourage established NGOs from engaging in certain activities, especially those that were politically sensitive or related to election issues. Government officials threatened to ban those NGOs it determined to be operating outside their mandate or not effectively working on the specific issues they were created to address; however, NGO leaders suspected the motive was to silence their criticism. No NGOs were banned during the year.

The government allowed local NGOs to carry out human rights-related work. However, many NGOs were forced to limit the scope of their work because they faced problems registering, were subject to subtle forms of intimidation, and risked more serious forms of harassment and closure.

The government arrested and harassed NGO workers. For example, on March 14, the governor of Benguela Province sent a letter to the human rights organization Omunga. The governor threatened to shut down Omunga if it followed through with a public protest against political repression and the unjust arrest of an Omunga leader just days before. The governor argued that as an NGO, Omunga did not have the right to involve itself in political arguments. A commander of the provincial police allegedly threatened to use force to disburse protesters if they went ahead with their plans. Omunga eventually abandoned the protest, but used its popular radio program to start a campaign against the violent repression of peaceful protests.

The government criticized domestic and international NGOs.

There were reports of police or military presence at community meetings with international NGOs, especially in Cabinda.

Mpalabanda, a civil society organization formerly based in Cabinda, remained banned. The government rescinded its registration in 2006 when it joined the Cabindan Forum for Dialogue, an umbrella organization that negotiated peace with the government. The government determined that Mpalabanda was acting as a political entity outside of its legal mandate as a civil society organization. Mpalabanda supporters continued to distribute statements through the Internet and attend public forums throughout the year. Former leaders experienced low-level harassment and intimidation, and the state-run press continued to associate Mpalabanda with violence and instability in Cabinda Province. In December 2011 Mpalabanda petitioned the Supreme Court to reexamine the 2006 decision, but the court had not responded by year's end.

UN and Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives. In 2008 the UN Human Rights Office (UNHRO) closed its office following a government decision not to grant a full mandate to the office. The decision not to grant a full mandate directly contradicted government commitments to work more closely with the UNHRO, made when the country won a three-year term on the UN Human Rights Council in 2007. Authorities allowed UN officials to monitor human rights.

The government placed some restrictions on domestic and international NGO observers during the August elections, but unlike in previous years, largely permitted international human rights organizations to visit the country outside of the electoral period. The government, however, accredited low numbers of electoral observers, limited the timeframe for observation to only 30 days before the elections, and retained the right to determine which provinces the observers could visit. In contrast to these restrictions, the government granted visas for a human rights delegation from Amnesty International to visit in May, the first time the organization had been permitted to visit the country in five years.

Some international NGOs reported long delays in obtaining visas, although the delays were not significantly longer than those experienced by other foreigners.

Government Human Rights Bodies: In July, the secretary of state for human rights issued a report on human rights in the country for the years 2008-12. The report acknowledged several of the human rights challenges and highlighted the achievements made but noted that there was still considerable room for improvement. In September the government elevated the status of human rights from the state secretary level to the ministerial level. It now forms part of the Ministry of Justice and Human Rights. An interministerial commission for human

rights meets regularly and prepares reports for the UN and other international organizations.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities and indigenous persons were problems.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to eight years' imprisonment; however, limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. In 2009, the police commissioner in Luanda estimated that 10 cases of rape occurred daily nationwide. However, local human rights NGOs believed the true incidence of rape was likely much higher. The Ministry of Justice and Human Rights worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations.

The National Assembly passed a law against domestic violence in June 2011. Penalties for violating the 2011 law had not been finalized by year's end, making implementation ineffective. Domestic violence against women, including spousal abuse, was pervasive in both urban and rural areas. In February the Ministry of Family and the Promotion of Women representative for the Luanda neighborhood of Cazenga reported that she had registered 50 to 80 cases of domestic violence every day. The ministry opened a shelter for victims of domestic violence in Uige Province. In March a local human rights organization described domestic violence as the greatest impediment to achieving gender equity in the country. In July the ministry organized the first ever conference on "Women and Domestic Violence" to discuss, in part, the 2011 law prohibiting domestic abuse. In December the government announced a nationwide campaign entitled "Zero Tolerance for Gender and Sexual Based Violence." It was unclear what the campaign entailed, but raising the issue to the national level was considered a positive step.

During 2010 police recorded 831 cases of domestic violence, which likely underreported the extent of the problem. The Ministry of Family and the

Promotion of Women registered more than 6,000 cases of domestic violence in 2010. Of these cases, 80 percent were for minor offenses, and 99.5 percent of the victims were women, according to a press report. Police and ministry statistics seriously undercounted the number of domestic violence cases, since many if not most victims believed that authorities would not help them and they feared reprisal if they reported the abuse. Common-law husbands or boyfriends perpetrated the majority of violence. The ministry maintained a program with the Angolan Bar Association to give free legal assistance to abused women and established counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women were not available.

Harmful Traditional Practices: Religious leaders in Lunda Norte and Uige provinces reported that societal violence against elderly persons and rural and impoverished women and children occurred occasionally, with most cases stemming from accusations of witchcraft. Some women were killed, beaten, or expelled from their families, or they died from mistreatment and malnourishment. Religious leaders who offered church-run shelters to victims reported that police did not take action due to fears that the women might practice witchcraft against them.

Female Genital Mutilation (FGM/Cutting): FGM/C was not considered a widespread practice, although there were reports of instances in eastern provinces. For the first time, however, the government acknowledged FGM/C as a human rights concern and pledged to address the practice.

Sexual Harassment: Sexual harassment was common and not illegal. However, such cases may be prosecuted under assault and battery and defamation statutes.

Reproductive Rights: Couples and individuals may decide freely and responsibly the number, spacing, and timing of their children, and they had access to the information and means to do so free from discrimination, coercion, and violence. Women had access to contraception. However, according to a UN study, just 7 percent of rural women and 17 percent of urban used a modern method of contraception. A 2009 study found 47 percent of women who gave birth had four or more prenatal consultations. Approximately 67 percent of women saw a qualified health provider at least once, 49 percent of births were attended by skilled health personnel, and 42 percent gave birth in a medical center. According to UN estimates, the maternal mortality ratio in 2010 was 450 deaths per 100,000 live births. High maternal mortality was likely due to inadequate access to health facilities before, during, and after giving birth, and early pregnancy. A woman's

lifetime risk of maternal death was one in 39. According to the United Nations Children's Fund (UNICEF), 55 percent of women were 18 or younger when they gave birth to their first child. There were no reports of coercive family planning practices such as female infanticide or coercive sterilization. There were no legal barriers that limit access to reproductive health services, although social and cultural barriers existed. Comprehensive information on government provisions for reproductive health services or diagnosis and treatment of sexually transmitted infections, including HIV, was not available, although the government worked closely with international partners to address this shortcoming for the future.

Discrimination: Under the constitution and law, women enjoy the same rights as men; however, societal discrimination against women remained a serious problem, particularly in rural areas. There were no effective mechanisms to enforce child support laws, and women generally bore the major responsibility for raising children.

The law provides for equal pay for equal work; however, women generally held low-level positions in state-run industries and in the private sector or worked in the informal sector. In an interministerial effort led by the Ministry of Family and the Protection of Women, the government undertook multiple information campaigns on women's rights and domestic abuse and hosted national, provincial, and municipal workshops and training sessions during the year.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory or from one's parents. However, the government does not register all births immediately, and activists reported that many urban and rural children remained undocumented. According to UNICEF, as many as 69 percent of children under the age of five were not documented with birth certificates. The government permitted undocumented children to go to school but only up to the fourth grade. Parents could register their children under five for no fee, but prohibitive registration costs were incurred by parents with older children. In December the government announced a plan to waive registration fees for all persons, including adults, during the 2013 calendar year. The government continued to implement a previous plan to provide birth certificates in health clinics and maternity wards during the year.

Education: The educational infrastructure remained in disrepair. There were insufficient schools and teachers to provide universal primary education.

Education is tuition-free and compulsory for documented children until the sixth grade, but students often had significant additional expenses such as books or fees paid to education officials. These fees sometimes were extraordinary payments to help with the operations and maintenance costs of running the school, costs that were not covered by the national budget. Other times, these fees were bribes paid by families to ensure their child got a place in a classroom. In cases where parents were unable to pay the fees, children were often unable to attend school.

Children of any age in an urban area were more likely to attend school than children in a rural area. Children in rural areas generally lacked access to secondary education. Even in provincial capitals, there were not enough classroom spaces for all children. According to the United Nations Educational, Scientific, and Cultural Organization, enrollment rates were higher for boys than for girls, especially at the secondary level.

Child Abuse: Child abuse was widespread. Reports of physical abuse within the family were commonplace, and local officials largely tolerated abuse. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be abused by their caretakers. The government had no policy to support vulnerable children or families who took care of them.

Child Marriage: The legal age for marriage, with parental consent, is 15 years. The government did not enforce this restriction effectively, and the traditional age of marriage in lower income groups coincided with the onset of puberty. Data on the rate of marriage for boys and girls under age 18 was not available. Common-law marriage was regularly practiced.

Harmful Traditional Practices: Unlike in previous years, there were no officially documented cases of children being accused of witchcraft. The National Institute for Religious Affairs acknowledged that belief in and accusations of witchcraft still existed, particularly in Zaire and Uige provinces, but stated that cases of abusive practices diminished significantly due to campaigns and government directives aimed at reducing indigenous religious practices that included shamans, animal sacrifices, and witchcraft. A legitimate source from a major international organization reported that FGM/C was practiced by some remote tribes in eastern Angola, mostly in Moxico and Cuando Cubango provinces, but no information was available on its extent.

Sexual Exploitation of Children: All forms of prostitution, including child prostitution, are illegal; however, local NGOs expressed concern over child

prostitution, especially in Luanda, Benguela, and Cunene provinces. Penalties for sexual exploitation of children are not specifically defined in the law.

Sexual relations between an adult and a child under the age of 12 are considered rape and carry a potential legal penalty of eight to 12 years. Sexual relations with a child between the ages of 12 and 18 is considered sexual abuse, with convicted offenders liable for sentences from two to eight years in prison. Limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were no known prosecutions during the year. The legal age for consensual sex is 18 years.

In 2011 the government ratified the Children's Act and initiated the 11 Commitments to Children" campaign. The law defines priorities and coordinates the government's policies to combat all forms of abuse against children, including unlawful child labor, trafficking, and sexual exploitation.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There is a Jewish community of approximately 450-500 persons, primarily Israelis. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, including persons with physical, sensory, intellectual and mental disabilities, in employment, education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. It does not specifically mention the rights of persons with disabilities with regard to transportation, including air travel. Article 83 grants persons with disabilities full rights without restrictions. The constitution permits the state to adopt a national policy to prevent, treat, rehabilitate, and integrate persons with disabilities, provide support for their

families, remove obstacles to mobility, raise awareness in society, and foster special education and training opportunities.

Persons with disabilities included more than 80,000 land-mine and other ERW victims. The NGO Handicap International estimated that in total, up to 500,000 persons lived with disabilities. Only 30 percent of persons with disabilities were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling. According to the Ministry of Assistance and Social Reinsertion statistics published in December 2011, there were an estimated 150,000 persons with disabilities, most between the ages of 25 and 44, and 56 percent male. Of those persons with disabilities, 62 percent had physical disabilities (of whom 75 percent were ERW victims and 22 percent from polio), 28 percent had sensory disabilities, and 10 percent had mental disabilities. The ministry assisted approximately 90,000 persons with disabilities.

Presidential decree number 14 protects persons with disabilities. However, persons with disabilities found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the education system. Women with disabilities were reported to be vulnerable to sexual abuse and abandonment when pregnant. The Ministry of Assistance and Social Reinsertion sought to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by land-mine incidents. During the August election, the government provided voting assistance to persons with disabilities.

### **Indigenous People**

An estimated 3,500 San persons lived in small dispersed communities in Huila, Cunene, and Cuando Cubango provinces. The San are traditional hunter-gatherers who are linguistically and ethnically distinct from their Bantu fellow citizens. Their very limited participation in political life has increased, and Mbakita, a local NGO advocate for the San people, worked with provincial governments to increase services to San communities and improve communication between these communities and the government.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes same-sex activity, although there were no reported cases of this law being enforced. A draft penal code to replace the existing code (which

was adopted in 1886 and, with several amendments, was valid at year's end) was passed in 2011. The draft code, which is intermittently used by the justice system, recognizes the right to same-sex relationships. The constitution defines marriage as between a man and a woman. NGOs reported a small underground lesbian, gay, bisexual, and transgender (LGBT) community in Luanda. There were isolated reports of same-sex couples being harassed by their communities. There were no NGOs advocating for the rights of the LGBT community.

### **Other Societal Violence or Discrimination**

Discrimination against those with HIV/AIDS is illegal, but lack of enforcement allowed employers to discriminate against persons with the condition or disease. Local NGOs reported cases of discrimination against professionals with HIV/AIDS. There were no reports of violence against persons with HIV/AIDS. The government's National Institute for the Fight Against HIV/AIDS conducted HIV/AIDS awareness and prevention campaigns. Local NGOs worked to combat stigmatization and discrimination against persons living with HIV/AIDS.

Unlike the previous years, there were no reports of discrimination against persons with albinism.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right of workers to form and join independent unions and specifies rights for trade unions. The law allows unions to conduct their activities without government interference and grants workers, except government employees and oil workers, the right to strike. The law does not prohibit employer retribution against strikers, and it permits the government to force workers back to work for "breaches of worker discipline" or participation in unauthorized strikes. The law protects the right to collective bargaining, and there are no legal restrictions on collective bargaining. The law prohibits antiunion discrimination and stipulates that worker complaints be adjudicated in the labor court.

Under the law employers are required to reinstate workers who have been dismissed for union activities. There were unions for journalists, teachers, nurses, and taxi drivers, among others.

The constitution grants workers the right to engage in union activities, but the government may intervene in labor disputes that affect national security, particularly strikes in the oil sector. Strict bureaucratic procedures must be followed for a strike to be considered legal, and the government can deny the right to strike or obligate workers to return to work.

In practice the government protected these rights to a certain degree, as the Ministry of Labor has a hotline for workers who believe their rights have been violated, and the leader of the Confederation of Free and Independent Labor Unions of Angola (CGSILA), an independent labor union, explained that the labor courts functioned, albeit slowly. Another credible private sector contact noted that the country's labor courts functioned better than other types of courts. Government approval is required to form unions, which were hampered by membership and legalization issues. Labor unions, independent of those run by the government, worked to increase their influence, but the ruling MPLA continued to dominate the labor movement due to historical connections between the party and labor, and the superior financial base of the country's largest labor union (which also constitutes the labor wing of the MPLA).

There were several examples during the year of workers going on strike to demand a salary increase. On October 21, a special operation comprising members of the Rapid Intervention Police, Anti-Riot Unit, state security, and the investigation police landed on an oil vessel to put down a strike and arrest the striking workers. The workers were questioned by a public prosecutor three days later, but no formal charges or resolution were made public.

The government is the country's largest employer, and the Ministry of Public Administration, Employment, and Social Security centrally mandated wages.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children, but such practices occurred. Child labor is punishable under the labor law, although no cases were punished during the year (see section 7.c.). The Ministries of Justice and Human Rights and Interior had reasonably effective enforcement mechanisms for the formal economic sector, specifically in the form of the National Office of Economic Police. Most labor law violations occurred outside the formal economy and were not subject to legal sanctions. Forced labor occurred in the artisanal diamond mining sector. Additionally, employers used migrant men and boys in forced labor, especially in the construction sector.; additionally, they worked under

forced labor conditions in diamond mining areas, particularly in Lunda Norte and Lunda Sul. The government took steps to eliminate illegal immigration and illegal diamond mining activities during the year. These efforts included routine reports in a government-run newspaper on deportations of illegal immigrants, with highlights of large-scale deportations. In March police and immigration officials rounded up nearly 1,850 illegal Congolese immigrants in the northern border city of Soyo within a few days. To help bring artisanal miners into the formal economy, the governor of the northeastern Lunda Norte province issued diamond exploration permits to 154 artisanal miners of Cambulo and Lucapa municipalities in August.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Child labor (for youth under age 14) in the formal sector is restricted under the law. Article 282 of the labor law requires that the minor submit evidence that he or she is over 14 years of age to obtain an employment contract. The law prohibits children under 14 from working. Although children could work from age 14 to 16 with parental permission, they could not do so if it interfered with schooling. Several NGOs and international organizations claimed that the ministry of labor effectively enforced child labor standards in the formal sector regulated by the ministry. However, the enforcement mechanisms were less effective in the informal sector, where most child labor occurred. Additionally, a local NGO asserted that employers were often tipped off before the arrival of labor inspectors, which helped circumvent the enforcement system on child labor.

Child labor, especially in the informal sector, remained a problem. The Ministry of Public Administration, Employment, and Social Security had oversight of formal work sites in all 18 provinces, and inspectors are supposed to check on the age of workers at such sites. If it determined a business was using child labor, it transferred the case to the Ministry of Interior to investigate and possibly press charges. The government warned an unknown number of businesses or fined them for using child labor. Although the Ministry of Public Administration, Employment, and Social Security, other government agencies, and labor unions developed a national plan against child labor, the ministry did not regulate the sizeable informal sector because it was not within its purview.

In 2010 the newspaper *Agora* published a study conducted in Benguela that found more than 70,000 children worked in that province. A 2010 living standards survey reported that 20.4 percent of children between the ages of five and 14 worked, and more children worked in rural than in urban areas. The study also reported that boys and girls equally were likely to work.

Generally, work done by children was in the informal sector. Children engaged in economic activities such as agricultural labor on family farms and commercial plantations, fishing, charcoal production, domestic labor, and street vending. Exploitive labor practices included forced prostitution, involvement in the sale or transport of illegal drugs, and the offloading and transport of goods in ports and across border posts. Children were reportedly forced to act as couriers in the illegal cross-border trade with Namibia. Adult criminals sometimes used children under the age of 12 for forced criminal activity, since a loophole in the justice system prevents youth from being tried in court.

Street children were common, especially in the provinces of Luanda, Benguela, Huambo, Huila, and Kwanza Sul. Investigators found children working in the streets of Luanda, but many returned to some form of dwelling during the evening. Most of these children shined shoes, washed cars, carried water and other goods, or engaged in other informal labor, but some resorted to petty crime, begging, and prostitution.

The Ministry of Public Administration, Employment, and Social Security's inspector general is responsible for enforcing all labor laws, including complaints of child labor. The Ministry of Family and the Protection of Women and the National Institution of Child Welfare (INAC) play a significant role in coordinating the response to a case of child labor and protecting possible victims. INAC, a government institute, is focused on policy issues affecting children and is housed under the Ministry of Assistance and Social Reintegration. Ultimately, the Ministry of Interior and the Ministry of Justice and Human Rights are charged with investigating and prosecuting cases of child labor, although there were no reports of any such prosecutions during the year.

In 2007 the government established the National Council for Children (CNC), comprising 17 ministries and related organizations, to coordinate efforts on children's issues, including child trafficking and the worst forms of child labor. The CNC is led by the minister of social welfare and includes the Ministries of Justice and Human Rights, Interior, Education, Culture, Health, Planning,

Agriculture, Finance, Tourism, and Family and Women's Promotion, as well as UNICEF, religious institutions, and civil society organizations.

A separate court under the Ministry of Justice and Human Rights is designated for children's affairs. The juvenile court also hears cases of minors between the ages of 12 and 16 accused of having committed criminal offenses. Regular courts hear the cases of minors between the ages of 16 and 18 who are accused of criminal offenses. There were no courts to hear cases involving children under the age of 12. In many rural provinces, there was no separate structure to work with children's crimes. In these cases minors could be tried as adults or have their cases dismissed.

The government, through INAC, worked to create, train, and strengthen child protection networks at the provincial and municipal levels in all 18 provinces. The networks reported cases in which they successfully identified and removed children from exploitative work situations, but no mechanism existed to track cases or provide statistics. The government also dedicated resources to the expansion of educational and livelihood opportunities for children and their families.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage was 10,900 kwanza (\$115) per month for all formal sectors. Workers in informal sectors, such as street vendors, subsistence agriculture, and domestic household, are not covered by the minimum wage law. The United Nations Development Program estimated the poverty level to be \$1.70 per day (approximately \$51 per month).

By law the standard workweek is 40 hours with at least one unbroken period of 24 hours of rest per week. There is a limit on work of 54 hours per week. Required premium pay for overtime is time and a half for up to 30 hours of overtime and time and three-quarters from 30 to 40 hours. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. The law also provides for paid annual holidays. The government sets occupational health and safety standards. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

Most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes. The majority of citizens derived their income from the informal sector or subsistence agriculture and therefore fell outside of government protection regarding working conditions.

The minimum wage law was effectively enforced in the formal sector.

The workweek standards were not enforced unless employees lodged a formal complaint with the Ministry of Public Administration, Employment, and Social Security.

In March the secretary general of the MPLA-linked labor union, the National Union of Angolan Workers, highlighted some of the greatest challenges workers face, such as high unemployment, inability to make a living wage, inequality, inability to join the formal labor market, and job insecurity as continuing problems despite various economic measures and laws.

The Ministry of Labor's inspector general did not effectively enforce standards for acceptable work conditions. Inspections occurred, although rulings on labor violations found by inspectors were not effectively enforced. Despite the law providing for the right, workers were unable to remove themselves from unsafe working conditions without jeopardizing their employment. According to independent labor leaders, most workers were reluctant to complain about poor working conditions and instead were grateful for any work, even if under hazardous conditions.

The secretary general of the CGSILA, the largest independent labor union, stated that workers in the civil construction sector were subjected to hazardous working conditions that led to many accidents and even death. The problem was worse in Luanda, where construction activity is concentrated. There was inadequate monitoring of the construction sector, although the Ministry of Public Administration, Employment, and Social Security operated commissions to oversee the occupational safety of this sector. CGSILA officials also noted that health workers were subjected to unsafe and unsanitary conditions that led to their contracting various diseases or becoming sick.