



Angola

Country Reports on Human Rights Practices - 2006

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Angola is a constitutional republic in transition since its 27-year civil war ended in 2002. Legislation provides for decentralization; however, the government remained highly centralized and dominated by the presidency. UN observers considered the 1992 presidential and legislative elections to have been generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor and serious problems remained, although there were improvements in a few areas. Human rights abuses included: the abridgement of citizens' right to elect officials at all levels; unlawful killings by police, military, and private security forces; torture, beatings, and harsh and life-threatening prison conditions; corruption and impunity; arbitrary arrest and detention; an inefficient and overburdened judicial system; lengthy pretrial detention; lack of due process; restrictions on freedom of speech, the press, including self-censorship, and assembly; forced evictions without compensation; and discrimination and domestic violence and abuse against women and children.

The government increased investigation and prosecution of human rights violations, training, and partnerships with human rights nongovernmental organizations (NGOs) in an effort to curb abuses by the National Police and Armed Forces of Angola (FAA).

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit politically motivated killings during the year. Government security forces killed an unknown number of persons, although reports of such killings decreased significantly from past years. Impunity remained a problem, but the government was increasingly willing to prosecute human rights violators.

Domestic media and local human rights activists reported cases of police resorting to excessive force, including unlawful killings. In February the independent press reported that a youth suspected of gang activity was killed in a Luanda precinct. Police largely viewed extrajudicial killings as an alternative to relying on the country's ineffective judicial system. In May citizens reported that the body of a pregnant woman was discovered after her arrest by national police in Luanda Norte. These cases were reportedly still under investigation at year's end; however, national authorities were generally reluctant to disclose investigation results. In June human rights activists reported that police "accidentally killed" a disabled man during an abusive interrogation; the responsible officers were dismissed from the national police the same month.

A Memorandum of Understanding for Peace and Reconciliation for Cabinda province, signed on August 1, largely brought an end to the insurgency in the province. As a result of this and an FAA policy of cooperation rather than repression, there was only one report during the year, in November, of an unlawful killing in Cabinda that may be linked to FAA soldiers. The case remained under investigation by both military and civil authorities. There were also confirmed reports of 12 small clashes in the enclave between the FAA and the Front for the Liberation of the Enclave of Cabinda (FLEC) in the period immediately surrounding the signing of the memorandum. Four civilians were reportedly killed in these clashes between FLEC soldiers and FAA forces. Since early September there were no confirmed reports of armed conflict.

A human rights activist reported that private security companies hired to protect diamond concessions in the Cuango municipality of Lunda Norte province killed 10 persons between January and June. Other activists in the province also reported killings by private security companies outside of Cuango municipality; however, no arrests or investigations were reported.

On August 8, at the end of a five-month trial, a member of the National Police, Olivio Bernardino Ismael Fraga, was sentenced to 17 years' imprisonment and ordered to pay \$6,250 (480,000 kwanza) to the victim's family for the January 2005 killing of Antoninho Tchiswungo, also known as "Toi." There were no further developments in the numerous alleged 2005 or 2004 unlawful killings by police.

Early in the year six men were arrested and charged in the 2004 death of Mfulumpinga Landu Victor, leader of the Democratic Party for Congress. Five of the men were later killed while allegedly trying to escape police custody; the last man, Paulino Antonio "Tchiriri," received a 40-year prison sentence.

There were anecdotal and unconfirmed reports of vigilante violence.

Landmines placed during the long civil war were a continuing threat. Eight provinces, encompassing approximately 50 percent of the country, contained heavily mined areas. The UN Development Program estimated that there were two million unexploded munitions; however, international NGOs conducting landmine clearance operations in the country estimated the number of landmines at 500,000 to one million. During the year the government, working with international NGOs, increased its capacity to clear landmines. An estimated 80,000 landmine victims with injury-related disabilities were living in the country.

b. Disappearance

There were no reports of politically motivated disappearances. Unlike in previous years, there were no reports that persons taken into police or military custody disappeared.

There were no developments in the May 2005 case in which police reportedly arrested eight young persons in the Vila Alice neighborhood of Luanda who subsequently disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The constitution and law prohibit such practices; however, government security forces tortured, beat, and otherwise abused persons. Abuses in police stations during interrogations were common. Police and other security forces were rarely held accountable, although the government punished some violators administratively or by public prosecution.

Abuses by the army continued, but decreased in comparison with previous years. The human rights situation in Cabinda continued to improve; however, there were isolated reports of violence by FAA troops, including beatings and other forms of intimidation, against the civilian population. The International Committee of the Red Cross (ICRC) noted that the attention of Cabindan military commanders and FAA officials to human rights issues had substantially improved since high-level command changes were effected in 2004. The ICRC stated that internal investigative and judicial bodies were functioning and that a large number of FAA officials were held accountable for their actions. Soldiers accused of unlawful behavior faced prosecution in civilian criminal courts. Three soldiers were convicted in the 2005 killing of a village administrator and sentenced to 16-year prison terms.

While abuses by public security forces declined, reports of abuses by private security forces increased, particularly in the diamond-rich provinces of Lunda Norte and Lunda Sul. In the past national police and immigration officers were responsible for most of the human rights abuses perpetrated against Congolese and West African migrant miners, but the large scale deportations and violence associated with Operacao Brilhante, a government operation to stem illegal migration, declined after the operation ended in February 2005. The detention and expulsion of illegal miners continued, but private security contractors hired by diamond companies to protect their concessions from illegal exploitation were responsible for most of the violence. Operation Kissonde: The Diamonds of Humiliation and Misery, a report by local human rights activist Rafael Marques, documented 66 cases of abuse of civilians, most of whom were illegal miners, by private security companies in the Lunda Norte municipality of Cuango during the year.

Police continued to intimidate, rob, harass, and kill citizens (see sections 1.a. and 1.f.). Opposition party members complained that police did not have the capacity to protect them or their facilities (see section 3).

Police and immigration officials at provincial airports extorted money from travelers and harassed returnees and refugees (see sections 2.d. and 4).

There were no developments in the 2005 and 2004 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

Unlike in previous years, there were no reports that police assaulted prostitutes (see section 5).

Landmines continued to result in injuries (see section 1.a.).

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening. Human rights activists reported that prison officials routinely beat and tortured detainees; however, the number of reports continued to decrease during the year. The national prison system continued to hold approximately five times the number of prisoners for which it was designed. With the exception of two new facilities, prisons were severely overcrowded, particularly outside of Luanda. In some provinces warehouses and other industrial buildings were used as prison facilities.

Many prisons did not supply prisoners with basic sanitary facilities, adequate food, and health care. Prisoners depended on families, friends, or international relief organizations for basic support. Prison officials, who were chronically underpaid, supported themselves by stealing from prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes to which they were entitled. There were reports of prison officials operating an informal bail system, releasing prisoners until their trial dates for fees ranging from \$300 to \$1,500 (24,000 to 120,000 kwanza).

There were reports that prisoners died of disease, especially in provincial prisons. Many serious illnesses were improperly diagnosed, delaying proper treatment. Prison conditions varied widely between provinces and municipalities.

Females were generally detained separately from male inmates, even in provincial prisons. Unlike in previous years there were no reports that prison guards sexually abused female prisoners. In June a new prison opened in Viana; it included a female-only wing staffed by female guards.

Juveniles, often incarcerated for petty theft, were frequently housed with adults and subject to abuse by guards and inmates in provincial prisons, but were increasingly separated from the main population in larger urban prisons to reduce such abuses. Juvenile detention centers were present in Luanda but were severely overcrowded.

Pretrial detainees were a major cause of overcrowding. Pretrial detainees were frequently housed with sentenced inmates, and prisoners serving short-term sentences often were held with those serving long-term sentences for violent crimes, especially in provincial prisons. There were no developments in the 2005 incident in which a man died in pretrial custody.

The government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year.

Two new prisons, in Luanda and Benguela provinces, opened during the year. The Luanda prison offered professional training programs to male and female inmates in areas such as sewing, agricultural production, welding, carpentry, and auto repair, and psychological care was available from local churches.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces did not always respect these prohibitions in practice. The national police were the primary perpetrators of abuses. It was reported that national police held family members of wanted individuals (see section 1.f.).

Role of the Police and Security Apparatus

The National Police are under the Ministry of the Interior (MOI) and are responsible for internal security and law enforcement. The internal intelligence service reports to the Office of the Presidency, and is mainly utilized to investigate sensitive state security matters. The FAA is responsible for external security but also has domestic responsibilities; the FAA reportedly conducted small-scale counterinsurgency operations against the FLEC in Cabinda prior to the August signing of the Memorandum of Understanding for Peace and Reconciliation in Cabinda.

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; however, some officials were charged with crimes stemming from abuse of power during 2005, and this trend continued during the reporting period. Most complaints were handled within the national police via internal disciplinary procedures which could lead to formal punishment, including dismissal.

In February the independent press reported that an ongoing internal investigation had targeted senior national police officials for drug and protection racketeering. On June 14, 10 national police officers were dismissed for their involvement in human rights abuses.

During the year various government ministries, the Association for Justice, Peace, and Democracy (AJPD), the UN Human Rights Office (UNHRO), and other NGOs expanded programs to provide human rights and professional training to the police and the military. The Joint Training Team, made up of the Central Police Command, NGO representatives, and the UNHRO, worked to expand police training on human rights from provincial capitals to the municipal level. The prosecutor's office also collaborated with the UNHRO to deliver several workshops on human rights monitoring. As in 2005, police participated in professional training with foreign law enforcement officials from several countries in the region.

Arrest and Detention

The law states that an arrest requires a judge or a provincial magistrate to issue an arrest warrant; however, a person caught committing a crime may be immediately arrested without a warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within five days by a magistrate. However, security forces did not always procure an arrest warrant before detaining persons. The constitution provides for the right to prompt judicial determination of the legality of a detention, but authorities did not respect this right in practice. A person generally may not be held for more than 135 days without trial; however, he may be detained for up to 180 days if caught committing a crime punishable by a prison sentence. However, in practice these limits were commonly exceeded. There was a functioning bail system that was widely used for minor crimes. The law permits detainees access to legal counsel, and states that indigent detainees should be provided a lawyer by the state; however, these rights usually were not respected. The law also allows detainees prompt access to family members; however, this was sometimes ignored or made conditional upon payment of a bribe.

Although improper detention continued to be a problem, government and NGO attention increased, and NGOs were given increased access to information within the judicial system. Human rights organizations, such as the local NGO AJPD, continued efforts to secure the release of illegally detained persons. During the year AJPD worked on more than 400 cases of illegal detention and secured the release of approximately 30 persons. Unlike in previous years, public security forces did not routinely detain persons in Cabinda suspected of collaboration with FLEC, and in mining regions, expelled miners and their families were not unlawfully detained by the police or immigration

services in transit centers. Detention of expelled miners by private security forces, however, increased during the year.

Police arrested demonstrators during the year (see section 2.b.)

An inadequate number of judges and poor communication among authorities led to prolonged pretrial detention. Police often beat and then released detainees rather than prepare a formal court case. During the year government media frequently discussed pretrial detention. The government reported it had released an estimated 2,000 pretrial detainees, who had been held beyond the legal time limit, during the first trimester of the year. In other cases, inmates commonly were held in the prison system for up to two years before their trials began.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary was inefficient, corrupt, and subject to executive influence. The judiciary functioned poorly at the provincial and municipal levels and did not ensure due process for criminal or civil cases. The court system lacked the financial means and political support to assure its independence. During the year the government continued to rebuild courts and train new magistrates and prosecutors; on September 26, the Supreme Court appointed 34 new provincial court judges. However, staffing shortfalls remained a problem in provincial courts, and there was often only one judge to cover all cases in a province. Judicial corruption, especially at the administrative level, was a problem; however, recent changes, such as the implementation of a new court case filing system and the random assignment of judges, improved transparency and efficiency in the judicial system in Luanda and some other provinces.

The court system consists of the Supreme Court as well as municipal and provincial courts of first instance under the authority of the Supreme Court. The Supreme Court serves as the appellate court for questions of law and fact. The president has the power to appoint Supreme Court justices without confirmation by the parliament. The law provides for judicial review of constitutional issues by the Supreme Court until a Constitutional Court is established.

There were long trial delays at the Supreme Court level. A case brought by the opposition party UNITA, challenging the constitutionality of the electoral law, was pending since the law's passage in August 2005. Trials for political and security crimes are handled exclusively by the Supreme Court; however, there were no such trials during the year. The criminal courts had a large backlog of cases that caused major delays in hearings.

A number of criminal laws and judicial system regulations underwent review during the year in an effort to update legislation dating back to the colonial era. The Ministry of Justice (MOJ) continued efforts to update case management systems, train law clerks, increase the number of municipal courts in 14 major population centers, and develop a mediation system.

Due to the lack of judicial infrastructure and the continuing authority of traditional leaders, informal or traditional courts remained the principal institutions through which citizens resolved conflicts in rural areas. Traditional leaders (sobas) heard and decided local cases. They did not provide citizens with the same rights to a fair trial as the formal legal system; instead each community in which they were located established local rules.

Both the National Police and the FAA have internal court systems that generally remained closed to outside scrutiny. While members of these organizations can be tried under their internal regulations, cases that include violations of criminal or civil laws, that is, in cases where there is a civilian victim or plaintiff, can also fall under the jurisdiction of provincial courts.

Trial Procedures

By law trials are usually public, but each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and to 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, but outside of Luanda the public defender was possibly not a trained attorney. Defendants do not have the right to confront their accusers; however, they may question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases; however, the government did not always respect these rights in practice. Defendants are presumed innocent and have the right to appeal.

A court for children's affairs, under the MOJ, functions as part of Luanda's provincial court system (see section 5).

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

A relatively independent and impartial judiciary existed for civil matters in some areas. Civil courts functioned in Luanda and Benguela, and their efficiency improved due to training and consultative services provided by the Commercial Law Development Program (CLDP). The CLDP and the MOJ expanded the training of court clerks to improve administration in the provincial and municipal courts of Benguela, Lobito Huila, Cabinda, and Luanda. This training provided technical skills to ensure random assignment of judges and helped establish a system for tracking of cases and the continuous accountability of documents. During the year the MOJ worked with CLDP and other partners to provide the hardware, software, and training necessary to computerize the case management system in Luanda's Palacio D. Ana Joaquina criminal court building.

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

The constitution and law prohibit such actions; however, the government did not always respect citizens' privacy rights. The legal requirement for search warrants occasionally was disregarded, most often in police searches for illegal vendors and periodic sweeps of public markets.

Citizens widely believed that the government maintained surveillance of certain groups, including opposition party leaders and journalists.

The security situation in Cabinda improved markedly as the peace process progressed. Incidents were reported, but at a much reduced level. Unlike in previous years, there were no reports that government forces in Cabinda attacked women in their homes, while they were working in the fields, near military camps, or during searches of homes.

The government continued to demolish informal squatter housing in Luanda and large provincial cities. In March government and private security personnel forcibly removed an estimated 600 families--mainly women, children, and the elderly--remaining in the Luandan neighborhoods of Cambamba I and II and Banga We, and destroyed their homes due to the continued expansion of the Nova Vida housing project; Nova Vida had reportedly been granted the land without prior consultation with residents or due legal process. Excessive force was used during the expulsions, including discharging of firearms into the air and ground to force the retreat of families and allow bulldozers to advance. One boy was wounded by a stray bullet. According to Amnesty International (AI), police and private security guards beat and kicked residents, including a pregnant woman and a woman carrying a baby on her back, and a youth was beaten by seven police officers and a private security guard. Police interrogated and threatened members of the international organization OXFAM who were present. The private security guard who wounded the boy was reportedly arrested.

The government claimed that legitimate residents of the neighborhoods had been compensated and relocated long before, and that the individuals expelled had deliberately moved to that land in an attempt to unlawfully reap the benefits of government resettlement. Authorities stated that they had repeatedly warned of impending evictions, but the final eviction notice was issued only two days before residents were evicted. However, AI stated that the evictions were apparently carried out without procedural protection, due process, or prior consultation, and evictees were given only one day's notice.

In April 104 families were removed from their apartment building near Kinaxixi circle in downtown Luanda. All families were assigned new homes in the Zango and Sapu neighborhoods, about six miles east of Luanda. In June in the Luandan municipality of Cacuaco 15 families were removed from their homes. In July and August an unknown number of families were moved from Boa Vista, a shantytown in Luanda, to new homes in Zango. Throughout the year, families living near the construction site for the new international airport outside of Viana, approximately six miles east of Luanda, were removed from their homes. Some of these families received new residences or land on which to build, but many were unwilling to move to the selected locations due to the distance from economic centers that provided employment opportunities and markets.

There were anecdotal reports that national police held family members of wanted individuals until the individuals reported to the police.

Section 2 Respect for Civil Liberties

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, government regulations and a lack of independent media outside of Luanda limited this right. Journalists practiced self-censorship.

On May 26, President Dos Santos promulgated a new press law. The law ended the state monopoly on television, partially opened the FM bandwidth to independent broadcasters, and rescinded travel restrictions on journalists. Groups such as the Media Institute of Southern Africa and the Catholic Bishops' Conference of Angola and Sao Tome publicly called for amendments to the new law, including removing statutes that make journalists liable to criminal charges and statutes which prevent independent radio from broadcasting nationwide.

Government and independent media paid increased attention to the electoral process, corruption, economic mismanagement, social conditions, and human rights issues such as domestic abuse and treatment of illegal miners. While the government continued to give preferential treatment to state media organizations, during the year independent journalists received increased access in some provinces, including Luanda, Benguela, and Huila. Opposition parties, however, were at times denied broadcast time on Angola Public Television (TPA), the state television network, and in the government daily newspaper, the Jornal de Angola (JA). UNITA claimed that it paid both TPA and JA for television and print advertising that was never aired or published.

Both independent radio and print media criticized the government openly and at times harshly. The government tolerated this criticism of its policies and actions in the independent media; however, local journalists practiced self-censorship, especially at the provincial level.

The government-owned and -operated Jornal de Angola was the only national daily newspaper. There were 12 private weekly publications, some of which were distributed in the provinces several days after publication in Luanda. There were also four smaller weeklies in the southern provinces. There were five provincially-based commercial radio stations that openly criticized government policies and highlighted poor socioeconomic conditions; however, the five stations were only allowed to broadcast within their respective provinces, including the Catholic Church's Radio Ecclesia and Radio Lac Luanda. Government-owned and -operated Angolan National Radio was the only radio station with the capacity to broadcast nationally other than over short wave. The only television stations were the government's two TPA stations, which broadcast from Luanda and most provincial capitals. Satellite television was available, but beyond the financial means of most citizens.

The largest media outlets were state-operated and carried little criticism of government officials or positive coverage of opposition party political activities, beyond reports on statements in the national assembly or during meetings with government officials. Government-run media, however, often reported on government program deficiencies. The government-owned press often criticized independent journalists and opposition leaders, but independent journalists were free to respond to these criticisms.

As a result of the May 26 press law, foreign journalists no longer needed authorization from the Ministry of Interior to meet government officials or to travel within the country. Foreign journalists, however, must obtain work visas issued in their home country or in their country of residence to enter and report on the country. This process could be time-consuming.

There were no developments in the August 2005 case in which police reportedly confiscated and deleted images from a camera taken from a local independent photojournalist who was photographing a Luanda neighborhood.

Depending on the issue, the minister of social communication, the spokesman of the presidency, the national director of information, and the directors of state-run media organizations had policy and censorship authority.

Defamation of the president or his representatives is a crime, punishable by imprisonment or fine. Factuality is not an acceptable defense against defamation charges; the only allowable defense is for the accused to show that he did not produce the actual material alleged to have caused harm. No persons have been charged under this law.

The law permits the government to classify information.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Although access was limited to an estimated 1.3 percent of the population, availability was increasing, and the number of Internet cafes steadily expanded.

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

The constitution and law provide for the right of assembly; however, the government at times restricted this right.

The law requires written notification to the local administrator three days before public or private assemblies are to be held; however, the government prohibited events based on perceived security considerations. Participants were potentially liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment gatherings routinely were granted without delay; however, applications for protest or opposition party assemblies sometimes were denied, usually based on government claims that the timing or venue requested was problematic.

In January the government denied a permit to Mpalabanda, a Cabindan civic association, to hold an event marking the 121st anniversary of the Treaty of Simulambuco. Portugal granted protectorate status to Cabinda under the treaty, and it symbolized Cabinda's status as distinct from the then-colony of Angola. When some persons went ahead with the protest, police detained them roughly and held them for several hours before releasing them.

In September members of the Angolan Party for Democratic Support and Progress (PADEPA) were arrested for allegedly instigating disobedience and rebellion as they distributed pamphlets protesting the planned closure of Luanda's Roque Santeiro market.

In November authorities denied PADEPA a permit to demonstrate in front of the French embassy to call for the return of what it considered to be public funds siphoned off for private interests and allegedly deposited in French banks or invested in France toward the end of the country's civil war. On November 9, 26 members were arrested and sentenced to one month's imprisonment for disturbing the peace as they approached the embassy with the intent to demonstrate without a permit. The sentences were converted into fines of approximately \$2,000 (160,000 kwanza). At year's end the case was on appeal to the Supreme Court.

There were no developments in the 2005 or 2004 cases in which government authorities used excessive force to disperse demonstrations in Luanda.

Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right in practice. The government may deny registration to private associations on security grounds. Although the government approved most applications, including those for political parties, the MOJ continued to deny registration to the local human rights group AJPD (see section 4). Even without such a

certificate, the government did not prevent AJPD and other NGOs from conducting activities, including programs in official buildings or financed by government entities.

Unlike in past years, the government did not arbitrarily restrict associations that it considered subversive by refusing to grant permits for organized activities, or through official harassment. During the year opposition parties were permitted to organize and hold meetings; however, they reported occasional event-specific harassment by local officials.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Religious groups must register with the MOJ and the Ministry of Culture. Colonial-era statutes ban non-Christian religious groups; however, during the year they were not enforced. In 2004 the legislature approved a law establishing stricter criteria for the registration of religious groups to curb the growth of "cults."

A total of 17 religious groups remained banned in Cabinda on charges of practicing harmful exorcism rituals on adults and children accused of witchcraft, illegally holding religious services in residences, and not being registered.

In February three mosques were closed on grounds that they lacked authorization to open and were holding services that authorities claimed disrupted public order by impeding the flow of traffic. By year's end the Islamic Community of Angola received authorization to reopen the mosques. Public attitudes toward Islam were generally negative, and such sentiments were evident in statements by government officials opposing Muslim proselytizing and in commentaries by citizens in the local media.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. The Jewish community was estimated at 300 persons.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign

Travel, Emigration, and Repatriation

The constitution and law provide for these rights; however, the government at times restricted them in practice. Extortion and harassment at government checkpoints in rural and border areas interfered with the right to travel. Police harassed returning refugees at border checkpoints. The government had restricted access to areas of Cabinda that it deemed insecure; however, following the signing of the Cabindan peace accord in August, complete freedom of movement was allowed. The government restricted access to areas designated as diamond concessions. Citizens in Lunda Norte and Lunda Sul provinces, both containing large diamond concessions, were regularly denied access to the concession areas for any purpose, including obtaining water.

Extortion by police was routine in Luanda, other cities, and towns and pervasive on major commercial routes. Reports that security forces harassed expelled miners and their families as they crossed the border into the Democratic Republic of the Congo declined significantly during the year (see section 1.c.).

Landmines remaining from the civil war were a major impediment to freedom of movement (see section 1.a.).

Unlike in previous years, foreign journalists did not require authorization from the MOI to travel within the country, but border checkpoints remained between provinces.

Immigration officials harassed and extorted money from travelers.

The constitution prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

Between 2002 and year's end, an estimated 385,000 refugees had returned. A joint assessment by the government, UN, and a foreign government estimated that 100,000 internally displaced persons (IDPs) remained unsettled. Some of those yet to return to their homes stated that a lack of physical infrastructure, the presence of landmines, and the absence of government services such as medical care were major deterrents to their return. Others have settled in third countries.

The Ministry of Assistance and Social Reinsertion (MINARS) has primary responsibility for returnees and remaining IDPs, as well as housing and resettlement programs; however, its efforts remained inadequate. Provincial governments have primary responsibility for ensuring safe, voluntary resettlement in areas cleared of mines and with access to water, arable land, markets, and adequate state administration. While areas of return were still given extra resources, conditions in these areas mirrored the difficult situation throughout the country. Unlike in previous years, there were no reports of forced relocation of IDPs (see section 1.f.).

There were continuing reports that border officials harassed and charged refugees and returnees illegal taxes at border posts, but such reports continued to diminish and, unlike in 2005, there were no reports of sexual abuse by border officials. However, the UN Office of the High Commissioner for Refugees (UNHCR) reported mistreatment of old and new refugees in Lunda Norte province.

Protection of Refugees

The constitution and law provide for the granting of refugee status and asylum to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established in principle the framework necessary to provide protection to refugees. However, in practice the government has committed to fund only administrative costs for refugee protection. The government provided some protection against refoulement, the return of persons to a country where they feared persecution; it also granted refugee status or asylum.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens with the right to change their government peacefully; however, in practice citizens could not elect officials at any level of government.

Elections and Political Participation

In 1992 the first multiparty presidential and legislative elections were held. Popular Movement for the Liberation of Angola (MPLA) President Jose Eduardo dos Santos won a plurality of votes cast, and the MPLA also won a majority of seats in the parliament. Local and international observers declared the election to be generally free and fair, but civil war resumed when UNITA leader Jonas Savimbi rejected the results. In 2005 the parliament passed electoral law revisions. The first post-civil war elections were expected during the year, but the government postponed them. The government claimed that complications in the registration process and the need for extensive infrastructure development required the delay. Delayed legislative elections were planned for 2008 and presidential elections for 2009; however, firm dates were not announced.

The government established the National Electoral Commission (CNE) in June 2005 as the supervisory body to monitor elections. The 11 members of the CNE represent the political parties with seats in parliament (six members), the Office of the President, the government, the Supreme Court, and civil society. The president appoints two members, and the other bodies each nominate their representative(s) to participate.

On November 15, the voter registration campaign commenced, and almost one million persons registered to vote in the first month. Opposition party leaders initially complained that delays in announcing the electoral registration timeline made it difficult to hire, train, and fund the opposition supervisors, or fiscais, that are required by electoral law to monitor the registration process for irregularities. By the end of the first phase of registration, however, opposition parties, NGOs, and government leaders called the registration efforts a success despite earlier problems. In response to civil society concerns, the government also developed a system to accredit civil society observers for registration stations.

Political power is concentrated in the president and the Council of Ministers, through which the president exercises executive power. The council can enact laws, decrees, and resolutions; it can therefore assume most functions normally associated with the legislative branch.

The National Assembly comprises 220 deputies elected by proportional vote in the 1992 elections; however, it has little power relative to the president and Council of Ministers. This body has the authority to debate and pass all major legislation, including the national budget. While opposition deputies held 43 percent of parliamentary seats and substantive debates sometimes took place, including the frequent calling of government officials to question-and-answer sessions, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch.

There were more than 120 registered opposition parties, and 11 of these received public subsidies based on their representation in the parliament. During the year all others received one-time public subsidies. The majority of opposition parties had limited national constituencies.

Political parties, including the MPLA, UNITA, the Social Renovation Party (PRS), and the Party of the Alliance of Youth, Workers and Farmers of Angola, complained that political activists and militants physically attacked competing party members.

There were 35 women in the 220-seat parliament, and 10 women in the 41-member cabinet, including two ministers and eight vice-ministers.

The country has three dominant ethno-linguistic groups: the Ovimbundu, the Mbundu, and the Bakongo, who together comprised an estimated 77 percent of the population. However, other groups were also represented in government. There were six members of such smaller ethnic groups in the parliament and one minority member in the cabinet, who represented the Chokwe group. All political parties made concerted efforts to expand into all provinces and attract members of all ethnic groups.

Government Corruption and Transparency

Government corruption was widespread and accountability was limited, although the government took steps to increase transparency and reduce state expenditures not reflected in the official budget. Government efforts to increase accountability reduced discrepancies in reported and actually received oil revenues. To better monitor and control expenditures, the Ministry of Finance (MOF) continued implementation of the Integrated Financial System (SIGFE), a monitoring system that was designed to record all central government expenditures. During the year SIGFE was extended to all central government ministries, and the detailed map of the Public Administrative Accounts it generated last year enabled the MOF to reduce discrepancies in fiscal accounts by 3 to 5 percent for the 2006 Fiscal Balance report. State-owned companies were required to conduct internal audits and submit the results to the government for review. In February the parliament approved the UN and African Union anticorruption conventions; in June ratification of the UN convention was officially promulgated. The government also published oil revenue data on the MOF's Web site and conducted some oil licensing rounds widely recognized for their transparency. It was the first time bids were publicly opened and signing bonuses announced. However, some smaller oil concessions were sold to local companies associated with high-level government officials in the petroleum sector without public disclosure of the bid process, if there was one.

Parastatals, most notably the state oil company SONANGOL, were required to report revenues to the central bank and the MOF, but did not consistently do so; inconsistent accounting practices also remained problematic. SONANGOL and ENDIAMA, the state diamond marketing company, were regularly audited by international accounting firms; however, the International Monetary Fund, which sent a consultation mission to the country, was denied access to SONANGOL audits. SONANGOL's dual role as governmental regulator and national oil company hindered transparency in the petroleum sector. ENDIAMA's audits were likewise not made public. Serious transparency problems remained in the diamond industry, particularly regarding allocation of exploration, production, and purchasing rights. However, the government stepped up its participation in the Kimberly Process during the reporting period, including participating in peer reviews of other countries and chairing a subcommittee of a Kimberly Process Working Group.

Business practices continued to favor those connected to the government; government ministers and other high-level officials commonly and openly owned interests in companies regulated by their respective ministries. Petty corruption among police, teachers, and other government employees was widespread. There was no update available on the December 2005 conviction of five high-level officials from the Ministry of External Relations, including the secretary general and the director of administration and budget management, for the embezzlement of more than \$9 million (720 million kwanza) from the ministry.

The law provides for public access to government information; however, the government was selective in providing it. Access to these resources increased during the year; however, the government's limited technical capabilities restricted its ability to provide information. The MOF published some oil revenue information online and released details of the national budget in the state newspaper.

In June the parliament rejected a bill, proposed by the opposition PRS party, which would have targeted crimes committed by high-level government officials. The parliament, however, passed a law that would revoke immunity from criminal investigation of presidential appointees and allow their prosecution, but only if the president gave his assent.

Section 4 Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Various domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were more cooperative and responsive to the views of those organizations than in past years.

There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs. An estimated 100 NGOs worked on human rights issues, although only a few were considered effective. Local NGOs actively promoted human rights during the year by documenting prison conditions, providing free legal counsel, lobbying government officials, and publishing investigative reports.

As outlined in previous years' reports, the local NGO AJPD continued its efforts to obtain a formal certificate of registration from the MOJ. AJPD had registered under a clause in the registration law that gives legal status if authorities do not reject a group's application within 80 days. At year's end AJPD's request to obtain a certificate remained with the Supreme Court. Despite the lack of certification, AJPD continued to provide human rights training to police through officially approved programs.

In June 2005 the parliament confirmed Paulo Tjipilica as the country's first human rights ombudsman, although NGOs had criticized the lack of civil society involvement in his selection. In February the government published two laws that provided the framework for the Office of the Ombudsman to commence operations and gave the ombudsman the status of a government minister. Under the laws, the human rights ombudsman is an independent public entity charged with defending the rights, liberties, and privileges of citizens, either individually or collectively, in relation to public administration, public institutions, or the public domain. However, the mandate of the ombudsman is limited; he cannot take matters directly to court, and can only address some issues with the president's approval. In addition the ombudsman is authorized to respond only to officially submitted complaints, except in cases of flagrant human rights violations, in which case no official complaint would be required. The ombudsman has the authority to make recommendations and suggest corrective measures, but he does not have the power to "annul, revoke or modify" the powers of any public entity. His reports are to be presented to the parliament. The parliament elected a Deputy Ombudsman, Maria de Conceicao de Almeida Sango, in December and approved a budget for 56 personnel. The ombudsman spent the year assembling his staff, educating the public in provincial meetings on the ombudsman's role, and began reviewing and investigating complaints.

The government criticized and restricted some NGO activities during the year. On May 22, a high-level government official denounced the housing initiatives of local NGO SOS-Habitat for allegedly "fulfilling an agenda, with a view to tarnishing the image of the government, by constantly and permanently creating difficulties to its performance." SOS-Habitat continued its activities and public advocacy despite this criticism.

On July 20, the government rescinded the legal civil association status of Mpalabanda after it joined the Cabindan Forum for Dialogue, the

group that worked to negotiate peace with the government. The government claimed that Mpalabanda was acting as a political entity, outside of its mandate as a civil society organization. Shortly thereafter, police surrounded the house of Mpalabanda President Agostinho Chicaia and requested him to accompany them to police headquarters. He declined and went the next day with an attorney, and was questioned and released. On October 2, police again arrested Chicaia and interrogated him for over 10 hours. The military also raided Mpalabanda headquarters. In September former Mpalabanda vice-president Raul Danda was arrested in a Cabindan airport for carrying what was described as subversive material with intent to distribute. He spent a month in jail but was never formally charged. Danda later continued to distribute press and policy statements through the Internet and to attend public forums.

There are laws that, if implemented, could restrict NGOs, since they allow the government to determine where and what projects an NGO may implement and require NGOs to provide financial details. However, during the year the government did not exercise this authority.

Several international human rights organizations had a permanent presence in the country, including the ICRC and UNHRO. The UNHRO continued joint efforts with the government to strengthen the MOJ's provincial offices of human rights. In training sessions in the provinces, government officials, UN staff, human rights activists, and citizens met to address the need for human rights protections in their communities. The UNHRO conducted programs with the Office of the Human Rights Ombudsman and worked with the Ministry of External Relations to collect information to fulfill the government's international treaty obligations.

In March the UN Special Rapporteur on Adequate Housing issued a public statement criticizing forced evictions and denial of the right to adequate housing in the country (see section 1.c.); the government contested the report's findings.

During the year UN humanitarian agencies maintained large-scale food security programs, repatriation and reintegration activities, and development projects. The government provided the UN with some funding for these activities.

The parliament's committee on human rights visited prisons, held hearings on human rights issues, and visited areas of concern throughout the country.

Section 5 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 people were problems.

Women

Violence against women was widespread. Such violence, including spousal abuse, is not specifically illegal; however, the government occasionally prosecuted it under rape, assault, and battery laws. There were no prosecutions for violence against women under these laws during the year. Police were likely to view such abuse as a family matter, not a violation of law; however, increased training on the rights of women and several high-profile abuse cases, including the murder of a close friend and staffer of the president's wife by a jealous husband, worked to change this view. A significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family Affairs (MWFA) reported receiving an average of 20 domestic violence cases a month. However, many such cases likely were unreported. The government continued its efforts to reduce violence against women and to raise their status. The MWFA operated a program with the Angolan Bar Association to give free legal assistance to abused women; the ministry also opened counseling centers to help families cope with domestic abuse. During September and October the government undertook an information campaign on domestic abuse and hosted several high-profile roundtables on women's rights in coordination with Human Rights Day. This campaign included full-page articles in the *Jornal de Angola* and radio announcements on public radio.

Rape, including spousal rape, is illegal and punishable by up to eight years' imprisonment; however, limited investigative resources and an ineffective judicial system prevented prosecution of most cases. During the year there were no known prosecutions. Police were reluctant to prosecute such cases. They have a low level of forensic capabilities. The Organization of the Angolan Woman operated a shelter that offered special services for rape victims. The MOJ worked with the MOI to increase the number of women police officers and train police officers to improve police response to rape allegations.

Prostitution is illegal, but the prohibition was not consistently enforced. Due to poverty, many women engaged in prostitution. Unlike in the previous year, there were no reports that police sexually abused prostitutes after detaining them. The MWFA maintained a shelter that was open to former prostitutes.

Sexual harassment was common. Sexual harassment is not specifically illegal; however, such cases may be prosecuted under assault and battery and defamation statutes.

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, whether or not heads of household, bear the major responsibility for raising children. The MWFA has a National Office for the Rights of Women focused on ensuring that the country is in compliance with its international treaty obligations.

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. However, a few ministries, political parties, and businesses were led by women. As in 2005 the MWFA conducted skills training programs and workshops for women.

Children

The government was committed to the protection of children's rights and welfare, but lacked the human and logistical resources required to provide necessary programs. The National Institute for Children (INAC) had primary responsibility for coordinating government action concerning children's affairs.

Education is free and compulsory until the sixth grade, but students often had significant additional expenses, including books and supplies. The Ministry of Education suffered from a lack of resources and during the war most of the educational infrastructure was damaged. There were not enough schools to provide universal primary education. The net enrollment rate at primary schools climbed from an estimated 55 percent in 2002 to 89 percent during the year. A total of 30 percent of all eligible children were enrolled at the secondary level. According to the UN Educational, Social, and Cultural Organization, there was a gender gap in enrollment rates favoring boys over girls.

The government provided free medical care for children with identity documents at pediatric hospitals and health posts throughout the country; however, in many areas, health care was limited or nonexistent. Where medical care was available, boys and girls were provided equal access. Several vaccination campaigns inoculated more than four million children against measles and polio.

Child abuse was widespread. Physical abuse was commonplace within the family and was largely tolerated by local officials. In June an Interministerial Commission, with representatives from the ministries of interior; social assistance and reintegration; health; education; public administration, employment, and social security; justice; tourism; and family and the promotion of women, was formed with the mandate to create a national plan to combat and prevent violence against children, to include unlawful child labor, trafficking, and sexual exploitation.

The legal age for marriage, with parental consent, is 15. This law was not effectively enforced, and the traditional age of marriage in lower income groups coincided with the onset of puberty.

During the year human rights abuses, due to accusations of witchcraft especially against children, continued to be a major problem. In August INAC, MINARS, and the UN Children's Fund (UNICEF) released a report and held a workshop on this problem. The report noted that most cases occurred in Luanda, Uige, and Zaire provinces, and vulnerable children, such as orphans or those without access to health care or education, were more likely to be accused of witchcraft. Following an accusation, children were often turned over to religious leaders to be "cured." "Treatment methods" included isolation, withholding of food and water, ritualistic cuttings, and the placing of various caustic oils or peppers on the eyes and ears of the children. Reportedly children were sometimes killed during these "exorcism" rituals. During the year the government worked through INAC and international NGOs to assist child protection networks in Luanda, Uige, and Zaire provinces to support children accused of witchcraft, and to report to authorities those religious organizations carrying out abusive treatments. Government and religious leaders called for an end to these practices, but were unable to reduce the influence of these traditional beliefs. There were no updates on the police investigations of such cases reported in the media in 2005.

Children were reportedly trafficked for sexual exploitation and child prostitution (see section 5).

Child prostitution is illegal; however, there were unconfirmed reports of child prostitution in Santa Clara, in Cunene province on the border with Namibia. Children reportedly were crossing into Namibia to engage in prostitution for survival with local truck drivers, without third party involvement.

Sexual relations with a child under 12 are considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse, with convicted offenders liable for sentences of up to eight years in prison; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases.

The government, assisted by the World Bank and UNICEF, continued to implement its post-conflict child soldier protection strategy. Under the strategy, those designated as child soldiers were given access to special resources, including skills training, assistance with civil registration, and access to special social assistance.

Child labor occurred, mostly in the informal sector (see section 6.d.).

The INAC is responsible for child protection, but it lacked the technical capacity to work without the assistance of international NGOs and donors. The government had registered 1,500 homeless children in Luanda, but other estimates of their number were much higher. An estimated 10,000 children worked in the streets of Luanda, but returned to some form of dwelling during the evening. Most of these children shined shoes, washed cars, carried water, or engaged in other informal labor, but some resorted to petty crime, begging, and prostitution.

Trafficking in Persons

The constitution and law prohibit slavery; however, there are no specific laws against trafficking in persons. There were unconfirmed reports that persons were trafficked from and within the country.

The extent of trafficking in persons was unknown, but was not believed to be significant. During the year there were unconfirmed reports that a small number of children were trafficked out of the country to South Africa or Namibia. Homeless and orphaned children were most vulnerable to trafficking.

Methods used by traffickers to obtain and transport victims were unknown. The small number of traffickers working in the country was not thought to be organized.

Laws criminalizing forced or bonded labor, prostitution, pornography, rape, kidnapping, and illegal entry are used to prosecute trafficking cases. The minimum sentence for rape is eight years' imprisonment, and sentences for related offenses carry a maximum of life imprisonment. The number of prosecutions directly related to trafficking during the year was not available.

Immigration services and INAC played significant roles in antitrafficking efforts, including implementing provincial-level training which also focused on child prostitution and helped strengthen provincial and municipal child protection networks. However, no single ministry has direct responsibility for combating trafficking.

In August the National Police and the International Organization for Migration held a training session on trafficking. Approximately 80 participants attended, including high-level national police and immigration officials. In November a second roundtable took place.

The government operated facilities throughout the country for abandoned and abducted children; however, in many cases the facilities were underfunded, understaffed, and overcrowded. A Catholic-affiliated center in Namacumbe, near the Namibian border, assisted victims of trafficking to find and reintegrate with their families.

The government provided basic assistance to trafficking victims on an ad hoc basis, especially in the capital. Local social welfare agencies provided basic necessities. This type of program did not exist outside of Luanda, nor did the government operate shelters specifically for trafficking victims.

The government attempted to monitor its borders, but lacked resources to do so effectively. Efforts by UNICEF, supported by the government, strengthened immigration controls at airports and border checkpoints. Immigration services at the international airport in Luanda were more effective than provincial border posts and required proper documentation for children seeking to fly internationally. In July the government signed a joint Economic Community of West African States and Economic Community of Central African States counter-trafficking accord.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services, but the government did not effectively enforce these prohibitions. The number of persons with disabilities included more than 80,000 landmine victims. Albinos were commonly discriminated against, although church groups worked to eliminate the abuse. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. There is no legislation mandating accessibility for persons with disabilities to public or private facilities, and it was difficult for such persons to find employment or participate in the education system. The MINARS had an office to address problems facing persons with disabilities; however, given the large number of landmine victims, several government entities supported programs to assist individuals disabled by mine accidents. In June the government created a high-level commission to oversee implementation of projects to assist the reintegration of veterans with disabilities.

Indigenous People

An estimated 3,400 Khoisan people lived in small, dispersed communities in Huila, Cunene, and Kuando Kubango provinces. The Khoisan 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 Ocadec, a local NGO advocate for the Khoisan, has worked with provincial governments to increase services to Khoisan communities and to improve communication between these communities and the government. Adequate protection for the property rights of traditional pastoral communities was a concern; however, in August the Council of Ministers approved land reform regulations to allow groups to apply for land tenure. In October a group of Khoisan, near Quipungo, Huila Province, was granted a provisional land title.

Other Societal Abuses and Discrimination

The law criminalizes sodomy. HIV/AIDS was openly discussed. In December 2005 President Dos Santos inaugurated a new building for the National Institute for HIV/AIDS and was supportive of HIV/AIDS awareness and prevention campaigns. However, discrimination against homosexuals and those with HIV/AIDS occurred. The government promulgated a law that criminalizes discrimination against those with HIV/AIDS, but lack of enforcement allowed employers to discriminate against and treat unfairly those with the condition. There were no reports of violence against those with HIV/AIDS. Local NGOs had been established to combat stigmatization and discrimination against people living with HIV/AIDS. The FAA implemented educational programs to discourage discrimination against HIV-positive military personnel and prevent the spread of the disease.

Section 6 Worker Rights

a. The Right of Association

The constitution and law provide for the right of workers to form and join unions without previous government authorization or excessive requirements. These laws were enforced. Labor unions independent of the government-run unions worked to increase their influence, but the ruling MPLA still dominated the labor movement due to historical connections between the party and labor.

The law prohibits antiunion discrimination and stipulates that worker complaints be adjudicated in regular civil courts. Under the law, employers are required to reinstate workers who have been dismissed for union activities; however, the judicial system did not enforce these provisions.

b. The Right to Organize and Bargain Collectively

The constitution and law provide for the right of unions to conduct their activities without interference, but the government did not always protect this right. The law provides for collective bargaining and the right to strike, and workers exercised these rights in practice. There were no export processing zones.

There are no restrictions on collective bargaining.

The constitution grants 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. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The Ministry of Labor has a hot line for workers who feel their rights are being violated. The law does not effectively prohibit employer retribution against strikers, and it also permits the government to force workers back to work for "breaches of worker discipline" and participation in unauthorized strikes. Workers, including government-employed teachers and nurses, exercised their right to strike during the year. The number of strikes and industries affected continued to increase.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were unconfirmed reports that such practices occurred (see section 5). The MOJ has effective enforcement mechanisms for the formal economic sector; however, most labor law violations occurred outside the official labor market and were not subject to legal enforcement.

d. Child Labor Practices and Minimum Age for Employment

Child labor in the formal sector was restricted under the law; however, child labor, especially in the informal sector, remained a problem. The legal minimum age for apprenticeship is 14 years, and 18 for full employment. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children younger than 16 are prohibited from doing factory work; however, these provisions were rarely enforced. Most work done by children was in the informal sector. Children worked on family farms, as domestic servants, and as street vendors. Family-based child labor in subsistence agriculture was common.

The Inspector General of the Ministry of Public Administration, Employment, and Social Security (MAPESS) is ultimately responsible for enforcing all labor laws; however, the MFWA also plays a significant role in investigating complaints of child labor.

The Children's Affairs Court under the MOJ had assumed jurisdiction over general child protection in Luanda and was expected to assume jurisdiction in the other provinces once provincial courts became operational. In the meantime child labor cases continued to be adjudicated by the provincial criminal courts for minors aged 16 to 18 or the MFWA's Family Courts for children under age 16. Child labor violations are punishable by fines.

In practice neither the Labor Code nor the judicial system was capable of ensuring labor rights. The court system was overextended; few resources were available for family or children affairs courts or child labor investigations. Moreover, while mechanisms were in place to investigate and prosecute child labor violations in the formal sector, the government lacked the capacity to oversee the much larger informal sector. There was no formal procedure for inspections and investigations of child labor abuses outside of the family law system, although private persons can file accusations of violations of child labor laws.

e. Acceptable Conditions of Work

During the year MAPESS raised the minimum wage in the formal sector to approximately \$65 (5,200 kwanza) per month, which did not provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, including subsistence agriculture, or support from abroad to augment their incomes.

The standard workweek is 40 hours with at least one unbroken period of 26 hours of rest per week. There is a limit on work of 80 hours per week. Required premium pay for overtime is time and a half for up to 30 hours of overtime, and 1.75 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 week, or 200 hours a year. These standards were not effectively enforced, unless employees requested it.

The government has set occupational health and safety standards; however, the Ministry of Labor's Office of the Inspector General did not enforce these standards effectively. Nonetheless, the inspector general greatly increased the number of workplace inspections; 2,038 employers were inspected in the first half of the year, compared with 2,776 inspections in all of 2005. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but it was not exercised in practice.