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Angola

Country Reports on Human Rights Practices - [2005](#)

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Angola is a constitutional republic in transition after 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 election generally free and fair. Civilian authorities generally maintained effective control of the security forces.

While the government's human rights record showed improvements in a few areas, it remained poor and serious problems remained. The following human rights problems were reported:

- abridgment of the right of citizens to elect officials at all levels
- unlawful killings, disappearances, torture, beatings, and abuse of persons
- harsh and life-threatening prison conditions
- corruption and impunity
- arbitrary arrest and detention and lengthy pretrial detention
- lack of due process
- an inefficient and overburdened judicial system
- restrictions on freedom of speech, the press, and assembly
- violence and discrimination against women and children

The government was increasingly open to civil society and opposition participation in political processes, especially during the debate and passage of the package of electoral laws. The National Election Commission and the Ministry of Territorial Administration began preparations for the scheduled 2006 elections. While access to media in the provinces continued to be an area of concern, the government gave more access and information to independent media. The appointment of a human rights ombudsman was an important step in ensuring citizen's ability to report human rights concerns directly to an independent governmental body.

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 any politically motivated killings; however, security forces killed an unknown number of persons. Local human rights organizations reported that police were the primary human rights abusers and responsible for most unlawful killings (see section 1.c.). Unlike previous years, members of the civil defense organization (ODC) were not implicated in unlawful killings. Impunity remained a problem.

There were unconfirmed reports of unlawful killings by police and private security forces in Cabinda. There also were unconfirmed reports of clashes in the enclave between the Armed Forces of Angola (FAA) and the Front for the Liberation of the Enclave of Cabinda (FLEC); however, combat in this province had largely ceased.

Domestic media reported cases of police resorting to excessive force, including unlawful killings. In January independent media reported that police shot and killed a young man, mistakenly believed to be a wanted criminal, in his home in the Cazenga neighborhood of Luanda. On February 5, independent media reported that the police of killing a 24-year-old man in the Rangel neighborhood of Luanda. On July 9, independent media reported that police killed a 2-year-old child in Luanda Norte Province while trying to extort money from the child's mother. According to the Association for Justice, Peace and Democracy, a man died in custody after his arrest in September. In October independent media reported that police killed a known gang member in his home in the Zambizanga neighborhood of Luanda. Independent media reported extensively during the year on extrajudicial killings of known criminal gang members. Police largely viewed these killings as an alternative to relying on the country's ineffective judicial system.

A human rights activist reported that in January at least one person died during an operation to expel illegal migrant workers from the country

(see section 1.c.).

Unlike past years, police and the armed forces did not kill civilians during protest demonstrations.

There were no further developments in 2003 killings by police.

Eight provinces, encompassing approximately 50 percent of the country, contain areas that were heavily mined during the long civil war. The UN Development Program (UNDP) estimated that there were 2 million unexploded munitions in the country; however, international nongovernmental organizations (NGOs) conducting landmine clearance operations in the country estimated the number of landmines at 500 thousand. It was reported that fewer individuals were killed and maimed due to landmine accidents in 2005 compared with previous years. There were more than 80,000 landmine victims with injury-related disabilities.

The investigation of the July 2004, death of Mfulumpinga Landu Victor, leader of the Democratic Party for Congress (PDP-ANA), was ongoing at year's end. During the year members of the opposition requested information on the investigation. The government had not provided such by year's end.

Unlike previous years, there were no reports that Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC) forces killed civilians in Cabinda.

No action was taken against FLEC forces responsible for civilian deaths in 2004.

There were no further developments in the 2003 case in which FLEC guerrillas executed a person for collaborating with the government.

There were unconfirmed reports of vigilante violence.

b. Disappearance

There were no reports of politically motivated disappearances, but persons taken into police and military custody reportedly disappeared in some cases, particularly in Cabinda, Lunda Norte, Lunda Sul, and other rural areas. In May police reportedly arrested eight young persons in the Vila Alice neighborhood of Luanda who subsequently disappeared.

There were no developments in the 2004 disappearance of a municipal Union for the Total Independence of Angola (UNITA) secretary and a member of the UNITA youth wing (JURA) in Benguela.

There were no developments in the 2003 disappearance of two young farmers in Huambo.

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

The law prohibits such practices; however, there were reports that security forces tortured, raped, beat, and otherwise abused persons. Local and international human rights organizations reported that these abuses were widespread.

Abuses by undisciplined and untrained security forces continued to be a problem. While the human rights situation in Cabinda appears to have improved there were unconfirmed reports that undisciplined FAA troops committed acts of violence, including beatings and other forms of intimidation, against the civilian population. The Cabindan military commander issued a public statement that such actions would be punished and there were reports of military legal proceedings throughout the year.

In an attempt to curb illegal diamond mining, the government targeted and expelled an unknown number of Congolese and West African migrant miners. "Operacao Brilhante," continued during the year but was scaled down and mainly involved members of the national police and Ministry of Interior immigration officers. Methods used by the police and immigration officials improved, but physical abuse, corruption, and extortion were commonplace. Prior to expulsion, many were held for a few days in transit camps that lacked sufficient water, sanitation, and shelter. Lack of transport forced many to cover the last 40 miles of the journey to the border on foot.

A report by local human rights activist Rafael Marques and a Portuguese lawyer, Rui de Campos, entitled, *Lundas--The Stones of Death*, included a detailed record of the human rights abuses in the two provinces most affected by "Operacao Brilhante," Lunda Norte and Lunda Sul. Much of the information was about 2004 abuses. However, the report documented that police near Muxinda, Lunda Norte raped a girl in January and that police in Dundo, Lunda Norte killed an inmate attempting to escape in February. The report not only documented human rights abuses due to "Operacao Brilhante", but also highlighted the negative effects of having large, undisciplined, and untrained security forces in these two provinces. Unconfirmed reports of violence, including extrajudicial killings by police and private security forces in this area of the country were a serious concern for local human rights activists and the international community.

Police participated in acts of intimidation, robbery, harassment, and killings (see sections 1.a. and 1.f.). However, unlike in past years, authorities did not forcibly move vendors from Luanda markets.

Unlike in previous years, there were no reports of police beating journalists.

Unlike in previous years, there were no reports of police injuring or killing persons while forcibly dispersing demonstrations.

Unlike in previous years, authorities did not harass opposition party members. However, opposition party members complained that police were not effective in protecting them or their facilities (see section 3).

Police and immigration officials at provincial airports harassed NGO workers during the year, extorted money from travelers, and harassed and abused refugees (see sections 2.d. and 4).

There were no developments in the 2004 and 2003 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

There were reports that police assaulted prostitutes during the year (see section 5).

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

Unlike in previous years, there were no reports that FLEC-FAC forces tortured civilians in Cabinda. However, a group claiming to support Cabindan independence beat an elderly Catholic bishop and threatened the newly appointed bishop with death if he took his place in the cathedral.

There were no developments in the 2004 shooting of Vincente Tembo, a UNITA deputy, by unknown persons.

There were no further developments in the 2004 incident in Cazombo, Moxico, where a mob burned and looted 80 homes of known or supposed UNITA supporters.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening. During the year human rights activists reported that prison officials routinely beat and tortured detainees. The national prison system continued to hold approximately five times the number of prisoners for which it was designed. Prisons were severely overcrowded, particularly outside the Luanda prison system. However, unlike in the previous year, prisoners did not die from asphyxiation in overcrowded police cells. In some provinces warehouses and other buildings were used as prison facilities.

Many prisons, lacking adequate financial support from the government, were unable to 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 their 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 date for fees ranging from \$300 to \$1,500 (25 thousand to 127,500 kwanza).

There were unconfirmed reports that prisoners died of malnutrition and disease, especially in provincial prisons. According to the Association for Justice, Peace and Democracy (AJPD), a man died in pretrial custody after his arrest in September.

In June two of four policemen charged with the December 2004 asphyxiation deaths in Mussendi, Lunda Norte were sentenced to seven months' imprisonment (see section 1.d.).

There were reports that prison guards sexually abused female prisoners. Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates. Pretrial detainees frequently were housed with sentenced inmates, and prisoners serving short-term sentences often were held with inmates serving long-term sentences for violent crimes. The government announced that a new prison facility for women would be constructed in 2006.

Unlike in the previous year, the government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year.

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 source of abuses during the year, especially in Lunda Norte and Lunda Sul provinces.

Role of the Police and Security Apparatus

The National Police are under the Ministry of the Interior and are responsible for internal security and law enforcement. The internal intelligence service is directly answerable 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; it was reported that the FAA conducted small-scale counterinsurgency operations against the FLEC-FAC in Cabinda.

Other than personnel assigned to elite units, police were poorly paid, and the practice of supplementing income through extortion from the civilian population was widespread. Corruption and impunity remained serious problems. However, a number of officials were charged with crimes stemming from abuse of power during the year. Most complaints were handled within the national police via internal disciplinary procedures leading to formal punishment or dismissal from their position. During the year a number of charges were brought against members of security forces for abusing their power. On April 9 three officers from the Office of Criminal Investigations (DNIC) were charged with trafficking cocaine. On May 4, the Huambo provincial court found the local director of the transit police guilty of shooting at a young boy outside a school. The director received a \$515 (45 thousand kwanza) fine and a two-year suspended sentence. On May 9, a FAA Major in Lunda Norte Province was fined \$115 (10 thousand kwanza) and given a six-month jail sentence for physically abusing two citizens. In June two of four policemen charged with the December 2004 asphyxiation deaths in Mussendi, Lunda Norte were sentenced to seven months' imprisonment (see section 1.c).

During the year, AJPD and other NGOs provided human rights and professional training to police and military. Police also participated in professional training with foreign law enforcement officials from several countries in the region.

Arrest and Detention

The law provides that a judge or a provincial magistrate must issue an arrest warrant; however, a person caught in the act of committing a crime may be arrested and detained immediately. 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 placing individuals in detention. The law provides for the right to prompt judicial determination of the legality of the detention, but authorities did not respect this right in practice. Detainees are informed of the charges against them either during their arrest or during their arraignment. A person may not be held for more than 135 days without trial. The law provides for a maximum of 180 days of investigative detention when an individual is caught in the act of committing a crime punishable by a prison sentence. However, in practice these limits were commonly exceeded. There is a functioning bail system that was widely used for minor crimes. The law permits detainees access to legal counsel; however, this right usually was not respected in practice. The law also allows detainees prompt access to family members; however, this was sometimes ignored in practice or made conditional upon payment of a bribe.

Although the Ministry of Justice was nominally in charge of the prison system, the police continued to arrest and detain persons without bringing detainees to trial.

Although improper detention continued to be a problem, government and NGO attention increased and NGOs were given better access to information within the judicial system. Human rights organizations, such as the AJPD, continued their efforts to secure the release of illegally detained individuals. During the year AJPD handled more than 400 cases of illegal detention, and were able to secure the release of approximately 30 cases.

According to the independent media, security forces continued to illegally detain individuals in Cabinda accused of collaborating with FLEC. As part of "Operacao Brilhante," expelled miners and their families were detained in transit centers until their removal from the country (see section 1.c.).

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

An insufficient number of judges and poor communication between various authorities led to prolonged pretrial detention. In July the president of the Supreme Court stated that approximately 50 percent of those in prisons were awaiting trial. It was common for inmates to wait approximately one to two years for trial. In many cases police beat and then released detainees rather than prepare a formal court case.

e. Denial of Fair Public Trial

The law 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. In practice the court system lacked the means and political support to assure its independence. During the year the government continued to rebuild courts and train new magistrates and prosecutors; however, in civil and criminal provincial courts, there was often only one judge to cover all cases in the province. Judicial corruption, especially at the administrative level, was a concern; however, recent changes, such as the implementation of a new court filing system and the random assignment of judges, ensured greater transparency in the judicial system.

The court system consists of the Supreme Court at the appellate level 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 the constitutional court is established.

There were long delays for trials at the Supreme Court level. 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 have a large backlog of cases that caused major delays in scheduling hearings. The law and rules of procedure underwent reforms during the year. In January the president created a legal reform commission. Working with UN support this commission was tasked with the reform of the legal structure, including the entire penal code, which closely mirrors the pre-1974 Portuguese law. The commission's final report was not complete at year's end; however, a high-level official at the Ministry of Justice noted that the commission had proposed new versions of a number of legal statutes and had forwarded them to the National Assembly. The Ministry of Justice (MOJ) continued efforts to update case management systems and train law clerks. Judges were often not licensed lawyers; however, the MOJ increased efforts during the year to recruit and train lawyers to serve as magistrates. The MOJ is also working to improve the administration of justice at the provincial level by increasing the number of municipal courts and

developing a system of mediation.

Due to the lack of judicial infrastructure in many provinces and municipalities, traditional or informal courts were utilized. Traditional leaders (*sobas*) were called upon to hear and decide local cases. These courts were expected to continue until the formal legal system is rebuilt. They did not provide citizens with the same rights to a fair trial as the formal legal system; instead the community in which they were located established their rules.

Both the National Police and the FAA have internal court systems. While members of these organizations can be tried under their internal rules and regulations, all cases that include violations of criminal or civil laws are under the jurisdiction of provincial courts.

Trial Procedures

By law trials are 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. An attorney is provided at public expense if a defendant faces serious criminal charges, but outside of Luanda the public defender may not be a trained attorney. Defendants do not have the right to confront their accusers; however, defendants can question witnesses against them and/or present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. 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

There were no reports of political prisoners.

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

The law prohibits such actions; however, the government did not always respect citizens' privacy rights. Legal requirements for search warrants occasionally were 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 situation in Cabinda continued to improve, but serious incidents were reported. The denial of access to agricultural areas hampered citizen's ability to fully utilize Cabinda's agricultural areas. Government forces in Cabinda reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes.

The government continued to demolish informal squatter housing. In August a number of families were removed from their homes in Boa Vista, a neighborhood of Luanda. In October squatters who had taken over a building near the National Stadium were moved to the Zango and Caop communities outside Luanda. In November police demolished 300 homes in the Luandan neighborhoods of Cambamba I and II, "28 de Agosto," and Banga We. Residents of these neighborhoods clashed with police and several individuals, including human rights activists, were arrested (see section 2.b). In many instances the government offered new residences to displaced families; however, the communities built to receive these families were up to 15 miles outside Luanda. Unlike in previous years, there were no reports of discrimination in land distribution nor were there reports that demobilized soldiers and former UNITA soldiers moved away from Cazombo, Moxico, for safety reasons.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, at times the government restricted these rights in practice. Unlike in the previous year, there were no reports that police, especially outside Luanda, beat or detained journalists. Journalists practiced self-censorship.

Both radio and print media criticized the government openly and at times harshly. During the year there was increased media attention on the upcoming elections, corruption, economic mismanagement, and opposition politics. Unlike in previous years, there were no reports that journalists were investigated for reporting on sensitive issues. While the government continued to limit access by independent journalists to certain events and officials, independent journalists received moderately increased access during the year.

The largest media outlets were state-operated and carried little criticism of government officials, although they often highlighted government program deficiencies. The government-owned and operated *Jornal de Angola* was the only national daily newspaper. There were 12 private weekly publications, including 4 smaller provincial weeklies in the southern provinces. The government generally tolerated criticism of its policies and actions in the independent media.

The government-owned press often criticized independent journalists and opposition leaders, but independent journalists were able to freely respond to these criticisms.

There were five commercial radio stations, including the Catholic Church's Radio Ecclesia and Radio Lac Luanda, which openly criticized government policies and highlighted poor socioeconomic conditions. Although Radio Ecclesia broadcasted throughout the country via the Internet, the government continued to refuse to approve a nationwide FM broadcast network. Government-owned and -operated Angolan National Radio was the only radio station with the capacity to broadcast throughout the country other than over shortwave. The only television station was the government Angola Public Television, which broadcasted in Luanda and most provincial capitals. Satellite television was available, but beyond the financial reach of many citizens.

Foreign journalists must receive authorization from the Ministry of the Interior to meet government officials or to travel within the country. Foreign journalists also must obtain work visas issued in their home countries to enter and report on the country.

The Media Institute of South Africa reported that in August police confiscated and deleted images from a camera taken from a local independent press photojournalist who was photographing a Luandan neighborhood.

There were no developments in the 2004 cases in which government authorities harassed journalists.

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. The government used its control of the government media and connections to independent media sources to influence public opinion.

In May independent media reported that the vice-minister of social communication warned the staff of the government-owned *Jornal de Angola* not to give equal coverage to opposition parties. Debate on this issue ended when the minister of social communication announced that all parties should be granted equal coverage by all media outlets.

Defamation of the president or his representatives is a criminal offense, punishable by imprisonment or fines. Factuality is not an acceptable defense against defamation charges; the only allowable defense is to show that the accused did not produce the actual material alleged to have caused harm. In February the Supreme Court overturned the 2004 conviction for defamation of the editor of the independent weekly *Semanario Angolense*. He was seeking compensatory damages at year's end.

There were no updates on the cases of journalists arrested by the government in 2003 on charges of slander.

The law permits the government to classify information. If classified material is published, the government can demand information regarding the source of the leak and prosecute those who published the classified information. There were unconfirmed allegations that the government used this law to classify information unnecessarily, preventing the public from obtaining information on government decision-making.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for the right of assembly; however, the government at times restricted this right in practice.

Unlike previous years, the police did not use excessive force to break up demonstrations.

The law requires an application for permission three days before public or private assemblies are to be held. Participants are liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment assemblies routinely were granted without delay; however, applications for protest assemblies sometimes were denied, usually based on the timing or venue selected. During the year, official tolerance for public protest increased, although officials were not consistent in permitting such protests and procedures for obtaining permissions were confusing and not standardized across the government.

In August the government denied a permit to a student organization protesting problems in the higher education system. When the protest was held without a permit, the police arrested members of this organization. Those members arrested were released within 24 hours. In November the police arrested and released within a week nine members of the Party for the Support of Democracy and Progress in Angola for distributing antigovernment pamphlets. Also in November the police violently arrested 12 human rights activists and neighborhood residents during protests due to the planned demolition of homes in neighborhoods surrounding Luanda. All protestors were acquitted by judicial proceedings that found their charges baseless the following day (see section 1.f.). In December the police arrested and released on the same day six members of Mpalabanda, the civic association of Cabinda, during an unauthorized protest in Landana, Cabinda Province.

There were no developments in the 2004 and 2003 cases in which government authorities used excessive force to break up demonstrations in Luanda.

Freedom of Association

The law provides 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 a formal certificate of registration to the local human rights group AJPD (see section 4). Even without a formal certificate of registration, AJPD and other NGOs were not prevented from conducting activities.

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

There were no developments or confirmations of the 2004 case in which UNITA members complained of being beaten to deter their attendance at a political rally.

c. Freedom of Religion

The law provides 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, they were not enforced during the year. In 2004 the legislature approved a law establishing stricter criteria for the registration of religious groups to curb the growth of cults, although the law did not have any effect on the registration process. During the year the government passed a law to prevent unregulated organizations posing as religious institutions to gain relief from import duties and other taxes. Major religious organizations supported the legislation.

A total of 17 religious groups in Cabinda remained banned during the year on charges of practicing traditional medicine among the groups' members.

Government officials continued to publicly state their opposition to Muslim proselytizing.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. The Jewish community was estimated to be approximately one hundred persons.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the government at times restricted these rights. Extortion and harassment at government security checkpoints in rural and border areas interfered with the right to travel. Police harassed returning refugees at border checkpoints. The government restricted access to areas of Cabinda that it deemed insecure; however, during the year, previously inaccessible areas in that province were opened to travel. The government also restricted access to areas of the country designated as diamond concessions. Citizens in Lunda Norte and Lunda Sul provinces, both containing large diamond concessions, were regularly denied access to these restricted areas.

Extortion by police was routine in Luanda, pervasive on major commercial routes, and served as a principal source of income for the police. As part of "Operacao Brilhante," security forces harassed expelled miners and their families as they crossed the border into the Democratic Republic of the Congo (see section 1.c.).

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

Foreign journalists must obtain authorization from the Ministry of the Interior to travel within the country.

Immigration officials harassed and extorted money from travelers.

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

Internally Displaced Persons (IDPs)

During the year a joint assessment by the government and the UN found that approximately 91 thousand IDPs remained unsettled. Those yet to return to their homes noted that a lack of physical infrastructure, landmines, and a lack of governmental infrastructures were a major deterrent to return.

The Ministry of Assistance and Social Reinsertion has primary responsibility for returnees and remaining IDPs, as well as continued housing and resettlement programs; however, these efforts remained inadequate. Provincial governments have primary responsibility for resettlement, ensuring safe, voluntary resettlement to 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. A March Human Rights Watch (HRW) report concluded that basic services and protections for IDPs and returning refugees were not made available (see section 4). Unlike in previous years, there were no confirmed reports of forced relocation of IDPs.

While there were continuing reports that border officials harassed, sexually abused, and charged refugees illegal taxes at border posts, such reports diminished during the year. However, the UN office of the High Commissioner for Refugees (UNHCR) reported an increase in crimes against returnees in Moxico Province; incidents included physical assaults, confiscation of goods, and demands for bribes.

Protection of Refugees

The law provides 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 a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government did not provide temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol.

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 did not elect officials at all levels.

Elections and Political Participation

In 1992 the first multiparty presidential elections were held. Popular Movement for the Liberation of Angola (MPLA) president Jose Eduardo dos Santos won a plurality of votes cast. Local and international observers declared the election to be generally free and fair. The country's first post-civil war elections were expected in 2006.

On August 3, the parliament passed the final component of the package of electoral laws; all but one of the seven laws passed by consensus. High-level government officials, including the president, worked directly with opposition parties, including those without seats in parliament, on issues such as election law. Independent domestic NGOs claimed they had positively influenced the final election laws.

On August 15, an 11-member national electoral commission was established and began meeting. A number of commission members were government officials, including two supreme court judges. Local opposition party members complained that the ruling MPLA has majority membership in this body.

Authorities launched a civil registration campaign to ensure that citizens had access to the necessary identification papers prior to the electoral registration. Civil society and political parties complained that this campaign was undertaken in a manner that unfairly benefited the party in power. Logistical and resource constraints also hampered this process.

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, which mean it can assume most functions normally associated with the legislative branch. Although the constitution established the position of prime minister, the president also filled the position from 1998 to 2002. In 2002 the president named former Interior Minister Fernando Dias dos Santos "Nando" (no relation to the president) as prime minister. While opposition deputies held 43 percent of parliamentary seats and substantive debates sometimes took place, especially regarding the electoral law package, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch.

Opposition parties, including the UNITA and the Social Renovation Party (PRS), complained of political intolerance by MPLA political activists. Several small, but violent, clashes occurred early in the year. In March, 28 people were injured during an event held on the 39th anniversary of UNITA in Mavinaga, Cuando Cubango Province. It was reported in April that MPLA supporters burnt eight homes of demobilized former UNITA combatants in Benguela Province. In March PRS claimed that its supporters were expelled from two municipalities in Moxico Province. In May the MPLA held a series of bilateral meetings with UNITA and other opposition parties to discuss issues relating to the upcoming elections, including acts of political harassment.

There were more than 120 registered opposition parties, of which 11 received a public subsidy based on their representation in the parliament. The majority of opposition parties had limited national constituencies.

There were 35 women in the 220-seat parliament, and 10 women in the 41-member cabinet, including 2 ministers.

There were seven members of minorities in parliament, and three members of minorities in the cabinet.

Government Corruption and Transparency

Government corruption was widespread, and accountability was limited. However, the government took steps to increase transparency and reduce state expenditures not reflected in the official budget. The Ministry of Finance (MOF), with the help of the World Bank, implemented a financial tracking system that virtually eliminates off-budget spending by the central government ministries and worked to extend this system to the provinces and eventually to state-owned companies. Seminars led by the government on the proper management of government funds were held at the national and provincial level. The government also published oil revenue data on the MOF's website and has made

details of an upcoming oil licensing round available to the public.

Parastatals, most notably the state oil company SONANGOL, were required to report their revenues to the central bank and the MOF, but information gaps and inconsistent accounting practices remained a concern. SONANGOL allegedly arranged another \$2 billion (174 trillion kwanza) loan during the year on behalf of the government, thereby continuing its role as an extra-governmental merchant banker. SONANGOL and ENDIAMA, the state diamond marketing company, had regular audits conducted by international accounting firms. Nonetheless, serious transparency issues remained in the diamond industry, particularly regarding allocation of exploration and production rights.

Business practices continued to favor those connected to the government. Petty corruption among police, teachers, and other government employees was widespread. In December the Audit Court found that 5 high-level officials from the Ministry of External Relations, including the Secretary General and the Director of Administration and Budget Management, had taken more than \$9 million (801 million kwanza) from the ministry. These government officials were asked to reimburse the government for the funds in question and to pay fines as penalty for the misuse of government funds. The audit court does not have the legal authority to collect any fines.

The law provides public access to government information. Access to these resources increased during the year; however, the government's technical capabilities affected the ability to provide the information.

Section 4 Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The government has laws that, if implemented, could restrict NGOs by giving the government the right to determine where and what projects each NGO may implement and requiring them to provide banking and financial details. The government did not exercise these rights during the year.

There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs, of which an estimated 100 worked on human rights activities. Local NGOs actively promoted human rights during the year by documenting prison conditions, providing free legal counsel, and lobbying government officials. In January the Angolan Bar Association called for the enforcement of laws that ban representatives of domestic NGOs who are not lawyers from pleading cases in the country's courts. Given the lack of lawyers, especially in the provinces, this law could diminish citizens' access to legal representation.

AJPD continued its efforts to obtain a formal certificate of registration from the MOJ. AJPD gained registration due to a clause in the registration law that gives legal status if the authorities do not reject the application within 80 days. The AJPD's case to obtain the certificate continued in the Supreme Court at year's end.

There were no further developments in the 2004 case of the expulsion of a foreign NGO worker from Lumbala N'guimbo, Moxico.

Several international human rights organizations had a permanent presence in the country, including the International Committee of the Red Cross and the UN Human Rights Commission.

The UN Human Rights Commission continued joint efforts with the government during the year to strengthen the MOJ's provincial offices of human rights. In training sessions held in each of the 18 provinces, government officials, UN officials, human rights activists, and citizens met to address human rights protections in their communities.

In March the special representative of the secretary general for human rights defenders, Hina Jilani, released a report of her 2004 visit to the country. The government called the report "interference in domestic affairs."

Representatives of HRW and Amnesty International visited the country during the year. In March HRW released a report on the conditions facing returnees to the country (see section 2.d.).

During the year UN humanitarian agencies maintained large-scale operations for food security programs, repatriation and reintegration activities, and development projects.

In August the parliament confirmed the country's first human rights ombudsman. The implementing regulations for the office were still pending. Local and international organizations criticized the government for the lack of civil society involvement in the selection of the ombudsman.

The parliament's committee on human rights conducted visits to domestic and international 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 law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these prohibitions effectively. 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. Violence against women, including spousal abuse, is not specifically illegal, but it was prosecuted under already existing provisions of the penal code. Police were more likely to view the abuse as a family matter, not a violation of the law. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family Affairs 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 improve their status. Domestic violence may be prosecuted under rape, assault, and battery laws. The Ministry of Women and Family Affairs operated a program with the Angolan Bar Association to give free legal assistance to abused women; the ministry also had family counseling centers open to help families cope with domestic abuse.

Rape, including spousal rape, is illegal and is punishable by up to 8 years' imprisonment. The law treats sex with a minor under the age of 12 as nonconsensual; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases. Police were reluctant to prosecute these cases because of the low level of forensic capabilities. The Organization of Angolan Woman has a shelter that offers special services for rape victims.

Prostitution is illegal, but the prohibition was not consistently enforced. Due to poor economic conditions, many women engaged in prostitution. The Ministry of Women and Family Affairs had a shelter that is open to former prostitutes. According to an independent newspaper, in June police reportedly sexually abused prostitutes after taking them to a police station for booking.

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 law women enjoy the same rights as men; however, societal discrimination against women remained a problem, particularly in rural areas. There were no effective mechanisms to enforce child support laws, and women bear the major responsibility for raising children. The Ministry of Women and Family Affairs has a National Office for the Rights of Women.

The law provides for equal pay for equal work; however, women generally were relegated to low-level positions in state-run industries and in the private sector. The Ministry of Women and Family Affairs conducted a skills training program for women.

Children

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

Education was free and compulsory until the sixth grade, but students often had to pay significant additional expenses, including for books and supplies. Teachers were chronically unpaid and allegedly often demanded unofficial payment or bribes from students. Most of the educational infrastructure was damaged during the civil war and remained unrepaired. Schools lacked basic equipment and teaching materials. The ministries of education and culture functioned poorly due to a lack of resources and administrative capacity. The UN International Children's Emergency Fund (UNICEF) reported that 56 percent of 6- to 9-year-olds attended school, but only 6 percent of 10- to 11-year-olds. Most children only completed the sixth grade. According to the UN Educational, Social, and Cultural Organization, there was a gender gap in the enrollment rate favoring boys over girls.

The government provides free medical care for children with identity documents at the existing pediatric hospital in Luanda. Boys and girls had equal access. In many areas, formal health care was limited or nonexistent.

Child abuse was widespread. Physical abuse was commonplace within the family and was largely tolerated by local officials. INAC had an information campaign targeting violence against children.

Legal age for marriage, with parental consent, is 15. This law was not effectively enforced, and the traditional age of marriage coincided with the onset of puberty.

Human rights abuses due to accusations of sorcery and wizardry, especially against children, were a major concern during the year. Individuals blamed the use of charms or other forms of witchcraft for their personal misfortunes. In some cases it was reported that children were killed during "exorcism" rituals performed by local religious leaders. These reports, in the past believed to be confined to the northern part of the country, have extended to the neighborhoods surrounding Luanda. Those cases reported in the media were still under police investigation at year's end. The government's INAC, local and operated programs to change the life-threatening "exorcism" rituals performed by local church leaders. The government began to crack down on these largely unregistered religious organizations, but was unable to effectively reduce the influence of traditional beliefs.

There were reports of trafficking in children (see section 5, Trafficking).

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

Sexual relations with a child under 12 years of age 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 up to 8 years in prison.

The government, assisted by UNICEF, continued implementation of its post-conflict child soldier protection strategy. As outlined in 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; they were assured they would not be recruited or reenlisted in the military.

Child labor occurred and was largely found in the informal sector (see section 6.d.).

The government's INAC was responsible for child protection, but it lacked the technical capacity to work out the assistance of international NGOs and donors. The government publicized the problems of street and homeless children during the year, but did not develop any programs to assist them. The government estimated that there were approximately 1,500 street children in Luanda; however, international NGOs working on children's issues believed this number was understated. Conditions in government youth centers were poor; most homeless children between age 5 and 16 slept on city streets. They shined shoes, washed cars, and carried water, and many resorted to petty crime, begging, and prostitution to survive.

Trafficking in Persons

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

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 seven years' imprisonment, and sentences for other related offenses carry a maximum of life imprisonment. The number of prosecutions directly related to trafficking during the year was not available.

The government attempted to monitor its borders, but lacked resources to do so effectively. Efforts by UNICEF and supported by the government strengthened immigration controls. Immigration services at the international airport in Luanda were managed more effectively than provincial border posts and required proper documentation for children flying internationally.

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

Methods used by traffickers to obtain and transport victims were unknown, and it was not believed that the small number of traffickers working in the country was organized.

The Ministry of Justice ended its campaign of free child registration in late 2004. A conference on child registration was held in September for all Portuguese-speaking countries. The government operated facilities throughout the country for abandoned and abducted children; however, the facilities were underfunded, understaffed, and overcrowded in many cases. A Catholic-based center in Namacumbe, near the Namibian border, assisted victims of trafficking to reintegrate into the community.

The government provides basic levels of assistance for trafficking victims on an ad hoc basis, especially within the city of Luanda. Local social welfare agencies provided the basic necessities until a permanent solution could be reached. These types of formal programs did not exist outside of Luanda, nor did the government have a system of shelters that are used specifically for trafficking victims.

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, but the government did not effectively enforce these prohibitions. The number of persons with disabilities included more than 80 thousand landmine victims. Handicap International estimated that persons with disabilities made up 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 persons with disabilities to find employment or participate in the education system. The Ministry of Assistance and Social Reinsertion had an office for issues facing persons with disabilities; however, given the number of landmine victims, several government entities supported programs assisting individuals disabled by mine accidents.

Indigenous People

Between 1 and 2 percent of the population were Khoisan and other hunter-gatherer tribes who are linguistically distinct from their Bantu fellow citizens. At least 3,400 San people lived in 72 small-dispersed communities in Huila, Cunene, and Cuando Cubango provinces. San communities continued to suffer from social exclusion, discrimination, and economic exploitation. Greatly reduced access to land and natural resources and insecure and limited land rights eroded the San's former hunter-gatherer livelihoods and exacerbated ethnic tensions with neighboring groups. Hunter-gatherer communities generally did not participate actively in the political or economic life of the country and subsequently had little ability to influence government decisions concerning their interests. Adequate protection for the property rights of traditional pastoral communities was a concern. A land reform law that could address this issue remained under discussion at year's end.

Other Societal Abuses and Discrimination

The law criminalizes sodomy, but most citizens tolerated homosexuality. HIV/AIDS was openly discussed. President Dos Santos inaugurated a new building for the National Institute for HIV/AIDS and was supportive of HIV/AIDS awareness campaigns. Discrimination against homosexuals and those with HIV/AIDS was implicit and of an informal nature. A law that criminalizes discrimination against those with HIV/AIDS has been passed, but was not implemented by year's end. There were no reports of violence against those with HIV/AIDS. Local NGOs have formed to combat stigmatization and discrimination against people living with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and to join unions without previous authorization or excessive requirements; however, the government did not always respect these rights in practice. Restrictions on civil liberties, such as freedom of speech and freedom of assembly, prevented labor activities not approved by the government (see sections 2.a. and 2.b.).

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

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government did not always protect this right in practice. The law provides for collective bargaining, and workers exercised this right in practice. The Ministry of Public Administration, Employment, and Social Security (MPAESS) set wages and benefits on a semi-annual basis (see section 6.e.).

The law provides for the right to strike but regulates such actions. 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 those that 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 exercised their right to strike during the year. The number of strikes and industries affected significantly increased during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was restricted under the law; however, child labor, especially in the informal sector, remained a problem. The legal minimum age for employment is 14. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort. The government prohibits children younger than 16-years-old from factory work, but these provisions were rarely enforced. Most work done by children is 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. Children under 12 years of age worked for no reimbursement for their families and in apprenticeships.

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

The inspector general of MPAESS is responsible for enforcing labor laws, and child labor law enforcement is under the jurisdiction of the courts; however, the inspector general and the court system did not provide adequate protection for children in practice. A court for children's affairs was part of Luanda's provincial court system; however, these courts were still not operational in the provinces at year's end. There is no formal procedure for inspections and investigations into 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 MPAESS raised the minimum wage to the equivalent of \$60 (5,400 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, subsistence agriculture, or support from abroad to augment their incomes.

The standard workweek is 40 hours with 26 hours of rest per week. There is a limit of 80 hours work per week. Premium pay for overtime is time and a half up to 30 hours, 1.75 from 30 to 40 hours. There is a prohibition on excessive compulsory overtime of no more than 2 hours a

day, 40 hours a week, or 200 hours a year. These standards were not effectively enforced, unless the employees requested that the law be followed. Given the overcrowded court system and tight labor laws, a threat from an employee on a labor law issue (in the formal sector) was usually heeded, before the complaint was taken to the courts.

The government has occupational health and safety standards; however, the Ministry of Labor's office of the inspector general did not generally enforce these standards effectively. Nonetheless, during the year the inspector general cited and fined 67 businesses for health and safety violations. 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.

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