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2010 Human Rights Report: Angola

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Angola is a constitutional republic with an estimated population of 17.3 million. The ruling Popular Movement for the Liberation of Angola (MPLA), led by President Jose Eduardo dos Santos since 1979, has been in power since independence in 1975 and exercised tight, centralized control over government planning, policymaking, and media outlets. In 2008 the government held the first legislative elections since 1992. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, despite a ruling party advantage due to state control of major media and other resources and serious logistical failures that marred polling in the capital of Luanda. Security forces reported to civilian authorities.

Human rights abuses included: the abridgement of citizens' right to elect officials at all levels; unlawful killings by police and military forces; torture, beatings, and rape by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention; lengthy pretrial detention; impunity for human rights abusers; judicial inefficiency, lack of judicial independence, and lack of due process; infringements on citizens' privacy rights and forced evictions without compensation; restrictions on freedom of speech, press, assembly, association, and movement; official corruption; restrictions on nongovernmental organizations (NGOs); discrimination and violence against women; abuse of children; trafficking in persons; discrimination against persons with disabilities, indigenous people, and persons with HIV/AIDS; limits on workers' rights; and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings. However, human rights activists and domestic media sources reported that security forces arbitrarily killed an unknown number of persons during the year. In 2009 security forces arbitrarily killed 61 persons.

The government made some progress prosecuting police officers responsible for human rights violations. However, impunity remained a problem, and the results of investigations into security force abuses were seldom released.

Domestic media and local human rights activists reported that police use of excessive force resulted in killings.

For example, on January 19, police in Luanda were accused of killing three male youths. Witnesses reported that a group of masked men entered the victims' homes without a warrant and abducted the individuals. According to the families' testimony, the three victims were shot and killed in a field adjacent to the Special Transit Police Station. Subsequently, police delivered the bodies to the local morgue.

On May 9, police allegedly killed three persons in custody for their involvement in crimes, including armed robbery. The National Police commander promised to follow leads and arrest the perpetrators, but there were no developments by year's end.

In January 2009 police shot and killed Joaquim Manuel Machado during a confrontation with a group of youths in Sambizanga, Luanda. Jose Inacio Rene, the police officer identified as Machado's killer, had not been tried by year's end.

In August 2009 police officer Sebastiao Andre killed his son, Jeronimo Sebastiao, in Sambizanga, Luanda. No investigation had taken place by year's end.

In September 2009 members of the Armed Forces of Angola (FAA) buried alive 45 persons in a tunnel in Lunda Norte after determining they were illegal diamond miners. No investigation had taken place at year's end.

There were no developments in September 2009 cases: the case of Luandan police who tortured a citizen accused of selling drugs, while he was under arrest; he later died when police denied him medical assistance; and the arrest and torture by police of a man in Porto Amboim who died from serious contusions and cuts.

In 2008 there were multiple media reports in Luanda that police deliberately targeted and killed persons suspected of gang-related violence and other criminal activity.

On March 22, seven officers were sentenced to 24 years in prison and fined approximately 72,000 kwanzas (\$800) each for shooting and killing eight teenagers in 2008. The judge also ordered each family of the victims to receive approximately 705,600 kwanzas (\$7,840). The officers claimed to be part of a special gang task force tasked with ridding neighborhoods of gang members, but the National Police denied the existence of the task force and relieved the police officers of duty.

On April 27, three National Police officers were sentenced to eight years in prison for the 2006 killing of Manuel Domingos in Talatona, Luanda.

The FAA carried out counterinsurgency operations against the Military Position (MP) faction of the Front for the Liberation of the Enclave of Cabinda (FLEC), which reportedly resulted in at least three deaths. The FAA responded to at least three attacks against civilian targets for which FLEC-MP claimed responsibility.

On January 4, FLEC claimed responsibility for an attack on a Togolese national soccer team, which had been en route to Cabinda to participate in the African Cup of Nations. Three persons were killed and nine were injured in the attack. Six persons were arrested for tangential involvement, and another two were arrested for direct involvement. Of the latter two, one person had been sentenced by year's end. The six arrested for tangential involvement were released, and the remaining one person was still being tried at year's end.

In May FLEC claimed responsibility for an attack on Chinese workers in Cabinda; one worker was killed and another was wounded.

Land mines placed during the long civil war remained a threat. According to the National Commission for Demining and Humanitarian Assistance, land mine and other explosive remnants of war (ERW) accidents killed 12 and injured at least three individuals during the year. The government continued to strengthen and expand national demining capacity during the year, and it partnered extensively with international NGOs on demining operations and mine-risk education.

On October 3, four children were killed in Malange Province after finding a rocket propelled grenade, which exploded when they played with it. The accident occurred in an area that was not suspected to contain explosive remnants of war.

On October 8, a 42-year-old woman was severely injured in Malange Province when she detonated an unexploded object.

On October 19, two deminers were killed and two others injured when a land mine detonated. The four individuals were clearing ERW from a known hazard area.

b. Disappearance

Unlike in the previous year, there were no reports of politically motivated disappearances. Also unlike in the previous year, there were no media reports that persons taken into police or military custody disappeared.

In May 2009 the president of a local movement for autonomy and independence, Jota Malakito, was taken into police custody and held incommunicado. On October 8, he was transferred from Viana Penitentiary Center to Dundo, Lunda Norte, where he was tried with 33 other persons accused of crimes against state security and instigating a rebellion. As of year's end, Malakito remained in prison.

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. Reports of beatings and other abuses in police stations during interrogations were common.

According to *Novo Jornal*, on May 28, the Association for Justice, Peace, and Democracy (AJPD), a local NGO, reported that police intimidated citizens, used excessive force and guns against them, and used torture and cruel and degrading treatment against detainees. AJPD's publication documented examples of prisoners and detainees tortured while in police custody between 2006-09. The same NGO reported that cases of torture continued during the year.

Police and other security forces rarely were held accountable for torture. Although the government punished some violators administratively, few prosecutions occurred during the year.

On March 24, a lawyer reported that several civilians awaiting trial for alleged participation in a FLEC attack in Cabinda showed visible signs of torture.

The government continued to conduct operations throughout the country to identify, detain, and expel illegal immigrants, particularly in the diamond-rich provinces of Lunda Norte and Lunda Sul. Between September and December, police expelled approximately 12,000 illegal immigrants, most of them diamond workers in Lunda Norte and Lunda Sul. NGOs and the media reported acts of violence and degrading treatment, including rape and sexual abuse, associated with these operations. Based on an assessment mission among those returned to the Democratic Republic of Congo (DRC), a UN report cited 117 victims of sexual violence in October. The victims, illegal immigrants from the DRC, reported being detained and raped by military or police officers before being forcibly expelled into the DRC. The government claimed that the allegations were unfounded and that its border police respected procedures to return illegal immigrants. The government reported uncovering one case of rape, and was working to prosecute the alleged perpetrator at year's end (see section 1.d.).

Police and immigration officials at border checkpoints and provincial airports extorted money from travelers and harassed returnees and refugees.

In April three police officers were sentenced to eight years in prison for severely beating a citizen, leaving him partially blind.

In October 2009 the media reported that seven former agents from the National Police claimed that they were tortured while undergoing interrogation in prison.

Abuses by the army continued. In Cabinda FAA troops tortured, beat, and illegally detained citizens suspected of FLEC collaboration during anti-insurgency operations, according to human rights NGOs.

In January 2009 a local NGO reported that security forces arrested three citizens in Cabinda for crimes against the state and collaboration with FLEC. Security forces beat and tortured them with cigarette burns, prolonged sun exposure, heavy weights tied to their testicles, and flogging until they bled from their ears, noses, eyes, and mouths. There were no updates on the case by year's end.

In November 2009, according to Human Rights Watch (HRW), approximately 60 soldiers arrived in the village of Sassa Zau Velho and severely beat two elderly men. The soldiers pillaged the men's houses and stole money. Villagers reported that the military commander of the northern region in Cabinda later apologized. He also reportedly stated that if victims could identify the perpetrators, the soldiers would be punished. However, the victims were unable to identify the soldiers, and the FAA neither restored the stolen goods nor paid damages to cover the medical and hospital bills.

Reports of abuses by private security companies continued, especially in Lunda Norte and Lunda Sul. According to reports from human rights activists, private security contractors hired by diamond companies to protect their concessions from illegal exploitation were responsible for most of the violence.

Land mine and other ERW-related injuries continued during the year, as infrastructure improvements made possible increased movement of persons and goods in rural, war-affected areas. At least 12 persons were killed by unexploded ordnance (see section 1.a.) and at least three were injured.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. NGOs reported that prison officials routinely beat and tortured detainees.

Overcrowding and lack of medical care, sanitation, potable water, and food caused some prison deaths. It was customary for families to bring food to prisoners, but guards demanded bribes as a precondition for food delivery. Some prisoners died of disease, especially in provincial prisons. Prison conditions varied widely between urban and rural areas. As of September 2009 there were 16,183 inmates in prison.

During the year foreign government officials visited a model prison in Bengo that had sanitation, ventilation, lighting, medical care, potable water, and sufficient food for the number of prisoners.

On August 14, Amnesty International (AI) reported that 34 prisoners in Lunda Norte suffered from a lack of sanitation, drinking water, and food. The same prisoners also suffered from vomiting, diarrhea, blood loss, malaria, and pneumonia, for which they received no medical treatment. No information was available at year's end on whether the prisoners eventually received medical treatment.

Most prisoners were allowed visitors, and the law provides for prisoners to practice freedom of religion. The government allowed prisoners to submit complaints to judicial authorities and to request investigation of conditions. The government investigated and monitored prison and detention center conditions.

The government opened one new prison in Bengo Province during the year. Two facilities were under construction in Lunda Norte and Zaire provinces to alleviate the overcrowding that sparked riots in 2007 in which at least two persons were killed.

According to a March 24 article in the *Jornal de Angola*, the N'dalatando prison in Kwanza Norte held 378 prisoners, 305 of whom had been sentenced; 73 were in pretrial detention.

On May 1, the weekly independent newspaper *Folho 8* reported that more than 2,000 prisoners either were being held nationwide in prolonged pretrial detention or were not being released after having completed their sentences.

On June 1, the Kuando prison director reported that the prison, which originally was built for 36 prisoners, currently held 565 inmates, of whom 350 prisoners were in pretrial detention. The prison reportedly lacked running water, electricity, a health clinic, and educational facilities. Female and male prisoners were housed together.

Kwanza Sul's jail in Sumbe held 1,144 prisoners, 428 of whom were in pretrial detention.

Chronically underpaid prison officials supported themselves by stealing from prisoners and extorting money from inmates' family members. Prison guards continued to demand that prisoners pay for weekend passes to which they were entitled. There were continued reports of prison officials operating an informal bail system, releasing prisoners until their trial dates for a fee.

Female inmates informed the UN Working Group on Arbitrary Detentions that prison guards regularly raped them.

On March 20, the progovernment newspaper *Jornal de Angola* reported that Jean Pierre Kindudi and another inmate, both residents of the DRC, had been imprisoned since 2007 in Kwanza Norte Province without contact with representatives of their home country.

On April 17, *Folho 8* reported that inmate Beatriz Antonia became pregnant while in prison and prison officials encouraged her to have an abortion. When she refused, she was placed in solitary confinement.

Authorities at provincial prisons regularly housed juveniles, often incarcerated for petty theft, together with adults, and subjected the children to abuse by guards and inmates; however, authorities in urban prisons often separated juveniles from the main prison population. Juvenile detention centers existed in Luanda but were severely overcrowded.

Authorities frequently held pretrial detainees with sentenced inmates and held short-term detainees with those serving long-term sentences for violent crimes, especially in provincial prisons. On April 30, prison officials released 41 prisoners who were held in pretrial detention.

The government permitted visits by independent human rights observers. The government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year. In April a foreign diplomatic delegation visited the prison in Bengo Province. Diplomats reported that they were allowed to speak to the prisoners, who reported difficulty accessing justice. Some had completed their sentences but remained incarcerated because a magistrate had not reviewed their cases.

An ombudsman existed to help ensure cases reached the justice system. The office addressed some human rights issues.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police legally can detain an individual under reasonable suspicion for six hours without evidence of a crime. Security forces often did not respect these prohibitions in practice.

According to a local NGO, police arbitrarily arrested individuals without due process. For example, on September 11, five heavily armed police officers entered Mateus Manuel da Cunha's residence in Rangel, Luanda, without an arrest warrant. They accused the suspect of being a "dangerous antisocial element" and detained him. No further information was available at year's end.

An investigation continued at year's end into the February 2009 case in which police arbitrarily detained two youths at police headquarters when they delivered an obituary notice about the youths' cousin, a victim of a gang killing in Luanda.

Local human rights NGOs reported that authorities detained family members of individuals wanted by the police.

During the year 24 Cabindans were detained for supposed crimes against the state, compared with 30 detained in 2009. HRW reported that 40 individuals have been arbitrarily arrested in Cabinda since 2007.

On August 21, the Cabinda Supreme Court freed four citizens, Joao Paulo Mombo, Joao Baptista Maiele, Zacarias Joao Zau, and Marcos Lubuca Malila Tovo, who were sentenced to 24 months in prison in 2008 for crimes against state security. The four were detained in 2008 by FAA soldiers, who accused them of involvement in a FLEC attack.

Role of the Police and Security Apparatus

The National Police, controlled by the Interior Ministry, are responsible for internal security and law enforcement. The Internal Intelligence Service reports to the presidency and investigates sensitive state security matters. The FAA is responsible for external security but also has domestic security responsibilities, including border security, expulsion of illegal immigrants, and small-scale actions against FLEC separatists 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. Most complaints were handled within the National Police by internal disciplinary procedures, which sometimes led to formal punishment, including dismissal. However, the government did not establish mechanisms to expedite investigations and punish alleged offenders, and it rarely disclosed publicly the results of internal investigations.

The government's closure of the UN Human Rights Office (UNHRO) in 2008 hampered the Ministry of Interior's efforts to train police and army recruits. However, police participated in professional training with foreign law enforcement officials from several countries in the region.

Arrest Procedures and Treatment While in Detention

Prior to an arrest, the law requires a judge or magistrate to issue a warrant, although a person caught committing a crime may be arrested immediately without a warrant. However, security forces did not always procure arrest warrants before detaining persons. Police did not obtain warrants before conducting searches for illegal vendors and making sweeps of public markets. A local NGO estimated that as many as 75 percent of searches were conducted without a warrant.

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

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

If the crime is a misdemeanor, the suspect may be detained for 30 days before trial. If the crime is a felony, the prosecutor may prolong pretrial detention up to 45 days. Pretrial detention may be prolonged by court order while officials build their case. The requests are not in the public domain, which made it difficult to determine whether authorities exceeded the limits.

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that prison officials demanded bribes to release prisoners. Prisoners are allowed access to a lawyer.

Unlawful arrest and detention continued to be serious problems. NGOs continued efforts to secure the release of persons detained illegally. Detainees should not be held longer than 24 hours, but many are held for days. In 2009 NGOs reported more than 500 cases of illegal detentions.

On August 11, AI reported that the 34 persons held in Dundo Prison for crimes against state security had been waiting nine months for a trial. The individuals participated in an NGO active in Lunda Norte to promote administrative and financial federalism for the province.

In mining provinces such as Lunda Norte, Lunda Sul, and Bie, international organizations reported that government security forces detained illegal immigrants and their families in transit centers, where the security forces subjected them to systematic rape and body cavity searches, as well as depriving them of food and water.

For example, between September and December, police expelled approximately 12,000 illegal immigrants, most of them diamond workers in Lunda Norte and Lunda Sul. NGOs and the media reported acts of violence and degrading treatment, including rape and sexual abuse, associated with these operations.

Security officials arbitrarily arrested members of the opposition. On September 23, the online independent news source Club-K reported that police in Bie Province detained one person for attending a UNITA meeting. However, UNITA member Alcildes Sakala reported that the police detained 11 persons over two days for belonging to UNITA.

Cabinda residents continued to report that security forces detained persons suspected of FLEC activity or collaboration.

Between January 8 and 17, police arrested six individuals, Francisco Luemba, Belchior Lanso Tati, Raul Tati, Jose Benjamin Fuca, Andre Zeferino Puati, and Barnabe Paca Peso in Cabinda for "Crimes against state security" for collaborating with FLEC. The six individuals were formally charged in March. Andre Zeferino Puati was convicted for armed rebellion and homicide allegedly committed on January 8 and sentenced in early June to three years in prison for possessing documents calling for protest against the government. On August 23, four of the detainees were convicted of "other acts" under the state security law, sentenced to between three and six years' imprisonment, and required to pay \$600 to \$1,200 fines. They were arrested for possessing documents about FLEC and for allegedly intellectually supporting the FLEC movement. Barnabe Paca Peso was acquitted in September. Luemba, Lanso Tati, Tati, Fuca, and Puati were released in late December.

In early April, Felix Sumbo was detained for possessing T-shirts with the names of six detainees and the phrase, "The truth will set them free" printed on them. Sumbo was held for three days before being released.

Also in early April, police raided Antonio Paca Pemba Panzo's residence to search for the same T-shirts. Although police did not find the T-shirts, they arrested and detained him for seven months. Panzo reported that police mistreated him while in prison. He was released in November after charges against him were dropped.

The law mandates access to legal counsel for detainees and states that indigent detainees should be provided a lawyer by the state. These rights often were not respected, in part due to the shortage of legal professionals. The law also allows family members prompt access to detainees; however, this occasionally was ignored or made conditional upon payment of a bribe.

Excessively long pretrial detention continued to be a serious problem. An inadequate number of judges and poor communication among authorities contributed to it. Police beat and then released detainees rather than prepare a formal court case. In some cases, authorities held inmates in the prison system for up to two years before their trials began. NGOs reported that more than 50 percent of inmates were pretrial detainees, most of whom had not been formally charged. The government did not release detainees who had been held beyond the legal time limit, claiming that previous releases of pretrial detainees had resulted in an increase in crime.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained understaffed, inefficient, corrupt, and subject to executive and political influence (see section 4).

The president appoints Supreme Court justices for life terms without confirmation by the National Assembly. The Supreme Court generally heard cases concerning alleged political and security crimes. The Ministry of Defense also tried civilians in military courts.

There were long trial delays at the Supreme Court level. Criminal courts also had a large backlog of cases, which resulted in major delays in hearings.

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

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

Trial Procedures

The law provides for the right to a fair trial; however, the government did not always respect this right. Suspects must be in the presence of a judge and defense attorney when charged. Defendants are presumed innocent until convicted. By law trials are usually public, although each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and 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. Outside of Luanda, the public defender was generally not a trained attorney due to shortages in qualified personnel. Defendants do not have the right to confront their accusers. They may question witnesses against them and present witnesses and evidence on their own behalf. The government did not always respect these rights in practice.

Defendants and their attorneys have the right to access government-held evidence relevant to their cases. In addition defendants have the right to appeal. Lawyers and prosecutors can appeal if the sentence is unsatisfactory, but only a higher court can modify the sentence. However, the government did not always respect these rights in practice.

The law extends to all citizens. A separate court under the Ministry of Justice is designated for children's affairs. It functions as part of Luanda's provincial court system. The Luanda juvenile court hears cases of youth under the age of 18 who are victims of a crime. The juvenile court also hears cases of minors between the ages of 12 and 16 who are accused of committing a criminal offense. Minors over the age of 16 accused of committing a criminal offense are tried in the regular court system. In many rural provinces, there is no provision for juvenile courts, so offenders are tried as adults.

Political Prisoners and Detainees

There were reports of political prisoners. On September 23, an independent, online news outlet Club-K reported that police in Bie Province detained one person for attending a UNITA meeting. UNITA member Alcides Sakala additionally reported that police detained 11 persons over two days for belonging to UNITA.

In May 2009 the president of a local movement for autonomy and independence, Jota Malakito, was taken into police custody and held incommunicado. On October 8, he was transferred from Viana Penitentiary Center to Dundo, Lunda Norte, where he was tried with 33 other persons accused of crimes against state security and instigating a rebellion. As of year's end Malakito remained in prison.

Regional Human Rights Court Decisions

On May 12, the African Commission on Human Rights found the country in violation of several articles in the African charter in relation to a 2004 case in which 14 Gambians were deported along with approximately 126,250 other foreigners, under a government program called Operacao Brilhante, a campaign whose aim was to rid the mining areas of foreigners. The commission recommended that the government establish a commission of inquiry to investigate. Foreign Minister Assunção dos Anjos responded that the country was being unjustly criticized, likely due to a misunderstanding of its law.

Civil Judicial Procedures and Remedies

Although the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. Civil courts functioned in some provinces but faced severe backlogs. In 2009 Luanda's civil courts had more than 2,000 pending civil suits. The Ministry of Justice continued work with national and international partners to improve court clerk training and technical capacity in provincial and municipal civil courts. Damages for human rights violations could be sought in court, but no cases were tried during the year.

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

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

During the year the National Assembly approved a law dictating that citizens could not be relocated without being provided a fair indemnification. In practice, more than 6,000 persons were relocated during the year; most did not receive a fair indemnification. Under the new constitution, all land belonged to the state. The state claimed many of the former residents did not have clear title to the dwellings, which were constructed illegally.

During the year there were numerous instances in which the government exercised the right of eminent domain to destroy private homes. The former homeowners were not compensated at fair market value for the loss of their residences or land. The government demolished housing in Cabinda, Benguela, Lubando, Malange, and Huila provinces and sometimes forcibly relocated residents to vacant sites.

For example, on January 25, 12 houses in Benguela were destroyed and the residents were relocated to a nearby vacant area.

On March 6, the Huila provincial government destroyed the homes of more than 3,000 persons. Seven persons were killed during the destruction, including one child. The individuals were relocated to a field in Tchavola approximately six miles outside of Huila. Initially, they were provided with tents in a muddy field although eventually the government gave them food, water, medical services, and transportation. However, the individuals were not provided fair compensation for their homes.

In August the Huila provincial government also destroyed the homes of more than 1,800 persons in Matala and Quipungo municipalities. Huila Governor Isaac dos Anjos told the weekly independent newspaper *Novo Jornal* on October 22 that he was following instructions when he ordered homes destroyed to make way for the Mocamides railway.

On September 29, the Benguela provincial government destroyed 1,557 houses in Lubango. The government had originally earmarked 320 houses for demolition, but it had not warned residents about when the demolitions would begin. Residents also were not given land in compensation nor materials to construct another house. The new site was located four miles from Lubango, making it difficult for residents to work.

During the year officials from the Jardims de Eden housing project threatened residents of Luanda's Baghdad and Iraq neighborhoods attempting to displace them from profitable building land. Residents successfully organized a campaign to resist attempts at intimidation and insist on receiving fair indemnification.

In April 2009 the government relocated approximately 1,500 families (9,000 persons) from downtown Luanda to Zango, 10 miles away. At year's end, according to the families' resident's association, only 24 families had received land. Some individuals were given basic but insufficient construction material, resulting in poor quality dwellings. Most residents continued to live in tents with no running water, health clinics, sanitation services, education, transportation, or electricity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, government regulations and minimal independent media outside of Luanda limited these rights in practice. Human rights activists and journalists practiced self-censorship.

For example, journalist Antonio Freitas stated in a May 15 interview with the BBC that a culture of self-censorship exists among journalists.

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

There were 12 privately owned weekly newspapers and four Luanda-based commercial radio stations. All but three of these publications -- *Folha 8*, *Angolense*, and *Agora* -- were rumored to be owned by groups or individuals tied to the government. The government permitted state-owned Radio Nacional to broadcast nationally, but all other stations could only broadcast in provinces where they opened radio stations. Authorities did not allow independent stations to use repeaters to expand their signal reach. As a result, most private radio stations only broadcasted in Luanda. Radio Mais, whose ownership included individuals associated with the ruling party, also broadcasted in Huambo and Benguela.

On June 5, the firm Media Investments bought two major privately owned newspapers, *Semanario Angolense* and *Semanario A Capital*. According to a former owner of *Semanario Angolense*, he was forced to sell because the newspaper was no longer profitable, and advertising revenues had suddenly and suspiciously ceased. He suspected that government-linked officials objected to the newspapers' critical editorial line and forced or encouraged advertisers to end contracts with the newspaper.

In August government officials reportedly confiscated and burned all 3,500 copies of *Seminario Angolense* due to an article criticizing the president as well as the recent increase in the price of gasoline and diesel fuel. The following week the newspaper printed an explanation stating that there had been "technical issues" with the printing of the newspaper.

In October the new owner of the weekly newspaper *A Capital*, an alleged subsidiary of Media Investments, ordered copies to be burned at the press. According to some of the newspaper's editors, that week's edition criticized the president's project to build one million houses. The paper did not circulate for two weeks.

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

The government also restricted nationwide independent broadcasting through licensing laws. However, despite such restrictive laws, Radio Mais broadcasted to three provinces outside Luanda. During the year Radio Ecclesia negotiated with the Ministry of Social Communication to expand its broadcast range to five provinces. Multiple community-based radio stations opened during the year, including the popular Radio Cazenga.

During the year authorities arrested, harassed, and intimidated journalists.

In January Jose Gimbi received death threats because of his reporting, specifically for VOA.

On September 5, Alberto Graves Chakussanga, a journalist for Radio Despertar, was shot and killed in his home in Luanda. It was unclear if his death was related to his role as a journalist. An investigation was ongoing at year's end.

In mid-September, there was a burglary at the home of Irene Mujoco, a reporter for the weekly newspaper *O Pais*. All his work-related equipment was stolen. A few days later the car of another *O Pais* reporter, Eugenio Mateus, was vandalized. All his belongings in the car were stolen.

On September 23, Norberto Sateco, a reporter for the independently owned TV Zimbo, was shot in the legs by unknown assailants in Luanda. Sateco had worked for the VOA in Luanda until its multipress office closed in 2007.

On September 30, three Luandan-based journalists travelling to Lubando, Huila Province, had their equipment confiscated by local police after reporting on the housing demolitions. A heavy police presence contributed to a climate of intimidation and hampered the media's normal activities at the demolition site.

On October 22, Antonio Manuel Da Silva, journalist for Radio Despertar, a station critical of the government and linked to the opposition party UNITA, was attacked and stabbed on his way home from work. An investigation was pending at year's end.

There were reports that security forces interfered with journalists' attempts to take pictures or video during the year. In the period prior to the African Cup of Nations soccer tournament in Cabinda, journalists were detained for photographing the stadiums. Visitors were warned during the year not to take photographs of any government-affiliated buildings or persons because security forces might seize their cameras or detain them.

For example, in December 2009 reporters Jose Gimbi and Benoit Falcao were detained for photographing a stadium in Cabinda.

Defamation is a crime punishable by imprisonment or fine. Accuracy is not an acceptable defense against defamation charges; the accused must provide evidence proving the validity of the allegedly damaging material.

In 2009 journalist Armando Chicoca was accused of defamation. The president of the provincial court of Namibe Province, Antonio Vissandule, accused Chicoca of four accounts of defamation. Chicoca was tried and awaiting sentencing at year's end. Chicoca also reported receiving death threats in January, which he felt were linked to two legal cases pending against him.

The minister of social communications, the spokesperson of the presidency, and the national director of information, maintained significant decision-making authority over the media.

Official news outlets, including Angolan Public Television (TPA), favored the ruling party and largely ignored the opposition in their reporting. Opposition parties were given limited access to state-owned media and were requested to pay in exchange for coverage of their events and statements.

Internet Freedom

Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Unlike in previous years, there were no reports that the government monitored Internet chat rooms, Web sites, or pressed for the removal of defamatory material. Availability of Internet service and Internet cafes increased during the year, but the high cost of Internet service put it beyond the reach of most citizens.

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 police impeded peaceful demonstrations at least three times during the year.

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

On March 25, the NGO Omunga attempted to stage a peaceful demonstration in Benguela to protest housing demolitions. Authorities prevented the demonstration from taking place, citing various legal arguments. The demonstration eventually took place on April 10 but on a much smaller scale.

On May 22, activists in Cabinda attempted to stage a protest about the prolonged pretrial detention of six individuals in prison since January. Authorities used a strong police presence to intimidate the protesters and prevent the demonstration.

On November 3, two NGOs, "Plataforma Mulheres em Acção" and Open Society Institute, walked to the National Assembly to encourage the legislature to vote on a law against domestic and family violence. Five of the demonstrators were detained for five hours and later released. Police claimed that the public demonstration was not authorized. Organizers claimed they had notified authorities.

Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right in practice. Extensive and unexplained delays in the NGO registration process continued to be a problem. For example, four civil society associations (AJPD, the Human Rights Coordination Council, Maos Livres, and Omunga) constituted between 200006 remained without certificates to operate from the Ministry of Justice at year's end. According to the government, there were 329 national and 133 international NGOs active in the country.

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

c. Freedom of Religion

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government at times restricted these rights in practice. During the year the government improved the road network and decreased checkpoints between provinces. The government cooperated with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), returning refugees, asylum seekers, and other persons of concern.

Extortion and harassment at government checkpoints in rural areas and at provincial and international border checkpoints interfered with the right to travel. Extortion by police was routine in cities on major commercial routes. The government and private security companies restricted access to designated diamond concessions. Citizens living near concession areas regularly were denied access for any purpose, including obtaining water.

For example, in November well-known journalist Rafael Marques reported that police detained him in Lunda Norte for no reason. After extricating himself from the situation, he later encountered another threatening road block.

In May the National Criminal Investigation Department (DNIC) investigated William Tonet, the publisher of the weekly newspaper *Folha 8*, for supposed crimes against the state; no trial had taken place by year's end. On May 9, authorities seized Tonet's passport when he attempted to visit Namibia. Police notified Tonet that he was on a list of persons forbidden to leave the country.

NGOs reported that security forces often used excessive force in expelling illegal artisanal miners and their families. In late October, NGOs in the DRC reported that Angolan officials had subjected more than 300 persons to lengthy detention in inhumane conditions in Angola, deprived them of food and water, and subjected them to sexual violence. Authorities then deported the refugees to the DRC and left them at the border naked. Angola expelled approximately 12,000 persons in the last three months of the year.

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

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

Internally Displaced Persons

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

The Ministry of Assistance and Social Reinsertion (MINARS) has primary responsibility for returnees and any remaining IDPs, as well as housing and resettlement programs; however, its efforts remained inadequate. MINARS delegated primary responsibility to provincial governments to ensure safe, voluntary resettlement in areas cleared of mines and with access to water, arable land, markets, and adequate state administration.

From January to November 2009, the government forcibly expelled 85,000 illegal Congolese immigrants to Bas-Congo, and the DRC retaliated by forcibly returning approximately 52,000 recognized Angolan refugees. However, smaller expulsions along the entire border between the two countries continued throughout the year. The United Nations Organization Mission in the Democratic Republic of Congo verified that DRC authorities had conducted most of their expulsions in 2009 peacefully. Nonetheless, expelled Congolese entering the DRC reported that Angolan security forces committed abuses against them. According to the UNHRO, between January and February 2009, 9,205 Congolese allegedly were expelled from the country, including 1,943 women of whom 304 allegedly were raped.

By February all Angolan returnees who left the DRC in late 2009 had been settled in communities, mostly in Uige and Zaire provinces. Government officials and returnees reported in both February and September that they still needed legal assistance to regularize their status, supplies to restart their careers, education and language training, agricultural supplies, and housing materials.

The government did not usually restrict aid efforts by international humanitarian groups. However, the International Organization for Migration and other international organizations reported that the government sometimes denied them access to camps for returnees in Zaire and Uige provinces before the returnees were settled in communities.

Protection of Refugees

The country's law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. There were 14 refugee settlement areas, 10,537 refugees, and 3,936 asylum seekers during the year.

The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In October 2009 the government and the UNHCR resumed joint efforts to repatriate thousands of refugees remaining outside the country since the civil war. These efforts continued during the year.

During the year Angolan refugees returned from Namibia, Zambia, the Republic of Congo, and the DRC. According to UNHCR statistics, approximately 85,000 Angolan refugees remained in neighboring countries at year's end.

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

Government

The constitution and law provide citizens with the right to change their government peacefully. Citizens were able to exercise the right to elect legislative representatives in 2008. The new constitution, adopted in February, designates the president as head of state, renamed the parliament the "National Assembly," and replaced the prime minister with a vice president. However, the right to elect local leaders remained restricted and elections did not occur at the provincial or municipal levels.

Elections and Political Participation

After having postponed parliamentary elections for two years, the government held the first postwar elections in 2008. The ruling MPLA won 81.6 percent of the vote. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, although the ruling party enjoyed advantages due to state control of major media and other resources. Serious logistical failures marred polling in the capital, Luanda. Opposition parties criticized many aspects of the electoral process, including state control of the major media, late disbursement of public campaign funds, the National Electoral Commission's (CNE) failure to accredit some opposition and civil society electoral observers, and the CNE's last-minute decision to discard the legal requirement that a voter registry be used to verify a voter's identity and residence at polling stations. Despite these and other irregularities, election day was peaceful, and more than 87 percent of registered voters participated. Opposition parties generally accepted the electoral results.

Observers had expected a presidential election in 2009. However, elections did not occur due to a delay to accommodate constitutional reform. The new constitution calls for elections within five years of the previous elections. Voters will elect candidates from a party list, with the presidential candidate at the head of the list.

The new constitution calls for a "gradual" dissemination of power to the provincial and municipal level.

The ruling MPLA party dominated all political institutions. Political power was concentrated in the presidency and the Council of Ministers, through which the president exercised executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly consists of 220 deputies elected under a party list proportional representation system. This body has the authority to draft, debate, and pass legislation, but in practice laws generally were drafted and proposed by the executive branch for the assembly's approval. After the 2008 legislative elections, opposition deputies held fewer than 20 percent of the parliamentary seats.

In August the president of the National Assembly issued a decree that curtailed the National Assembly's ability to question certain acts of the executive branch. The power to hold the executive branch accountable had not been restored by year's end.

There were five political parties represented in the National Assembly: the MPLA, UNITA, the National Liberation Front for Angola, the Social Renovation Party, and Novo Democracia. After the 2008 elections, any of the 96 parties that failed to obtain a legislative seat or 0.5 percent of the vote ceased to exist. Under the new constitution, at least two new parties could seek legalization to run in the next elections, scheduled for 2012.

Opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the MPLA. UNITA continued to argue that the MPLA had not lived up to the terms of the 2002 peace accord, and former

combatants lacked the social services and assistance needed to reintegrate into society. Former combatants also reported difficulties obtaining pensions due to bureaucratic delays or discrimination. UNITA headquarters buildings in at least three provinces were denied access to public utilities, including electricity and water. During the year UNITA reported that its flags were defaced and its buildings vandalized.

In July UNITA reported that a member was attacked and killed on the street while leaving a party meeting. The victim was wearing a UNITA T-shirt. Party representatives believed the attack was politically motivated.

On July 28, *Jornal de Angola* ran a full-page article titled, "The Coup-ist Thesis of UNITA's Youth Movement (JURA)." The article extracted statements from JURA's platform to portray the movement as trying to overthrow the government. UNITA interpreted this article and two others highlighting the JURA youth conference as instances of intimidation and slander.

On August 2, a woman wearing clothes that identified her as a UNITA member was beaten and killed as she was leaving a UNITA meeting. UNITA members believe she was killed because of her party affiliation.

In September UNITA reported that one of its members, Soba Bernardo Samangomba, was detained by the Bie police for four days for attending a UNITA meeting.

Opposition party members and civil society leaders cited examples of political intolerance during the 2008 election process.

Of the 220 deputies in the National Assembly, 82 were women (38 percent), exceeding the UN-recommended quota of 30 percent. Women also held three of the 18 governorships (16 percent) and led nine of the 31 ministries (29 percent).

The country has three dominant linguistic groups: the Ovimbundu, the Mbundu, and the Bakongo, which together constitute approximately 77 percent of the population. All are represented in government. Other groups are also taking part in governing at the national level. There were six members of smaller ethnic groups in the National Assembly and one minority member in the cabinet who was Chokwe. Political parties must be represented in all 18 provinces; however, the majority of political parties had limited national constituencies. By law no political party could limit party membership based on ethnicity, race, or gender.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and local and international NGOs and media sources reported that officials engaged in corrupt practices with impunity. The Financial Court was the government agency responsible for combating government corruption; however, the DNIC also investigated some cases.

The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

Government corruption was widespread, and accountability was limited due to a lack of checks and balances, lack of institutional capacity, and a culture of impunity. Despite the widespread perception that government corruption at all levels was endemic, public prosecutions were rare.

In October the president fired both the minister of the interior and the vice minister for immigration for authorizing the illegal extradition of a Portuguese citizen from Sao Tome and Principe. The media reported that the Portuguese man was accused of embezzling funds from a local businessman, who also was a business partner of the interior minister. Despite a presidential statement declaring the extradition illegal, no charges were brought against any government officials involved in the case.

In March the National Assembly approved a new law on public probity, which required most government officials to declare their assets to the attorney general. However, the information was not made available to the general public during the year, and the president, vice president, and president of the National Assembly were exempt from the law's requirements.

The judiciary is corrupt and subject to political influence and conflict of interest.

In April five high-level immigration officials were convicted of embezzlement of public funds and accepting bribes. They were sentenced to prison terms of eight years. In September the Constitutional Court overturned the convictions. The court stated that the accused officials' right to due process and a fair trial had been violated. However, the press reported several conflicts of interest in the ruling; in particular, the president of court and one of its judges were both owners of the law firm that defended the accused and the lead defense lawyer had also worked as a consultant to the court.

The government made progress in improving transparency in its economic operations, in large part due to the measures implemented under a loan agreement reached with the International Monetary Fund (IMF) in November 2009.

As a condition of the loan, the IMF required that the 2008 audit of the state-owned oil company, Sonangol, be completed by an audit firm of international reputation. The government agreed to publish Sonangol's audited financial statements for 2007 and 2008 and to adopt this new transparency as part of normal standard practice for the future. In addition the government committed gradually to phase out the quasi-fiscal activities of Sonangol to concentrate better such operations in the central government. The government continued to publish online a detailed block-by-block accounting of the monthly revenues it received from Sonangol's oil production. The government also published its proposed budget online, prior to adoption by the National Assembly. However, there continued to be a significant lack of transparency in the overall process of the government's procurement and use of loans, taken from both private banks and foreign governments.

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

Parastatals, most notably Sonangol, were required to report revenues to the central bank and the Ministry of Finance, but inconsistent accounting practices hampered transparency.

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

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

There were credible reports of high-level officials receiving substantial bribes from private companies awarded government contracts.

The law provides for public access to government information; however, the information posted on most government Web sites remained limited. The government's limited technical capabilities restricted its ability to provide information. Laws are made public by being published in the official gazette; this publication can be purchased for a small fee but is not available online.

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

A variety of domestic and international human rights groups operated throughout the country. Some of those investigating government corruption and human rights abuses alleged government interference in their activities throughout the year.

More than 320 domestic NGOs and 133 international NGOs operated in the country. An estimated 100 NGOs worked on human rights issues, although only a few were considered effective. Local NGOs actively promoted and defended human rights during the year by documenting prison conditions, protesting forced evictions, providing free legal counsel, lobbying government officials, and publishing investigative reports.

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

Problems with governmental delays in processing registration applications for NGOs continued. At least four NGOs remained unregistered. One local NGO, AJPD, having not received the registration certificate, filed a case against the Ministry of Justice to court. The case had been pending since 2002, and there was no resolution by year's end. Despite the lack of certification, all four organizations continued to operate under a clause in the registration law that automatically granted legal operating status if authorities did not reject a group's application within 150 days, and the group continued to work closely with some ministries.

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

The government arrested and harassed NGO workers. On April 20, Omunga Director Jose Patrocinio was detained in Luanda's airport. Officials stated they had to verify the authenticity of his passport. Others believe his detention was in retaliation for protesting the destruction of houses.

Unlike in the previous year, the government also criticized domestic and international NGOs.

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

Unlike in the previous year, there were no reports of foreign human rights workers or researchers being detained.

Mpalabanda, a civil society organization formerly based in Cabinda, remained banned. Its registration was rescinded in 2006 when it joined the Cabindan Forum for Dialogue, an umbrella organization that negotiated peace with the government. The government determined that Mpalabanda was acting as a political entity outside of its legal mandate as a civil society organization. Mpalabanda supporters continued to distribute statements through the Internet and to attend public forums throughout the year. Former leaders experienced low-level harassment and intimidation throughout the year. For example, four of the seven individuals detained in Cabinda for links with the attack on the Togolese team were previous members of Mpalabanda.

The government did not refuse visas to international NGO observers or otherwise restrict their access to the country. However, some international NGOs reported long delays in obtaining visas, although the delays were not significantly longer than those experienced by other foreigners.

The government cooperated with international governmental organizations and permitted visits by UN representatives; however, in 2008 the UNHRO closed its office following a government decision not to grant a full mandate to the office. The decision to close the office directly contradicted government commitments to work more closely with the UNHRO, which were made when Angola won a three-year term on the UN Human Rights Council in 2007.

The African Commission on Human Rights criticized the government for the deportation of Gambian citizens (see section 1.e.).

The National Assembly committee on human rights ostensibly focused on human rights in the legislature; however, it did not issue any reports.

State Secretary for Human Rights Bento Bembe spoke frequently about human rights during the year. The position -- a cabinet level minister dedicated to human rights -- has helped focus attention on human rights in the country.

The government denied allegations that the FAA perpetrated human rights abuses in the DRC from 1993-2003 as reported in a UN Mapping Report released during the year.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape, including spousal rape, is illegal and punishable by up to eight years' imprisonment; however, limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. The Organization of Angolan Women operated a shelter in Luanda that offered special services for rape victims. In 2009 the police commissioner in Luanda estimated that 10 cases of rape occurred daily nationwide, 40 percent in Luanda. The Ministry of Justice worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations. Police in Benguela were concerned with an increase in rape, especially rape of children, as reported in a November 7 article in the *Jornal de Angola*.

On May 1, the newspaper *Folho 8* reported that a police officer raped a 22-year-old woman.

Domestic violence against women, including spousal abuse, was common and pervasive, particularly in urban areas. Domestic violence is not illegal; however, the government occasionally prosecuted it under the law as rape or assault and battery. A 2007 preliminary study on domestic violence in Luanda indicated that 78 percent of women had experienced some form of violence since the age of 15. Twenty-seven percent of women reported abuse in the 12 months preceding the study; among women living in the poor outskirts of Luanda, 62 percent reported abuse in the same time period. During the year police recorded 831 cases of domestic violence. The Ministry of Family and Promotion of Women (MINFAMU) registered 283 cases of domestic violence for 2008. Common-law husbands or boyfriends perpetrated the majority of violence. The MINFAMU maintained a program with the Angolan Bar Association to give free legal assistance to abused

women; the ministry maintained counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women under these laws during the year were not available.

Religious leaders in Lunda Norte and Uige reported that societal violence against elderly persons and rural and impoverished women and children occurred occasionally, with most cases stemming from accusations of witchcraft. Some women were killed, beaten, or expelled from their families, or died from mistreatment and malnourishment. The religious leaders, who offered church-run shelters to the victims, reported that police did not take action due to fears that the women might practice witchcraft against them. According to an April 2009 article, priests killed more than 400 persons in "faith-based" cures that involve violent rituals, beatings, and poison.

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

Information on government provisions for reproductive health services or diagnosis and treatment of sexually transmitted infections, including HIV, was not available. Couples and individuals may decide freely and responsibly the number, spacing, and timing of their children, and have access to the information and means to do so free from discrimination, coercion, and violence. Women have access to contraception. According to a 2009 study published during the year, 17.7 percent of women have used contraception. According to the same study, 47 percent of women who gave birth had four or more prenatal consultations. Approximately 67 percent of women saw a qualified person at least once, 49 percent of births were attended by a qualified person, and 42 percent gave birth in a medical center. There were no reports of coercive family planning practices, nor coercive sterilization. There were no legal, social, cultural, or other barriers that limit access to these services.

Under the constitution and law, women enjoy the same rights as men; however, societal discrimination against women remained a serious problem, particularly in rural areas. There were no effective mechanisms to enforce child support laws, and women generally bore the major responsibility for raising children. In addition the Ministries of Labor and Health published an executive decree that listed the types of jobs prohibited to women.

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

Children

The government was committed to protect 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.

Citizenship is derived by birth within the country's territory or from one's parents. However, the government does not register all births immediately, and activists reported that many urban and rural children remained undocumented. As many as 30 percent of children under five years old were undocumented, according to a 2009 study released during the year. The government did not permit undocumented children access to the educational system, and fees for birth certificates and identification cards remained prohibitive for impoverished families. Although the official registration drive ended in 2004, the government continued to partner with UN Children's Fund to identify and assist undocumented children and provided limited subsidies to cover fees for families with proven financial need. The government implemented a previous plan to provide birth certificates in health clinics and maternity wards during the year.

Education is free and compulsory for documented children until the sixth grade, but students often had significant additional expenses. The Ministry of Education had insufficient resources, and educational infrastructure remained in disrepair. There were insufficient schools and teachers to provide universal primary education. According to a study conducted during the year, 77 percent of children between the ages of six and 11 attended primary school. The same study reported that 21 percent of students between the ages of 12 and 17 attended secondary school. An independent study late in the year reported 18 percent of boys and 13 percent of girls enrolled in secondary or higher education. The same study reported that 25 percent of the school-age population did not attend school, and the drop out rate was 30 percent.

Children of any age in an urban area were more likely to attend school than children in a rural area. Children in rural areas generally lacked access to secondary education. Even in provincial capitals, there were not enough classroom spaces for all the children who needed school access. There were reports of families paying bribes to education officials to ensure their child got a place in a classroom. According to the UN Educational, Social, and Cultural Organization, enrollment rates were higher for boys than for girls, especially at the secondary level.

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 had equal access.

Child abuse was widespread. Reports of physical abuse within the family were commonplace, and local officials largely tolerated abuse. Religion and superstitions played a role in child abuse. During the year abuse of children accused of witchcraft continued to be a problem. Children accused of witchcraft were subject to abuses such as isolation from their families, denial of food and water, ritualistic cuttings, and the placing of various caustic oils or peppers on their eyes or ears. Children were sometimes killed during "exorcism" rituals. Most cases of abuse relating to traditional beliefs occurred in Luanda, Uige, and Zaire provinces. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be victims of practices involving witchcraft. Government and religious leaders called for an end to these practices, but the influence of these traditional beliefs remained strong.

In September 55 children in Sanza-Pombo, Uige Province, were accused of being witches. A Congolese priest chained and tortured 12 children for being witches and therefore dangerous to their families. Churches, many based in the DRC, convinced impoverished families living in rural areas and the outskirts towns that their children had supernatural powers -- leading to allegations that these children were practicing witchcraft. According to the National Institute for Religion Affairs, some religious sects were closed last year because they endangered the health and welfare of citizens. Despite the lockout of these religious sects, sporadic information on children accused of practicing witchcraft continued especially in the northern provinces. However, INAC reports that incidents involving witchcraft have gone down 70 percent from 2003 through the end of the year. The INAC also reported that an unknown number of individuals had gone to jail for alleging children committed witchcraft.

In 2007 the government created the National Children's Council, an interministerial commission designed to define priorities and coordinate the government's policies to combat all forms of violence against children, including unlawful child labor, trafficking, and sexual exploitation.

The legal age for marriage, with parental consent, is 15 years old. The government did not enforce this restriction effectively, and the traditional age of marriage in lower income groups coincided with the onset of puberty. Common-law marriage was regularly practiced.

Child prostitution is illegal; however, local NGOs expressed concern over child prostitution, especially in Luanda and Cunene provinces. In February 2009 media sources reported on child prostitution cases in Luanda. In March 2009 NGO leaders appealed to the government for a response; however, they did not receive one by year's end.

Sexual relations between an adult and a child under the age of 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. There were no known prosecutions during the year.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.)

Anti-Semitism

There is a Jewish community of approximately 350 persons, primarily Israelis. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. The constitution mentions persons with disabilities in articles 23 (principle of equality), 77 (health and social protection), 80 (childhood), 83 (disabled citizens), and 84 (ex-combatants and veterans). Article 83 of the constitution grants persons with disabilities full rights without restrictions. The constitution permits the state to adopt a national policy to prevent, treat, rehabilitate, and integrate persons with disabilities, provide support for their families, remove obstacles to mobility, raise awareness in society, and foster special education and training opportunities. A law to address specific issues for persons with disabilities was drafted in 2004, but never passed. The law would have included access to essential services, social protection, and physical access to buildings.

Persons with disabilities included more than 80,000 land mine victims. Persons with albinism were common victims of discrimination, although church groups worked to eliminate the abuse. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. However, an August study estimated that 2.6 percent of the population had a physical or mental disability. According to government statistics in 2005, there were 170,000 persons with disabilities, most of them between the ages of 25 to 44, and 56 percent were male. Only 30 percent of persons with disabilities were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling.

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. MINARS maintained an office to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by land mine incidents. During the 2008 election, the government provided voting assistance to persons with disabilities. The country had not signed the United Nations Convention on the Rights of Persons with Disabilities by year's end.

Indigenous People

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

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

The law does not criminalize homosexuality or sodomy, although discussing homosexuality in society was highly taboo. The constitution defines marriage as between a man and a woman, but the law does not differentiate between male to male or female to female sex. NGOs have reported a small but underground lesbian, gay, bisexual, and transgender community in Luanda. On June 25, the television station TPA broadcasted a program where a member of the gay community discussed discrimination and intimidation based on sexual orientation.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The constitution and law provide for the right of workers to form and join independent unions, and workers exercised this right in practice; however, government approval is required. The law provides for rights for trade unions. However, the government admitted that unions were hampered by membership and legalization issues.

The law allows unions to conduct their activities without government interference, although the government did not protect this right. Labor unions independent of the government-run unions worked to increase their influence, but the ruling MPLA continued to dominate the labor movement due to historical connections between the party and labor. There were unions for journalists, teachers, and taxi drivers, among others.

Workers have the right to strike, although strict bureaucratic procedures must be followed for a strike to be considered legal, and the government can deny the right to strike or obligate workers to return to work. According to the law all workers could strike, except government workers.

Construction workers reportedly went on strike in Luanda because they were not paid for many months.

In October taxi drivers marched to the Benguela government palace to protest an increase in fuel prices. The taxi drivers' association and government officials met on October 20 and reached an agreement. Subsequently, taxi drivers in Huambo, Huila, and Luanda provinces raised fares due to the increase in the price of fuel.

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 protects the right to establish a union for the purpose of collective bargaining. The government routinely thwarted union efforts at collective bargaining with long delays in processing.

There are no legal restrictions on collective bargaining, but bargaining was restricted in practice. The government is the country's largest employer, and the Ministry of Public Administration, Employment, and Social Security (MAPESS) centrally mandated wages.

The law prohibits antiunion discrimination and stipulates that worker complaints be adjudicated in labor court. 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.

The constitution grants workers the right to engage in union activities, but the government may intervene in labor disputes that affect national security, particularly strikes in the oil sector. The Ministry of Labor has a hotline for workers who believe their rights have been violated. The law does not effectively prohibit employer retribution against strikers, and it permits the government to force workers back to work for "breaches of worker discipline" or participation in unauthorized strikes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but international NGOs reported that such practices occurred. The Ministry of Justice has effective enforcement mechanisms for the formal economic sector; however, most labor law violations occurred outside the formal economy and were not subject to legal sanctions. Men and boys were trafficked into the country for forced labor, especially in the construction sector. Forced labor occurred in the artisanal diamond mining sector. Migrant workers were employed in forced labor conditions in diamond mining areas, particularly in Lunda Norte and Lunda Sul. The government took steps to eliminate illegal immigration and illegal diamond mining activities during the year.

See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor 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 law clearly prohibits children under 14 years old from working. However, children could work from age 14 to 16 with parental permission. Children could not work if it interfered with schooling. MAPESS had oversight of formal work sites and determined the age of the workers in all 18 provinces. If they determined a business was using child labor, they transferred the case to the Ministry of Interior to investigate and possibly press charges. An unknown number of businesses have been warned or fined for using child labor. However, MAPESS cannot regulate the informal sector.

In 2007 in Kwanza Sul Province, independent newspaper journalists found children as young as 10 years old working full time on a plantation; they did not attend school and stated that they were often paid with food. The local manager was fired, but no charges were filed against the local or general managers.

On October 30, the newspaper *Agora* published a study conducted in Benguela that found more than 70,000 children worked in the country. A living standards survey published during the year by Inquerito Integrado Sobre o Bem Estar da Populacao reported that 20.4 percent of children between the ages of five to 14 worked; however, more children worked in rural than in urban areas. The study also reported that boys and girls were equally likely to work.

Most work done by children was in the informal sector. Children engaged in wage-earning activities, such as agricultural labor on family farms and commercial plantations, fishing, charcoal production, domestic labor, and street vending. Exploitive labor practices included forced prostitution, involvement in the sale or transport of illegal drugs, and the offloading and transport of goods in ports and across border posts. Children reportedly were used as couriers in the cross-border trade with Namibia.

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

The MAPESS inspector general is responsible for enforcing all labor laws, including complaints of child labor. The Ministry of Family and Women's Promotion and the National Children Institute (INAC) play a significant role in coordinating the response to a case of child labor and protecting possible victims. Ultimately, the Ministries of Interior and Justice investigated and prosecuted a case of child labor.

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

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

e. Acceptable Conditions of Work

The minimum wage was 9,604 Kwanza (\$106) per month, which did not provide a decent standard of living for a worker and family. Most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes. The majority of citizens derived their income from the informal sector or subsistence agriculture and therefore fell outside of government protection of working conditions.

By law the standard workweek is 40 hours with at least one unbroken period of 24 hours of rest per week. There is a limit on work of 54 hours per week. Required premium pay for overtime is time and a half for up to 30 hours of overtime and time and three-quarters from 30 to 40 hours. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. These standards were not enforced effectively unless employees lodged a formal complaint with MAPESS.

In September the MPLA-linked labor union, Uniao Nacional dos Trabalhadores Angolana, published a report on working conditions that highlighted high unemployment, poor living conditions, and inequality as continuing problems despite various economic measures and new laws. Workers found they did not have job stability, employers violated workers' rights, and workers unable to find employment in the formal sector had to work in the informal labor market.

The government has set occupational health and safety standards; however, the Ministry of Labor's inspector general did not enforce these standards effectively. Inspections occurred, although rulings against labor violations found by inspectors

were not effectively enforced. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, but the right was not exercised in practice.

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