

# ANGOLA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Angola is a constitutional republic. The ruling Popular Movement for the Liberation of Angola (MPLA), led by President Jose Eduardo dos Santos, has been in power since independence in 1975. The MPLA exercised tight, centralized control over government planning and policymaking. In August 2012 the government held the first fully constituted presidential and legislative elections in the country's history. The MPLA won 71.8 percent of the vote, and in September 2012 dos Santos began a five-year term as president under the new constitution. Authorities generally maintained effective control over the security forces.

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

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

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

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

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

There were reports the government or its agents committed arbitrary or unlawful killings.

For example, on March 24, a police officer in Kwanza Norte Province got into an argument with an adult and used deadly force against him. The officer fired

several rounds, wounding two adults and accidentally killing an eight-year-old child with a stray bullet. According to the national police, the officer was arrested and was in prison awaiting trial.

On June 4, according to several media reports, security officers in Luanda killed three men, one of them a suspected criminal. The three were inside a parked vehicle when a pickup truck parked in front of them and someone inside the truck shot several rounds into their car. A police officer, who is also the brother of one of the victims, identified the assailants as members of the Operational Group 32 of the National Directorate for Criminal Investigations (DNIC) and pressed charges. There was no report of any investigation.

On March 9, members of the MPLA in Kwanza Sul Province disrupted a National Union for the Total Independence of Angola (UNITA) rally commemorating the 48th anniversary of the party. According to several media and NGO reports, three UNITA provincial leaders were killed during the violent altercation between UNITA and MPLA supporters. There was no publicly available information on any arrests or investigation by the national police on the three dead UNITA members.

## **b. Disappearance**

There were no credible reports of politically motivated disappearances.

The criminal investigation continued into the death of activists Alves Kamulingue and Isaias Kassule, who disappeared in 2012. On September 1, the attorney general (PGR) started a criminal trial in the Provincial Court of Luanda against seven of the eight persons, all members of the country's security forces, accused in the disappearance and murder of Kamulingue and Kassule. Three officers from the DNIC admitted culpability and were awaiting sentencing. One suspect, Antonio Manuel Vieira Lopes, the head of the government's intelligence services in Luanda Province, had his trial delayed from May to September on administrative and jurisdictional grounds. The trial against Vieira Lopes resumed on November 18.

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

The constitution and law prohibit all forms of torture and cruel, inhuman, or degrading treatment or punishment, but the government did not always enforce these prohibitions. Some security forces reportedly tortured, beat, and otherwise

abused persons. Reports of beatings and other abuses on the way to and in police stations during interrogations remained common. The government acknowledged that at times members of the security forces used excessive force when apprehending individuals and stated it was working to reduce such incidents. Leaders of the national police openly condemned some acts of violence or excessive force against individuals and asked that victims report abuses to the national police or the Office of the Public Defender (Ombudsman).

In May eight members of the Young Revolutionary Movement claimed national police detained them in Luanda, beat them, and drove them to the town of Kalomboloka, 60 miles away. Police released them without charge and without the means to return to Luanda. According to the group's leaders, one of the activists was severely beaten and needed medical attention. It was unknown if police took any action to investigate the claims of abuse.

On May 27, members of the Rapid Response unit of the national police beat Manuel Fonseca de Vitoria Pereira, one of the leaders of the political party Democratic Block. An investigation by the attorney general was in progress.

Unlike in previous years, there were no credible reports of abuse by the armed forces.

Land mines and other explosive remnants of war (ERW) remaining from the civil war continued to limit freedom of movement in some rural areas. From January through June, the government, in collaboration with several demining organizations, cleared 242,655 square miles of the country of mines and removed and destroyed 251 antipersonnel mines, 40 antitank mines, and 5,561 pieces of unexploded ordnance. Since 1994 Angola and its humanitarian demining partners have cleared more than 3,728 miles of roads and bridges.

Reports suggested that abuses by private security companies in diamond-producing regions continued. Human rights activists and some journalists reporting from Lunda Norte Province said security companies hired to protect the diamond-mining industry used excessive, and sometimes lethal, force against the population. Reports also accused private security forces of sexual abuse of women.

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

Prison conditions were harsh and potentially life threatening. Domestic NGOs and the media continued to highlight corruption, overcrowding, and generally poor conditions.

Physical Conditions: As of September the country's 39 prisons had an estimated 22,000 inmates, with 5,000 incarcerated in Luanda's Viana Prison, the country's largest. According to the government, the prison system is designed to hold 18,260 inmates.

The vast majority of prisoners and detainees were between 18 and 31 years of age, with nearly half under 21. The Ministry of Interior oversees prisons, including one all-female prison, which held approximately 700 prisoners and detainees.

According to the Ministry of Interior, authorities did not hold men, women, and juveniles together in prisons. In January local NGOs reported that police detained men, women, and children in the same space for at least 72 hours but acknowledged this incident was isolated and not the official detention policy of the government.

Children under three years of age were permitted to stay with their mothers in prison but may leave the prison to reside with other family members. The Ministry of Interior worked with social assistance to ensure the children's well-being. The children were entitled to receive dietary supplements, milk, and diapers, and the women's prison had a day-care center.

There is at least one juvenile detention center in Waco Cungo, Kwanza Sul Province, and it housed inmates between 16 and 21 years of age from Luanda, Bie, and Huambo provinces. No information was available on the overall number of juveniles in custody. There was an interministerial commission to address youth issues. The commission had programs in place to increase employment opportunities for youth, the lack of which was identified as the leading cause of juvenile crime.

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

Prison conditions varied widely between urban and rural areas. Prisons generally provided some medical care, sanitation, potable water, and food, although it was customary for families to bring food to prisoners. The Ministry of Interior reported

it spent between 3,000 and 4,500 kwanzas (\$29-43) per inmate per day to provide food and services. The director of penitentiary services stated that Luanda had 105 social workers, with 80 of them working full time on social reinsertion initiatives for inmates. A prison hospital in Luanda serviced prisoners from throughout the country with serious medical conditions. The hospital reportedly had more than 100 beds, 10 doctors, and 10 nurses.

Unlike in previous years, there were no credible reports of prison riots during the year. Information on the death, if any, of inmates was not available. Authorities provided prisoners education to lessen recidivism and promote social reintegration. The Ministry of Justice and Human Rights continued its “New Direction, New Opportunities” program in partnership with the Ministry of Interior. The program provided technical training and social education programs to help improve prisoners’ reintegration into society. In some prisons inmates grew food and made bread to sell to police and on the local market, while in other prisons authorities allowed inmates to work in local factories. Limited vocational training was done in a public-private partnership with local industry. The labor was voluntary. In some prisons inmates had access to sports and recreation facilities.

Administration: The Ministry of Interior stated that it was taking steps to improve prison recordkeeping and that efforts continued to transition from a manual recordkeeping system to a computerized database, including biometric data and a link to other agencies, such as police and justice. It claimed that adequate statistics were available in each facility and that authorities were able to locate every prisoner.

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

Some offenders, including violent offenders, reported paying fines and bribes to secure their freedom, but it was unclear how prevalent this practice was. Nonviolent offenders were often fined or paroled as alternatives to incarceration.

An independent office of the ombudsman existed to mediate between an aggrieved public, including prisoners and an offending public office or institution. The office had no decision-making or adjudicative powers, but it helped citizens obtain access to justice and advised government entities on citizen rights. The office also

published reports and educated the public about human rights and the role of the ombudsman.

Independent Monitoring: The government permitted visits to prisons by independent local and international human rights observers and foreign diplomats.

A local NGO, Counsel for the Coordination of Human Rights Angola, visited Viana Prison in July and held presentations for inmates and prison guards on the human rights of incarcerated persons. The International Organization for Migration (IOM) regularly visited detention centers in Lunda Norte Province and reported conditions were improving. According to the Ministry of Justice and Human Rights, the ministry performs monthly visits to detention centers with representatives of the Office of the Public Defender, the PGR, and members of the National Assembly to assess prisoners' living conditions. A spokesperson for a local NGO reported visiting a Luanda prison and described conditions as increasingly humane, although overcrowding remained a serious concern.

Improvements: The Ministry of Interior was working to expand the prison system to address overcrowding and improve living conditions. Five new prisons have been built since 2013. During the year the ministry opened eight new detention centers, including a psychiatric hospital for prisoners with mental disorders.

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

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

According to several NGO and civil society sources, police arbitrarily arrested individuals without due process and routinely detained individuals who participated in antigovernment protests, despite this right being protected by the constitution. Police used this tactic to prevent protests from taking place. They often released the detainees after a few hours but reportedly sometimes kept them for days. For example, on March 27, police detained up to 30 members of the antigovernment group Young Revolutionary Movement. An opposition parliamentarian witnessed police officers detaining the leaders of the movement, forcefully pushing them into police vehicles, and driving away. Police reportedly drove some of the activists to Kalomboloka in Bengo Province, about 60 miles from Luanda, and released them without charges or explanation.

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

The national police, controlled by the Ministry of Interior, is responsible for internal security and law enforcement. The state intelligence and security service reports to the presidency and investigates sensitive state security matters. The Angolan Armed Forces (FAA) are responsible for external security but also had domestic security responsibilities, including border security, expulsion of irregular migrants, and small-scale actions against the Front for the Liberation of the Enclave of Cabinda separatists in Cabinda.

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

Police officers were believed to routinely extort civilians to supplement their income. Corruption and impunity remained serious problems. A domestic NGO reported that police throughout the country were abusive and created a gulf between authority figures and the persons they are to protect. The national police handled most complaints internally through opaque disciplinary procedures, which sometimes led to formal punishment, including dismissal. The PGR has an anticorruption unit and is charged with oversight of police wrongdoing. The government disclosed publicly the results of some investigations that led to disciplinary action.

Police participated in professional training with foreign law enforcement officials from several countries in the region.

### **Arrest Procedures and Treatment of Detainees**

The law requires a judge or magistrate to issue a warrant prior to arrest, although a person caught committing a crime may be arrested immediately without a warrant. Security force personnel, however, did not always procure warrants before arresting persons.

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

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

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

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

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that prison officials demanded bribes to release prisoners. Detainees have the right to have access to a lawyer, although this did not always happen. The law states that indigent detainees should be provided a lawyer by the state. The Ministry of Justice and Human Rights reported all municipal courts were staffed with licensed lawyers. The ministry recognized that access to a lawyer, especially in rural areas, remained a problem and was working with universities to increase the number of qualified lawyers. The law allows family members prompt access to detainees, but courts occasionally ignored this right or made it conditional upon payment of a bribe. Detainees may be held incommunicado for up to 48 hours by request of the public prosecutor and the approval of a judge. The law provides provisions for house arrest, but this option was seldom used.

Arbitrary Arrest: Unlawful arrest and detention remained serious problems. On May 5, Salil Shetty, secretary general of Amnesty International, said that his organization had received several reports of arbitrary arrests by the national police. Security officials arbitrarily arrested groups or individuals not aligned with the ruling MPLA.

To end informal street vending, the provincial government of Luanda developed a program to relocate street vendors into newly built markets. From January through July, several national police units were deployed throughout Luanda to remove vendors from the street and inform them of the new market program. According to

the media and NGO reports, several street vendors were detained and their goods confiscated by the national police. Some of the confrontations between street vendors and police officers were reportedly violent. Many street vendors complained that police asked for between 2,000 and 5,000 kwanza (\$19-\$48) to set them free. Street vendors who were unable or unwilling to pay were detained for as long as 72 hours. As of October the campaign against street vendors was suspended.

Pretrial Detention: Excessively long pretrial detention continued to be a serious problem. An inadequate number of judges and poor communication among authorities contributed to the problem. Police beat and then released detainees rather than prepare a formal court case. In some cases authorities held inmates in prison for up to two years before their trials began. The Ministry of Interior reported in 2013 that more than 40 percent of inmates were pretrial detainees, many of whom had not been formally charged. The government often did not release detainees who had been held beyond the legal time limit, claiming previous releases of pretrial detainees had resulted in an increase in crime.

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

The constitution and the law provide for an independent and impartial judiciary. Institutional weaknesses in the judicial system, however, such as political influence in the judicial decision-making process, were a problem. The Ministry of Justice and Human Rights and the PGR worked to improve the independence of prosecutors and judges. The National Institute for Judicial Studies conducted capacity-building programs on the importance of an independent judicial system.

There were long trial delays at the Supreme Court. Criminal courts also had a large backlog of cases, which resulted in major delays in hearings. There were only 22 municipal courts for 163 municipalities. To increase access to justice, the PGR established offices of legal counsel in most municipalities. As of October there were more than 300 public prosecutors throughout the country.

Informal courts remained the principal institutions through which citizens resolved civil conflicts in rural areas such as disputes over a bartering deal. Each community in which informal courts were located established local rules. Traditional leaders (known as “sobas”) also heard and decided local civil cases. Sobas do not have the authority to resolve criminal cases. Only municipal courts can hear criminal cases.

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. Both the PGR and the Ministry of Justice and Human Rights have civilian oversight responsibilities over military courts.

### **Trial Procedures**

Although the law provides for the right to a fair trial, the government did not always respect this right. Suspects must be in the presence of a judge and defense attorney when charged. Defendants have the right to be informed within five days of the charges levied against them, although this right was not always respected. It was not known if defendants had the right to language interpretation during legal proceedings. Defendants are presumed innocent until convicted. By law trials are usually public, although each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires that an attorney be provided at public expense if an indigent defendant faces serious criminal charges. According to the Ministry of Justice and Human Rights, all public defenders around the country are licensed lawyers. Defendants do not have the right to confront their accusers. They may question witnesses against them and present witnesses and evidence on their own behalf. In general defendants had enough time and facilities to prepare a defense. The government did not always respect all of these rights. The law protects defendants from providing self-incriminating testimony. Unlike previous years, there was no credible information of defendants compelled to testify against themselves.

Defendants and their attorneys have the right to access government-held evidence relevant to their cases. For example, in August the case against antigovernment activist Nito Alves was dismissed because the defendant was not allowed to access government-held evidence, i.e., T-shirts he had printed with language critical of the president (see section 2.a., Libel Laws/National Security).

Defendants have the right to appeal. Authorities, however, did not always respect this right.

The law extends to all citizens. A separate court under the Ministry of Justice and Human Rights is designated for children's affairs. It functions as part of Luanda's provincial court system. The juvenile court also hears cases of minors between the ages of 12 and 16 accused of committing a criminal offense. Minors over the age of 16 accused of committing a criminal offense are tried in regular courts. In many rural provinces, there is no provision for juvenile courts, so offenders as young as 12 can be tried as adults. In many cases traditional leaders have state authority to resolve disputes and determine punishments for civil offenses, including offenses committed by juveniles. Traditional authorities are defined in the constitution as ad hoc units of the state.

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

### **Political Prisoners and Detainees**

The Ministry of Justice and Human Rights denied that there were political prisoners in the country. Opposition political parties, however, often claimed that their members were detained because of their political affiliations. For example, on September 17, the leadership of an opposition party in Bie Province accused the national police of detaining three members of the party solely because of their political views and without formal charges. The provincial government confirmed the three men were in police custody until September 19, when they were released.

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

Damages for human rights violations may be sought in municipal or provincial courts and appealed to the Supreme Court. During the year the Provincial Court of Luanda found Hospital Americo Boavida guilty of gross negligence for the death of a patient in 2009. This case was tried under the provisions against human rights abuses. The court required the hospital to pay compensation to the victim's family.

### **Property Restitution**

The constitution recognizes the right to housing and quality of life, and the law states that persons relocated should receive fair compensation. Under the constitution all untitled land belongs to the state. Throughout the year the government used eminent domain laws to raze housing settlements and other buildings to conduct urban redevelopment projects. Some persons forced to move

did not receive fair compensation, at times due to lack of clear title or permits for the destroyed property. Other relocated persons who received new housing units complained their units were located inconveniently far from their jobs or places of business or were of substandard quality. The government acknowledged the problems, and the minister of territorial administration apologized for the adverse effects caused by some relocations. Media reports suggested that the distribution and compensation mechanisms were improving.

Usually accompanied by police and military personnel, authorities destroyed several thousand dwellings throughout the country. For example, on January 27, police, armed forces, and local government officials evicted 1,775 families, residents of the shantytowns of Kilombo and Chicala in Luanda. As part of the government housing program, the families were informed of the planned eviction and relocation in 2011, with the final notice of eviction issued on January 25, two days before their eviction. All families were promised a new housing unit; however, reports indicated that some families found their designated unit already occupied by another family or still under construction.

Unlike previous years there were no reports of mass arrests of evicted residents. SOS Habitat, an NGO dealing with land rights, reported that some of its activists were harassed by security forces.

#### **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. For example, civil organizations and politically active individuals, including government critics, members of opposition parties, and journalists, complained the government maintained surveillance of their activities and membership. These groups also frequently complained of threats and harassment based on their affiliations to groups that were nominally or explicitly antigovernment.

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

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

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

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

Press Freedoms: There were 13 privately owned weekly newspapers and eight Luanda-based commercial radio stations. Two publications, *Folha 8* and *Republica*, were considered to be outside of the editorial influence of groups or individuals tied to the government. There were at least seven radio stations broadcasting in different provinces, excluding Luanda Province, and at least 11 radio stations in Luanda Province. Private radio stations could broadcast only in provinces where they physically established antennas. The government allowed only government-owned Radio Nacional to use repeaters to expand the reach of its signal and was thus the only station broadcasting in much of the country. Most private radio stations could reach audiences only in Luanda. Radio Mais, whose ownership included individuals associated with the ruling party, also broadcast in Huambo and Benguela. Radio 2000, whose owners also were believed to be connected to the ruling party, operated in Huila.

Private radio and print media criticized the government openly and harshly but sometimes faced repercussions for doing so. Authorities occasionally threatened journalists and publishers with harassment and arrest for printing critical stories, especially those which centered on the president or his family. On June 17, the National Council for Social Communication, the entity responsible for recommending best practices by the media, received a formal complaint from the minister of geology and mines against the weekly newspaper *Machete* because, according to the minister, it published a story insinuating wrongdoing by him and the ministry without giving him the right of reply. On August 29, Vice President of the National Council Manuel Correia found nothing wrong with the article and dismissed the minister's complaint, but he asked *Machete* to allow the minister to submit an editorial to defend himself.

Official news outlets, including Angolan Public Television, Radio Nacional, and the *Jornal de Angola*, favored the ruling party and gave only limited coverage to opposition political parties and civil society organizations.

Violence and Harassment: Authorities arrested, harassed, and intimidated journalists. For example, at least two well-known journalists complained that security force members followed them and violated their privacy by taking their pictures. One human rights organization reported increased government scrutiny and police harassment after the release of a documentary on land rights in the country.

On February 2, members of the national police arrested and reportedly beat a journalist linked to an opposition radio station. According to the journalist's lawyer, police officers used excessive force during arrest and incarceration. The journalist had walked into a police station in Luanda after hearing the cries for help of one of the inmates. The journalist claimed he was arrested and beaten because he insisted on seeing the inmate.

Censorship or Content Restrictions: Journalists practiced self-censorship.

Unlike in previous years, there were no posted signs prohibiting photography of government buildings or officials, and there were no credible reports of guards discouraging or impeding taking of such photographs. The minister of social communication, spokesperson of the presidency, and the national director of information maintained significant decision-making authority over the media. It was commonly understood that these individuals actively vetted news stories in the state-controlled print, television, and radio media and exercised considerable authority over some privately owned outlets. State-controlled media and private media outlets owned by those close to the government rarely published or broadcast stories critical of the ruling party, government officials, or government policies.

The government also restricted nationwide independent broadcasting through licensing laws. In 2012 Radio Ecclesia dropped its petition to expand broadcast coverage to provinces outside of Luanda. More than one source reported that Radio Ecclesia, operated by the Roman Catholic Church and once considered to be a source of nonpartisan information, decreased its coverage of controversial news topics in favor of programming that generally favored the government. A prominent civil society organization indicated that during the year Radio Ecclesia withdrew its petition to broadcast outside Luanda because the process was not transparent and was too time consuming.

Libel Laws/National Security: Defamation is a crime punishable by imprisonment or a fine, and defendants have the burden of proving their innocence by providing evidence of the validity of the allegedly damaging material.

On August 14, the Viana Municipal Tribunal in Luanda found Manuel Nito Alves not guilty of defamation of President dos Santos. Alves was arrested in September 2013 and released in November for printing T-shirts with slogans criticizing the president. The prosecution was unable to make the case that Alves had broken the law and postponed the trial date several times, allegedly to gather additional evidence. Civil society organizations suggested the prosecution prolonged the trial to discourage Alves and others from protesting against the government.

In February Portuguese prosecutors dismissed a defamation case against journalist and human rights activist Rafael Marques in which nine Angolan generals and two private security companies alleged Marques had slandered them in his 2011 book, *Blood Diamonds: Corruption and Torture in Angola*. The generals and security companies also decided to press a criminal libel case against Marques and filed suit against him in July 2013 in Luanda. Marques was awaiting a trial date to be set by the PGR.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal oversight. According to the International Telecommunication Union, in 2013 approximately 19 percent of individuals used the internet. In September the government started the program Angola On-line, a free Wi-Fi service; officials hoped to increase the number of internet users to five million across the country by 2017.

## **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, but the government regularly restricted this right. At least 15 public demonstrations against the

government were planned during the year, but police impeded most of the demonstrations by dispersing crowds and detaining leading activists. Two of 15 demonstrations were allowed to take place.

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. 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. Nonpartisan groups intending to criticize the government or government leaders, however, often met a heavy police presence and government excuses preventing them from carrying out the event. Usually authorities claimed that the timing or venue requested was problematic or that the proper authorities had not received notification.

Activists suffered intimidation, including anonymous death threats, because of their involvement in public demonstrations.

The Young Revolutionary Movement planned a March 15 protest against police abuse of street vendors in Luanda. The Movement invited street vendors to participate in the protest. On March 13, former governor of Luanda Bento Bento met with leaders of the movement to request a postponement of the protest until he had an opportunity to speak with street vendors directly. On March 14, Bento held a town hall meeting with an estimated 200 street vendors and promised to investigate police abuse accusations, to pay 5,000 kwanza (\$48) to all the attendees as remuneration for possible merchandise damages, and asked street vendors not to protest against the government.

On June 21, police detained 20 teachers in Lubango, Huila Province, in connection with a planned demonstration for better teacher pay and more resources for education. According to news reports and local NGOs, the teachers had informed the authorities about the demonstration well in advance and were not disrupting the peace. The demonstration was held even after the 20 teachers were detained. There were no reports of beatings or excessive use of force against the detainees or other demonstrators.

## **Freedom of Association**

The constitution and law provide for the right of association, but the government did not always respect this right (see also section 7.a.). Extensive and unexplained delays in the NGO registration process continued to be a problem. NGOs that had not received registration were nevertheless allowed to operate.

The government sometimes arbitrarily restricted the activities of NGOs. In May the country conducted its first national census in 44 years. Many civil society organizations requested permission to observe and monitor census activities. According to some NGOs, the government favored organizations linked to the government and denied permission to others perceived as critical of government initiatives.

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

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

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

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government at times restricted these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the IOM, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern. Several sources, however, claimed that security forces frequently abused irregular migrants in the border region shared with the Democratic Republic of the Congo (DRC).

In-country Movement: Land mines and other ERW remaining from the civil war continued to impede freedom of movement in rural areas (see section 2.a.).

The national police regularly established roadside checkpoints throughout the country. There were credible reports that some police officers extorted money from persons at these checkpoints. Some reports by NGOs and journalists suggested the government restricted the movement of persons in certain areas of the Lunda Norte and Lunda Sul diamond-producing provinces, even when they were only seeking to obtain water.

The government continued to conduct operations to identify, detain, and expel irregular immigrants. In Luanda border control agents focused on irregular migrants from West Africa and certain Asian countries, including China and Vietnam. Border control agents placed emphasis on operations in the provinces bordering the DRC.

In July 2013 the Angolan and DRC governments agreed on a special laissez-passer program for their nationals that allows for increased legal movement of persons and products between Lunda Norte and Katanga in the DRC. As of September the IOM had conducted several visits to the border crossing posts and provided recommendations to immigration services to address complaints by migrants and reduce incidents of abuse.

Emigration and Repatriation: In 2009 the government and the UNHCR resumed joint efforts to repatriate thousands of Angolan refugees remaining outside the country since the civil war. These efforts continued even after June 2012 when the UNHCR and regional governments agreed to a cessation of prima facie refugee status for Angolans on the grounds that asylum and protection for most Angolans was no longer required. During the year former Angolan refugees returned voluntarily from Namibia, Zambia, the Republic of the Congo, and the DRC. According to the UNHCR, more than 100,000 Angolan refugees or persons in a refugee-like situation remained in neighboring countries as of July. The government cooperated with the UNHCR on voluntary refugee repatriation and reintegration programs, but operations were significantly delayed due to funding constraints and a lack of reintegration support to returnees. In August the government, the UNHCR, and the IOM began the repatriation of an estimated 30,000 Angolans living in the DRC, Republic of Congo, and Zambia. As of November 1, 6,837 Angolans had returned from the DRC.

Government officials and returning Angolan refugees reported that returnees received some assistance from the Ministry of Assistance and Social Reintegration and international organizations. The government had programs to help returnees

regularize their legal status. NGOs funded by the government helped returnees with education and language training, agricultural supplies, and housing materials.

### **Protection of Refugees**

The Committee for the Recognition of the Right of Asylum has the lead on identifying, verifying, and legalizing asylum seekers in the country. The committee works with the UNHCR and civil society partners in providing support for the asylum population.

Access to Asylum: The law provides vague rules for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the Ministry of Justice and Human Rights, the country hosted approximately 15,000 refugees.

Refugee Abuse: In diamond-rich Lunda Norte Province, NGOs and the media reported several acts of violence and degrading treatment, including rape and sexual abuse. In April 2013 former UN high commissioner for human rights Navenethem Pillay visited a border crossing in Lunda Norte and stated sexual abuse of female migrants and property theft continued to be problems.

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

In response to the allegations of sexual violence, President dos Santos created a commission that included UN representatives to improve the situation around the borders. The commission performed regular verification missions to assess progress at the border crossing points. As of September the commission, with assistance from the IOM, was involved in the training of more than 300 border patrol officers.

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

Access to Basic Services: Persons with recognized refugee status could take advantage of public services, but refugees at times faced difficulty obtaining access to public services such as health care and education due to a lack of legal documents. Corruption by officials compounded these difficulties.

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

The constitution and law provide citizens with the ability to change their government through free and fair elections, which citizens exercised through elections based on universal suffrage. According to the 2010 constitution, presidential and legislative elections should be held every five years. In 2012 citizens elected legislative representatives and the president. The constitution calls for the first-ever elections at the municipal and provincial levels to happen according to the principle of “gradualism,” where local elections are to be held in provinces and municipalities based on a variable timeline. The right to elect local leaders remained restricted, and elections did not occur at the provincial or municipal levels.

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

Recent Elections: In August 2012 the government held legislative elections and the country’s first postwar presidential election. The ruling MPLA won 71.8 percent of the vote in the legislative elections. Domestic and international observers reported polling throughout the country was peaceful and generally credible, although the ruling party enjoyed advantages due to state control of major media and other resources. Opposition parties contested aspects of the electoral process and the results but accepted their seats in the National Assembly. In September 2012 the constitutional court rejected opposition appeals and certified the election results as free and fair.

The country has never elected provincial or local government leaders, and the constitution does not specify a timeline for implementing municipal level elections. By year’s end the government and ruling party officials had not announced a target date for municipal elections but stated they were creating the conditions necessary for successful local elections, including holding a national population census during the year and incrementally decentralizing administrative and budgetary authorities to local municipalities. Opposition parties and some members of civil society were dissatisfied with the slow pace and claimed that the ruling party lacked the political will to organize municipal elections.

Political Parties and Political Participation: The ruling MPLA party dominated all political institutions. Political power was concentrated in the presidency and the Council of Ministers, through which the president exercised executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly consists of 220 deputies elected under a party list proportional representation system. This body has the authority to draft, debate, and pass legislation, but the executive branch often proposed and drafted legislation for the assembly's approval. After the 2012 legislative elections, opposition deputies held 20 percent of parliamentary seats, a 7 percent increase from 2008.

Opposition parties stated their members were subject to harassment, intimidation, and assault by MPLA supporters. 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 reported that its members suffered intimidation and harassment. For example, on March 9, three UNITA provincial leaders were killed during an altercation with MPLA supporters.

Participation of Women and Minorities: Of the 220 deputies in the national assembly, 79 were women. Two women served as governors (out of 18 nationwide), and eight women were cabinet ministers (out of 34). In December 2013 President dos Santos signed a decree on gender equality in the national police, instructing the national police commander to encourage the enlistment of more women in the police force.

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

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

Although the law provides criminal penalties for official corruption, the government did not implement these laws effectively, and local and international

NGOs and media sources reported that officials engaged in corrupt practices with impunity.

Corruption: The Tribunal de Contas (the country's audit institution) has oversight over spending of government funds. Government corruption existed at all levels, although there were some institutions working to improve transparency and accountability within the government. Public prosecutions of corruption cases were rare. According to the Ministry of Justice and Human Rights, the former director of immigration services in Benguela Province was under investigation on corruption charges, but no public information was available. The DNIC of the national police also investigated some cases.

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

The Financial Intelligence Unit (FIU) in the Ministry of Finance took steps to improve deficiencies in the Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) system established in January when the Law on the Criminalization of Infractions Surrounding Money Laundering passed. The FIU strengthened regulations on freezing and confiscating assets for individuals committing money laundering crimes.

The Central Bank (BNA) also took a role in combating corruption. It trained a team to identify and investigate money laundering and terrorist financing. In June the BNA approved an inspection manual for AML/CFT supervision and performed eight internal inspections to find noncompliance.

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

As in previous years, there were credible reports that government officials used their political positions to profit from business deals. The business environment continued to favor those connected to the government, including members of the president's family. The country started a national mineral survey using Spanish and Portuguese companies in May. Local media reported the survey companies

hired to do the 30 billion kwanza (\$288 million) study were partially owned by government officials and family members of influential politicians.

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 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.

In April 2013 a report issued by London-based Corruption Watch UK and the domestic human rights organization Maos Livres (Open Hands) claimed to have new information on the “Angolagate” scandal, a case which involved arms sales during the civil war (1999-2003) and a debt repayment scheme between Angola and Russia. In conjunction with the report, a new criminal complaint was filed in Switzerland in April 2013. On February 3, the Swiss attorney general announced that his office would not re-open the case, since the complaint does not contain any new information. As of November there had not been a public investigation of this case.

Financial Disclosure: The law on public probity requires most higher government officials to declare their assets to the attorney general. According to the Ministry of Justice and Human Rights, the financial information of government officials was provided to the appropriate government office. The law treats financial information reports of government officials as confidential. The president, vice president, and president of the National Assembly are exempt from these public probity requirements. The law stipulates that nonexempt government officials declare all real estate holdings, household goods, livestock, cash assets, land titles, and stock holdings. Declarations are to include all assets in country and overseas. The law does not cover spouses and children. Nonexempt government officials are to make a new declaration within 30 days of assuming a new post and every two years thereafter. The law does not stipulate that a new declaration be made upon leaving office but states that officials must return all government property within 60 days.

Penalties for noncompliance vary depending on which section of the law was violated but include removal from office, a bar from government work for three to five years, a bar from contracting with the government for three years, repayment of the illicitly gained assets, and a fine of up to 100 times the value of the accepted bribe. The national office of economic police is responsible for investigating

violations of this law, as well as other financial and economic crimes, and then referring them to the Financial Court for prosecution. There were no known cases related to this law during the year.

The information on the bonuses that oil companies paid for block purchases, which were paid on top of the bid price, were not reported.

Transparency problems remained in the diamond industry, particularly regarding allocations of exploration, production, and purchasing rights. Several human rights organizations report continued abuse against “garimpeiros,” artisanal diamond miners in Lunda Norte and Lunda Sul provinces, by private security companies guarding foreign mining concessions.

The Sovereign Wealth Fund (SWF) implemented a series of initiatives to address some transparency concerns. The SWF submitted itself to an audit by a reputable foreign accounting firm, and the result was publicly available. The SWF announced its investment policy, adopted the Santiago Principles for Accountable and Transparent Management of Sovereign Wealth Funds, and appointed a three-member Audit Board and an international global custodian to oversee investment activities.

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

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

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

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

The Law of Association requires NGOs to specify their mandate and areas of activity. The government used this provision to prevent or discourage established NGOs from engaging in certain activities, especially those that were politically sensitive.

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

The government arrested and harassed NGO workers. For example, between May and July, Rafael Morais, leader of housing rights NGO SOS Habitat, was followed by alleged members of the government's intelligence forces. Morais claimed the surveillance began after his organization released a short documentary on the government's demolition and relocation of squatters in Luanda province.

The government criticized domestic and international NGOs, and there were reports of police or military presence at community meetings with international NGOs, especially in Cabinda.

The United Nations or Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives. In August the government and the UNHCR resumed repatriation of an estimated 30,000 Angolans from the DRC. On August 31-September 1, Deputy High Commissioner for the UNHCR Alexander Aleinikoff visited the country to discuss the repatriation procedures and meet with officials, and he expressed concern over the time that it took for cleared Angolans to enter the country.

On May 30, the Ministry of Interior cancelled the work visa of Maria Concetta Tirzi, an advisor for the EU's Program Assistance for Nongovernment Actors in Angola. According to media reports and civil society organizations, Tirzi's visa was cancelled for her perceived ties with young activists critical of the government.

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

Government Human Rights Bodies: The Inter-Ministerial Commission for the Writing of Human Rights Reports (CIERDH) is comprised entirely of representatives from various government ministries and funded by the state. Leading civil society members decided not to participate on the commission because they did not believe it was independent or effective.

The Ministry of Justice and Human Rights and CIERDH held several workshops and presentations about the state of human rights in preparation for the 55th Ordinary Session of the African Commission on Human and People's Rights and Angola's UN Universal Periodic Review on October 27-November 4. Civil society organizations often attended and participated in government-organized activities such as discussions on trafficking in persons, human rights protections, and freedom of information.

## **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. The constitution does not specifically address sexual orientation or gender identity. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities were problems.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to eight years' imprisonment; however, limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. The Ministry of Justice and Human Rights worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations.

The Zero Tolerance for Gender and Sexual Based Violence campaign continued. The campaign increased awareness of sexual violence and encouraged women to file police reports. The Ministry of Justice and Human Rights reported that the national police investigated 9,432 cases of gender-based violence in 2013.

The law criminalizes domestic violence and penalizes offenders with prison sentences and fines depending on the severity of their crime. The government reported it had 27 domestic violence counseling centers, seven other shelters, and various treatment centers throughout the country. The Organization of Angolan Women, a political association affiliated with the ruling MPLA, announced in September that it had recorded more than 4,664 cases of domestic abuse nationwide from January through September. It called for more studies into the causes of domestic violence as well as more shelters to help victims. The ministry maintained a program with the Angolan Bar Association to give free legal assistance to abused women and established counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women were not available.

Female Genital Mutilation/Cutting (FGM/C): Although the law does not specifically ban FGM/C, it protects the integrity of women and children against bodily harm, and there are special provisions against mutilation. Unlike in the previous year, there were no reports of FGM/C.

Other Harmful Traditional Practices: Unlike in previous years, there were no new reports of ritualistic killings. The government, along with the UNHCR and the IOM, engaged in extensive programs to educate communities in the diamond-producing areas on the dangers of certain traditional practices.

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

Reproductive Rights: Couples and individuals may decide freely and responsibly the number, spacing, and timing of their children, and they had access to the information and means to do so free from discrimination, coercion, and violence. According to the UN Population Division, 12 percent of married women used a modern method of contraception. During the year the government issued its first-ever national family planning strategy. It increased its health budget to 360 billion kwanza (\$3.5 billion) in 2013 and, to improve transparency, created a stand-alone budget line for reproductive health and family planning in its national budget. A 2009 study found 47 percent of women and girls who gave birth had four or more prenatal consultations. Of this group approximately 67 percent saw a qualified health provider at least once, 49 percent of births were attended by skilled health personnel, and 42 percent gave birth in a medical center. According to the most recent UN reporting, the maternal mortality ratio was 460 deaths per 100,000 live births. There were an estimated 4,400 maternal deaths in 2013, and a woman's

lifetime risk of maternal death was one in 35. High maternal mortality was likely due to inadequate access to health facilities before, during, and after giving birth, and early pregnancy. The government continued to work on reducing the high maternal mortality rate by increasing public access to reproductive and skilled obstetric care.

According to UN sources, 55 percent of women were 18 or younger when they gave birth to their first child. There were no legal barriers that limit access to reproductive health services, but some social constructs such as the responsibility of women to have children and religious objections to using contraception limited access. Comprehensive information on government provisions for reproductive health services or diagnosis and treatment of sexually transmitted infections, including HIV/AIDS, improved with the assistance of international partners.

Discrimination: Under the constitution and law, women enjoy the same rights and legal status as men, but societal discrimination against women remained a problem, particularly in rural areas (see also section 7.d.). There were no effective mechanisms to enforce child support laws, and women generally bore the major responsibility for raising children. There were no known cases of official or private sector discrimination in employment or occupation, credit, pay, owning and/or managing a business, or housing. There were reports that parents, especially in more rural areas, were more likely to send boys to school than girls. Gender discrimination was more prevalent in terms of household responsibilities than in access to goods or services.

The law provides for equal pay for equal work (see section 7.d.), although women generally held low-level positions.

In an interministerial effort led by the Ministry of Family and the Protection of Women, the government undertook multiple information campaigns on women's rights and domestic abuse and hosted national, provincial, and municipal workshops and training sessions.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory or from one's parents. The government does not register all births immediately, and activists reported that many urban and rural children remained undocumented. According to the UN Children's Fund, as of mid-2013, as many as 69 percent of children under the age of five were not documented with birth certificates. The

government permitted undocumented children to attend school but only up to the fourth grade. In 2013 the government announced a plan to waive birth registration fees for all persons, including adults, through the end of 2016. In previous years parents could register their children under five for no fee, but prohibitive registration costs were incurred by parents with older children. From September 2013 to January 2014, the government provided no-cost birth certificates to more than 700,000 adults and children. The government continued to implement a previous plan to provide birth certificates in health clinics and maternity wards during the year.

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

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

Child Abuse: Child abuse was widespread. Reports of physical abuse within the family were commonplace, and local officials largely tolerated abuse. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be abused by their caretakers. The 2012 Law on the Protection and Holistic Development of Children significantly improved the legal framework protecting children, but challenges remained in its implementation and enforcement.

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

Female Genital Mutilation/Cutting (FGM/C): The law protects women and children from bodily harm and there are special provisions criminalizing mutilation. Unlike in the previous year, there were no reports of FGM/C.

Other Harmful Traditional Practices: The National Institute for Religious Affairs acknowledged that belief in and accusations of witchcraft still existed, particularly in Zaire and Uige provinces, but stated that cases of abusive practices diminished significantly due to campaigns and government directives aimed at reducing indigenous religious practices such as shamanism, animal sacrifices, and witchcraft. There were anecdotal reports of women and children being abused by their communities because of accusations they practiced witchcraft. The Ministry of Culture and the National Institute for Children (INAC) had educational initiatives and emergency programs to assist children accused of witchcraft.

Sexual Exploitation of Children: All forms of prostitution, including child prostitution, are illegal. Police did not actively enforce laws against prostitution, and local NGOs expressed concern over child prostitution, especially in Luanda, Benguela, and Cunene provinces. Penalties for sexual exploitation of children are defined in a new antitrafficking law passed in January. The law includes protections against child pornography, prostitution, and sexual and labor abuse.

Sexual relations between an adult and a child under the age of 12 are considered rape and carry a potential legal penalty of eight to 12 years' imprisonment. Sexual relations with a child between the ages of 12 and 17 is considered sexual abuse, and convicted offenders may receive sentences from two to eight years in prison. Limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were no known prosecutions during the year. The legal age for consensual sex is 18 years. The law prohibits child pornography.

The 2012 Law on the Protection and Holistic Development of Children codified the "11 Commitments to Children" campaign. The law defines priorities and coordinates the government's policies to combat all forms of abuse against children, including unlawful child labor, trafficking, and sexual exploitation.

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

## **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, including persons with physical, sensory, intellectual, and mental disabilities, in employment (see also section 7.d.), education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. Article 83 of the constitution grants persons with disabilities full rights without restrictions and calls on the government to adopt national policies to prevent, treat, rehabilitate, and integrate persons with disabilities to support their families, to remove obstacles to their mobility, to educate society about disability, and to encourage special learning and training opportunities for the disabled. It does not specifically mention the rights of persons with disabilities with regard to transportation, including air travel.

Persons with disabilities included more than 80,000 landmine and other ERW victims. The NGO Handicap International estimated that, in total, up to 500,000 persons had disabilities. Only 30 percent of such persons were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling. According to a 2012 survey by the Ministry of Assistance and Social Reintegration, the country had approximately 90,000 persons with disabilities.

The national council for persons with disabilities is responsible for verifying that all such persons are protected from discrimination and have access to the same rights and privileges as nondisabled citizens. Persons with disabilities, however, found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the education system (see also section 7.d.). Women with disabilities were reported to be vulnerable to sexual abuse and abandonment when pregnant. The antitrafficking law specifically punishes sexual abuse of vulnerable populations, including persons with disabilities. The Ministry of Assistance and Social Reintegration sought to address problems facing persons with disabilities, including veterans with disabilities, and several government

entities supported programs to assist individuals disabled by landmine incidents. During the 2012 election, the government provided voting assistance to persons with disabilities. Persons with disabilities were allowed to select someone of their own choosing to accompany them to the voting booth to fill out the ballot and were allowed to move ahead of others waiting in line to vote.

### **Indigenous People**

An estimated 8,000 San persons lived in small dispersed communities in Huila, Cunene, and Cuando Cubango provinces. The San are traditional hunter-gatherers who are linguistically and ethnically distinct from their Bantu fellow citizens. The constitution does not make specific reference to the rights of indigenous persons, and the Ministry of Justice and Human Rights has not established outposts near San settlements to help them register or provide them services. The San people's limited participation in political life increased slightly, and Mbakita, a local NGO advocate for the San, worked with provincial governments to increase services to San communities and improve communication between these communities and the government. The government reportedly permitted businesses and well-connected elites to take traditional land from the San, and some San were working as farmers for urban Bantus to earn a living. Those who borrowed land from Bantus lacked equipment to cultivate it, and borrowed lands can be taken back at any time. Many San reportedly turned to begging because other options were not available.

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

According to the Ministry of Justice and Human Rights, the law does not criminalize sexual relationships between persons of the same sex. Sections of the 1886 penal code could be viewed as criminalizing homosexual activity, but they are no longer used by the judicial system. The constitution prohibits all forms of discrimination but does not specifically address sexual orientation or gender identity. The constitution defines marriage as between a man and a woman, however. NGOs reported a small underground lesbian, gay, bisexual and transgender (LGBT) community in Luanda, although an LGBT group calling itself "The Divas" held the first-ever gay pride parade in the country in November 2013. There were isolated reports of same-sex couples being harassed by their communities. There were no registered NGOs advocating for the rights of LGBT persons. There were no known reports of discrimination in employment or occupation, although a prominent transgender musician was reportedly banned

from performing on a state-run television channel because of her gender identity (see also section 7.d.).

### **HIV and AIDS Social Stigma**

Discrimination against those with HIV/AIDS is illegal, but lack of enforcement allowed employers to discriminate against persons with the condition or disease. 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 with HIV/AIDS.

## **Section 7. Worker Rights**

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

The law provides for the right of workers, except members of the armed forces and police, to form and join independent unions. To establish a trade union, at least 30 percent of workers in an economic sector in a province must follow a registration process and obtain authorization from government officials. The law provides for the right to collective bargaining except in the civil service. While the law provides for the right to strike, it prohibits strikes conducted by members of the armed forces, police, prison staff, fire fighters, public sector employees providing "essential services," and oil workers.

While the law allows unions to conduct their activities without government interference, it also places some restrictions on engaging in a strike. Strict procedures must be followed for a strike to be considered legal, and the government can deny the right to strike. The government may intervene in labor disputes that affect national security, particularly strikes in the oil sector. Essential services are broadly defined, including the transport sector, communications, waste management and treatment, and fuel distribution. Authorities have the power of requisitioning workers in the essential services sector, and collective labor disputes are to be settled through compulsory arbitration by the Ministry of Public Administration, Employment, and Social Security. The law does not prohibit employer retribution against strikers, and it permits the government to force workers back to work for "breaches of worker discipline" or participation in unauthorized strikes. Nonetheless, the law prohibits antiunion discrimination and stipulates that worker complaints be adjudicated in the labor court. Under the law

employers are required to reinstate workers who have been dismissed for union activities.

The government generally did not effectively enforce applicable laws. The Ministry of Public Administration, Employment, and Social Security has a hotline for workers who believe their rights have been violated, and the leader of the Confederation of Free and Independent Labor Unions of Angola, an independent labor union, explained that the labor courts functioned, albeit slowly. Enforcement efforts were hampered by an insufficient number of adequately trained labor inspectors. Some companies were reportedly tipped off prior to labor inspections, making government efforts ineffective. Penalties for violations were not provided and may be insufficient to deter violations.

Freedom of association and the right to collective bargaining were not generally respected. Government approval is required to form and join unions, which were hampered by membership and legalization issues. Labor unions, independent of those run by the government, worked to increase their influence, but the ruling MPLA continued to dominate the labor movement due to historical connections between the party and labor, and the superior financial base of the country's largest labor union (which also constitutes the labor wing of the MPLA).

There were several examples during the year of workers going on strike to demand a salary increase. Government interference in some strikes was reported.

The government is the country's largest employer, and the Ministry of Public Administration, Employment, and Social Security mandated wages with no negotiation with the unions.

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

The law prohibits all forms of forced or compulsory labor.

The government did not effectively enforce the law due in part to an insufficient number of inspectors. Penalties for violations are not provided and may be insufficient to deter violations. To help bring artisanal miners into the formal economy, as of September the Ministry of Geology and Mines issued exploration permits to more than 400 artisanal miners.

Forced labor occurred among men and women in agriculture, construction, domestic service, and artisanal diamond-mining sectors, particularly in Lunda

Norte and Lunda Sul. Migrant workers were subject to seizure of passports, threats, denial of food, and confinement. The government produced a training video for law enforcement and immigration officials that included a short segment on how to identify victims of trafficking, although this was not the sole objective of the film. INAC continued working to reduce the number of children traveling to agricultural areas in the country's southern regions to work on farms, mostly through community outreach about the importance of an education. Forced child labor also occurred.

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

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

The law prohibits children under 14 from working. To obtain an employment contract, the law requires youth to submit evidence they are 14 years of age or older. Children could work from age 14 to 16 with parental permission or without parental consent if they are married, as long as work did not interfere with schooling. The Ministry of Public Administration, Employment, and Social Security generally effectively enforced child labor standards in the formal sector, but the government had difficulty monitoring the large informal sector, where most children worked. Reports also indicated that employers were often warned before the arrival of labor inspectors, which allowed them to circumvent child labor law.

Inspectors are authorized to conduct surprise inspections whenever they see fit. Penalties for violations were generally sufficient to deter violations. Penalties for not signing a written contract for children ages 14 and over is a fine of two to five times the median monthly salary offered by the company. Children over age 14 who are employed as part of an apprenticeship are also required to have a written contract. The penalty for not having this contract is three to six times the average monthly salary of the company. For children found to be working in jobs categorized as hazardous (which is illegal under the law), the fines are five to 10 times the average monthly salary of the company. Nonpayment of any of these fines results in the accrual of additional fines.

Child labor, especially in the informal sector, remained a problem. The Ministry of Public Administration, Employment, and Social Security had oversight of formal work sites in all 18 provinces, but it was unknown if inspectors checked on the age of workers or conditions of work sites. If the ministry determined a business was using child labor, it transferred the case to the Ministry of Interior to

investigate and possibly press charges. It was not known if the government fined any businesses for using child labor. The Ministry of Public Administration, Employment, and Social Security, along with other government agencies, and labor unions developed a national plan against child labor. This had not been implemented as of October.

Generally, work done by children was in the informal sector. Children engaged in economic activities such as agricultural labor on family farms and commercial plantations, fishing, brick making, charcoal production, domestic labor, and street vending. Exploitive labor practices included activity and involvement in the sale or transport of illegal drugs and the offloading and transport of goods in ports and across border posts. Children were reportedly forced to act as couriers in the illegal cross-border trade with Namibia. Adult criminals sometimes used children under the age of 12 for forced criminal activity, since the justice system prevents youth from being tried in court. There were no credible reports of the use of child labor and forced child labor engaged in informal diamond mining.

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

The Ministry of Interior and the Ministry of Justice and Human Rights are charged with investigating and prosecuting cases of child labor, although there were no reports of any such prosecutions during the year.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The labor law prohibits discrimination in employment and occupation based on race, gender, disability, language, and HIV-positive status or other communicable diseases, or social status, and the government, in general, effectively enforced the law. The law provides for equal pay for equal work, and many women held high-level positions in state-run industries and in the private sector or worked in the informal sector. There were no known cases of official or private sector gender-based discrimination in employment or occupation. For example, the country sends a team from the Ministry of Finance to Washington every year for meetings at the International Monetary Fund and the World Bank. The Ministry of Finance ensures that the delegation includes both men and women.

Despite the law, persons with disabilities found it difficult to gain access to public or private facilities, and it was difficult for such persons to participate in the education system and thus find employment. There were no known reports of discrimination in employment or occupation, although a prominent transgender musician was reportedly banned from performing on a state-run television channel because of her gender identity.

Discrimination against migrant workers also occurred.

#### **e. Acceptable Conditions of Work**

On May 7, the Council of Ministers increased public sector wages 8 percent effective on June 1 and increased the minimum wage 13 percent. With this increase the minimum wage increased from 14,996 kwanza (\$144 per month) to 22,495 kwanza (\$216 per month). Workers in informal sectors, such as street vendors, subsistence agriculture, and domestic service, are not covered by the minimum wage law. The country had not established a poverty income level; however, the United Nations Development Program estimated the poverty level to be 165 kwanzas (\$1.58) per day or 4,950 kwanzas (\$48) per month.

The standard work week is 40 hours with a maximum allowance per week of 44 hours without paying overtime, and with at least one unbroken period of 24 hours of rest per week. When employees engage in shift work or a variable weekly schedule, they can work up to 54 hours per week before earning overtime. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. The law also provides for paid annual holidays. The government sets occupational health and safety standards.

Most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes. The majority of citizens derived their income from the informal sector or subsistence agriculture and therefore fell outside of government protection regarding working conditions. Foreign workers also were not generally covered by government protections.

The minimum wage law was effectively enforced only in the formal sector. Informal sector workers were not covered by wage or occupational safety standards in most cases. The workweek standards were not enforced unless employees lodged a formal complaint with the Ministry of Public Administration, Employment, and Social Security.

The Ministry of Public Administration, Employment, and Social Security's inspector general did not effectively enforce standards for acceptable work conditions. The government had 187 inspectors--53 senior inspectors, 41 technical inspectors, and 93 junior inspectors. Upon starting work, the inspectors were given a 120-hour training course, and training for requalification and to qualify to inspect technical labor areas also existed. Inspections occurred, although rulings on labor violations found by inspectors were not effectively enforced. Specific information on penalties for violations was not provided; however, fines were generally insufficient to deter infractions. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations. Despite the law, workers were unable to remove themselves from unsafe working conditions without jeopardizing their employment. According to independent labor leaders, most workers were reluctant to complain about poor working conditions, even if they were hazardous.