

# ANGOLA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Angola is a constitutional republic. In August 2017 the ruling Popular Movement for the Liberation of Angola party won presidential and legislative elections with 61 percent of the vote. The ruling party's presidential candidate Joao Lourenco took the oath of office for a five-year term in September 2017, and the party retained a supermajority in the National Assembly. 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. The Constitutional Court rejected opposition parties' legal petitions alleging irregularities during the provincial-level vote count and a lack of transparent decision making by the National Electoral Commission.

The national police, controlled by the Ministry of Interior, are responsible for internal security and law enforcement. The Criminal Investigation Services, also under the Ministry of Interior, are responsible for preventing and investigating domestic crimes. The Expatriate and Migration Services and the Border Guard Police within the Ministry of Interior are responsible for law enforcement relating to migration. The state intelligence and security service reports to the presidency and investigates state security matters. The Angolan Armed Forces are responsible for external security but also have domestic security responsibilities, including border security, expulsion of irregular migrants, and small-scale actions against groups like the Front for the Liberation of the Enclave of Cabinda separatists in Cabinda. Civilian authorities maintained effective control over the Angolan Armed Forces 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. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by government security forces; cases of cruel, inhuman, or degrading treatment or punishment by government security forces; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; serious restrictions on free expression and the press, including violence, threats of violence or unjustified arrests against journalists and criminal libel laws; serious acts of corruption; lack of investigation of and accountability for violence against women; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex persons.

The government took significant steps to prosecute or punish officials who committed abuses. It also dismissed and prosecuted cabinet ministers, provincial governors, senior military officers, and other officials for corruption and financial crimes. Nevertheless, accountability for human rights abuses was limited due to a lack of checks and balances, lack of institutional capacity, a culture of impunity, and government corruption. Security forces sometimes used excessive force when enforcing restrictions to address the COVID-19 pandemic. The government has held security forces accountable for these abuses in several cases.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

The government or its agents committed arbitrary or unlawful killings. The national police and Angolan Armed Forces (FAA) have internal mechanisms to investigate security force abuses, and the government provided some training to reform the security forces.

Several killings occurred after the government enacted measures to combat COVID-19, referred to by presidential decree as the “state of emergency” in May and “state of calamity” in June, which required police and the armed forces to guarantee compliance with measures including wearing masks, physical distancing, and restrictions on citizens’ movements. Credible reports between May and July documented that security forces killed at least seven persons while enforcing COVID-19 restrictions.

On August 22, a team of police officers and Angolan army soldiers approached a group of young men in Zango 3, in the Viana municipality of the capital of Luanda, for failure to wear masks. One of the young men tried to escape to his home 30 feet away, and a soldier shot him in the back and killed him. According to the Luanda Provincial Command, the Criminal Investigation Service and the Military Judiciary detained the soldier and summoned the team to provide testimony regarding the shooting.

On September 1, pediatric doctor Silvio Dala died while in police custody after his arrest for driving his car without wearing a face mask. According to police, Dala was driving alone when stopped by police and taken to a police station where he fainted and hit his head. Police stated the trauma from the fall caused extensive

bleeding and Dala died en route to the hospital. The autopsy concluded that Dala died of natural causes.

Police declared Dala was arrested because he violated the requirement to wear a face mask inside vehicles and because the police wanted to ensure Dala would pay a token fine at the site of his arrest. The Angolan Medical Union, several members of parliament, and numerous social media postings objected to the official police version of Dala's death. The subsequent public outcry after Dala's death contributed to the government ending the requirement to wear face masks inside vehicles when the driver is alone.

On November 11, during a protest in Luanda to demand better living conditions and local elections, Inocencio de Matos, age 26, was killed when police attempted to disperse demonstrators. Police took him to the hospital where he was treated by a medical team but subsequently died. Witnesses said that police shot and killed him. According to the autopsy report, he died of "physical aggression with a nonspecified object."

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **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.

Periodic reports continued of beatings and other abuses both on the way to and inside police stations during interrogations. The government acknowledged that at times members of the security forces used excessive force when apprehending individuals. Police authorities 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).

Several reports indicated that police used excessive force to enforce the state of emergency implemented to combat COVID-19. On March 30, a video shared widely on social media showed police beating several men with nightsticks while the men laid prostrate on the ground inside a police station.

On October 24, a peaceful demonstration against the government demanding employment and local elections was violently repressed with several persons injured, 103 persons detained on charges of disobedience, and unsubstantiated reports of two persons killed. According to one human rights lawyer, Salvador Freire, some of the detainees, in particular the organizers of the demonstration, were subjected to harsh and violent treatment while in custody.

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

Prison and detention center conditions were harsh and life threatening due to overcrowding, a lack of medical care, corruption, and violence.

Physical Conditions: The director of the Institutional and Press Communication Office of the Ministry of Interior, Waldemar Jose, said the country's 40 prisons are overcrowded. Prisons have a total capacity for 21,000 inmates but hold more than 26,000 inmates, with half of those inmates held in pretrial detention. Jose said the prison system holds an excessive number of prisoners in pretrial detention due to a backlog of criminal cases in the court system.

Authorities frequently held pretrial detainees with sentenced inmates. Authorities also held short-term detainees with those serving long-term sentences for violent crimes, especially in provincial prisons. Inmates who were unable to pay court-ordered fines remained in prison after completing their sentence or while awaiting release warrants issued by higher courts. Many prisoners were held in pretrial detention longer than permitted under law, which ranges from four to 14 months depending on the severity and complexity of the alleged crime.

On June 23, a sub-attorney general said that in Malanje province, many criminal files sit on judges' desks awaiting a court hearing, while higher court judges delay issuing a release warrant, leading to overcrowding in local prisons.

The director of Luzia jail in Saurimo in Lunda Sul province, said the jail held two inmates in pretrial detention for more than five years. The jail also held many prisoners who had served their sentence and awaited a release warrant.

Prison conditions varied widely between urban and rural areas. Prisons in rural areas were less crowded and had better rehabilitation, training, and reintegration services. There were no reports of cases of deaths in prisons related to the physical conditions of jails. Prisons did not always provide adequate medical care,

sanitation, potable water, or food, and it was customary for families to bring food to prisoners. Local nongovernmental organizations (NGOs) stated prison services were insufficient.

One human rights lawyer described the conditions at the Cabinda civil jail, where three of his constituents are in pretrial detention, as terrible. He said prisoners had no potable water for drinking or bathing; prisoners defecated in the same location where they ate; eight inmates shared a single cell, and others were obliged to sleep in the corridors. There was no social distancing to prevent the spread of COVID-19.

Administration: 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.

Independent Monitoring: The government permitted visits to prisons by independent local and international human rights observers and foreign diplomats. Nevertheless, civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons by impeding their ability to enter the prisons.

Members of opposition parties visited prisons around the country on a regular basis and reported uneven improvements in living conditions and rehabilitation programs. According to the Ministry of Justice and Human Rights, ministry representatives made monthly visits to detention centers with representatives of the Office of the Public Defender, the Attorney General's Office (PGR), and members of the National Assembly to assess prisoners' living conditions. Members of the National Assembly conducted independent visits to prisons. On February 27, parliamentarians visited the Peu-Peu jail in Cunene province.

Improvements: Following the "state of emergency" for COVID-19 that took effect on March 27, the PGR released approximately 1,000 detainees held in pretrial detention who did not present a danger to the community. The PGR said the release was conducted to improve prison conditions that had deteriorated due to the overcrowding of inmates in the prison system.

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

The law prohibits arbitrary arrest and detention; however, security forces did not always respect these prohibitions. The constitution provides the right of habeas corpus to citizens to challenge their detention before a court.

According to several NGO and civil society sources, police arbitrarily arrested individuals without due process and routinely detained persons who participated, or were about to participate, in antigovernment protests, although the constitution protects the right to protest. While they often released detainees after a few hours, police at times charged them with crimes.

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

The law requires a magistrate or judge to issue a warrant before an arrest may be made, although a person caught committing an offense may be arrested immediately without a warrant. Authorities, however, did not always procure warrants before making an arrest.

By law, prosecutors must inform detainees of the legal basis for their detention within 48 hours. NGO sources reported authorities often did not respect the law. If prosecutors are unable to determine whether there is a legal basis for the detention within 48 hours, prosecutors have the authority to release the person from detention. Depending on the seriousness of the case, prosecutors may require the detained person to submit to one or more pretrial procedures prescribed by law, such as posting bail, periodic appearance before authorities, or house arrest.

If prosecutors determine a legal basis exists for the detention, a detained person may be held in pretrial detention for up to four months without charge and up to 12 months before a judge is required to rule on the case. Cases of special complexity regarding crimes for which conviction is punishable by eight or more years allow for pretrial detention without charge for up to six months, and up to 14 months before a judge is required to rule on the case. By law the period of pretrial detention counts as time served in fulfillment of a sentence of imprisonment.

The law states that all detainees have the right to a lawyer, either chosen by them or appointed by the government on a pro bono basis. The lack of lawyers in certain provinces at times impeded the right to a lawyer. There was an insufficient number to handle the volume of criminal cases, and the geographical distribution of lawyers was a problem, since most lawyers were concentrated in Luanda. Lawyers and NGOs noted that even in Luanda, most poor defendants did not have access to lawyers during their first appearance before a judicial authority or during

their trial. When a lawyer is unavailable, a judge may appoint a clerk of the court to represent the defendant, but clerks of the court often lacked the necessary training to provide an adequate defense.

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.

The law allows family members prompt access to detainees, but prison officials occasionally ignored this right or made it conditional upon payment of a bribe. The law requires detainees be held incommunicado for up to 48 hours until being presented to a public prosecutor, except they may communicate with their lawyer or a family member.

On March 27, prison authorities suspended all visits to detainees and inmates due to the “state of emergency” for COVID-19. Prison officials allowed lawyers to visit clients and allowed relatives to receive information about family members in custody. The suspension of visits continued through May 25 when the subsequent “state of calamity” entered into force. Presidential Decree 142/20 published on May 25 provided that visits to inmates were allowed on June 29, July 13, and July 27 for separate classes of inmates. Subsequent updates to the “state of calamity” on July 7, August 9, and September 9 did not mention visits to prisons. As of December there were no additional provisions that allowed families to visit their relatives in prison.

The wife of an inmate in the Kakila prison said that since the “state of emergency” began she could no longer visit or contact her husband and that she was only able to leave food at the front gate of the jail to be delivered to her husband. She said prisoners at Kakila jail lacked running water for more than one month.

Arbitrary Arrest: During the year there were instances in which security forces reacted violently to public demonstrations against the government. The visible presence of security forces was enough to deter significantly what the government deemed unlawful demonstrations. Government authorities claimed known agitators, who sought to create social instability, organized many of the public demonstrations.

On August 5, in the Dande municipality of Bengo province, police arrested four activists (Domingos Periquito, Domingos Jaime, Gomes Hata, and Manuel Lima) who attempted to organize a protest against the lack of potable water. Domingos

Jaime, a rapper known as Jaime MC, was hit by a police vehicle and later taken to the hospital. Police charged the activists for failure to wear face masks, but a judge dismissed the charges. Following the dismissal, Criminal Investigation Services returned the activists to the police who filed new charges for disobedience to authorities. The activists were convicted and given a one month suspended sentence converted to a fine. The activists had no money to pay the fine and remained in police custody until they were able to collect the fine amount.

On October 24, 103 persons were arrested in Luanda during a peaceful demonstration demanding improved employment conditions and local elections. Among those detained were persons from the surrounding area who were forcibly taken into custody without having participated in the demonstration. Of the 103 persons detained, six were released before trial, 26 were acquitted, and 71 were convicted of disobedience and fined.

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. In some cases authorities held inmates in prison for up to five years in pretrial detention. The government often did not release detainees confined 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 law provide for an independent and impartial judiciary. The judicial system was effected by institutional weaknesses including political influence in the decision-making process. 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 to foster the independence of the judicial system.

There were long trial delays at the Supreme Court, in part because the court remained the only appellate court in the country. A 2015 law established another level of appellate courts to reduce delays. Two of these courts were inaugurated in Benguela and Lubango but were not operating at year's end. Criminal courts also had a large backlog of cases that resulted in major delays in hearings.

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, creating

disparities in how similar cases were resolved from one community to the next. Traditional community leaders (known as *sobas*) also heard and decided local civil cases. Sobas do not have the authority to resolve criminal cases, which only courts may hear.

Both the national police and the FAA have internal court systems that generally remained closed to outside scrutiny. Although members of these organizations may be tried under their internal regulations, cases that include violations of criminal or civil laws may 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 all citizens the right to a fair trial, authorities did not always respect this right. Defendants enjoy the right to a presumption of innocence until proven guilty. Authorities must inform defendants of the charges levied against them in detail within 48 hours of their detention. Defendants have the right to free language interpretation during all legal proceedings, from the moment of being charged through the close of all appeals.

In July the National Assembly unanimously approved a new procedural penal code to clarify the roles of each party in the judicial process, introduce rules that speed up judicial processes, and provide new procedural rules for both claimants and defendants.

By law trials are usually public, although each court has the right to close proceedings. Defendants have the right to be present and consult with an attorney, either chosen by them or appointed by the state, in a timely manner. According to the Ministry of Justice and Human Rights all public defenders 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. Defendants have the right to sufficient time and facilities to prepare a defense. The law protects defendants from providing self-incriminating testimony. Individuals have the right to appeal their convictions. Authorities did not always respect these trial procedure rights.

A separate juvenile court hears cases of minors between the ages of 12 and 16 accused of committing a criminal offense. Minors older than 16 accused of committing a criminal offense are tried in regular courts. In many rural

municipalities, there is no provision for juvenile courts, so offenders as young as 12 may 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. The constitution defines traditional authorities 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**

In Cabinda province authorities detained three activists of the Cabinda Independence Union on June 28 and 29. Authorities detained Mauricio Gimbi, Andre Bonzela, and Joao Mampuela and accused the men of carrying pamphlets with the slogans, “Down to arms, down to the war in Cabinda”; “Cabinda is not Angola”; and “We want to talk”. The men appeared before a government attorney on June 30 who ordered their pretrial detention. Authorities subsequently charged the men with rebellion and criminal association.

The lawyer for the men, Arao Tempo, appealed the pretrial detention. On August 21, the Provincial Court of Cabinda decided to hold Gimbi and Mampuela in pretrial detention and release Bonzela pending the payment of a substantial fine. Tempo said the fine would be an impossible sum to pay due to the poor social and economic conditions of the Cabindan people. The three activists remained in jail. On November 15, human rights lawyer and head of the pro bono organization Associacao Maos Livres, demanded their release.

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

Damages for human rights abuses may be sought in provincial courts and appealed to the Supreme Court. During the year the National Assembly approved a new procedural penal code that allowed victims of human rights abuses to seek compensation from the state. The rules provide that the state must compensate victims who are illegally detained or arrested, are under excessively long pretrial detention, are not released in due time against a legal provision or a court decision, or are victim of a gross judicial error. Public agents responsible for actions that abuse human rights should in turn compensate the state.

SOS Habitat brought a lawsuit alleging that the government failed to comply with a judicial decision to compensate a victim of an unlawful killing. The NGO sued on behalf of the family of Rufino Antonio, age 14, who was killed by soldiers in August 2016 while protesting against the demolition of a neighborhood in the Zango area of Luanda province. The Luanda Military Court sentenced four soldiers to prison terms ranging between one and 18 years in prison, and ordered each soldier to pay a compensation fee to Rufino's family of 1,000,000 kwanzas (\$1,740). The family has not received the payments from the government or the convicted soldiers.

### **Property Restitution**

The constitution recognizes the right to housing and quality of life, and the law states that persons relocated should receive fair compensation. The constitution recognizes the right to private property and establishes that the state protects the property rights of all citizens, including of local communities, only allowing expropriation for reasons of public use. The constitution also provides that all untitled land belongs to the state, with no exceptions for pastoralists or traditional societies.

In the municipality of Quipungo in Huila province, farmers and herders of the Kakoi-Mangango community said their land was taken by the communal administrator of Cainda without notice and given to farmer Fernando Abilio Lumbamba. The local farmers tried to protest to the municipal authorities but were threatened with arrest by the communal administrator, who said the land in question belonged to the state. One local NGO wrote a letter on behalf of the local farmers to the Huila governor Luis Nunes denouncing the expropriation of the land.

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

The constitution and law prohibit the arbitrary or unlawful interference of privacy, family, home, or correspondence, but the government did not always respect these prohibitions. Civil organizations and politically active individuals, including government critics, members of opposition parties, and journalists, complained that the government maintained surveillance of their activities and membership. These groups also frequently complained of threats and harassment based on their affiliations with groups that were purportedly or explicitly antigovernment.

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

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press. State media continued to be the primary source for news and generally reflected a progovernment view. Individuals were increasingly able to use private media and social media platforms to openly criticize government policies and practices.

Freedom of Speech: Individuals reported practicing self-censorship but generally were able to criticize government policies without fear of direct reprisal. Social media was widely used in the larger cities and provided an open forum for discussion.

Freedom of Press and Media, Including Online Media: Private television, radio, and print media operated in the country, although coverage continued to be more extensive in Luanda and in provincial capitals, including Benguela, Huambo, and Lubango, than in the rest of the country.

Online media outlets increased their number of viewers. Private media criticized the government openly. In July and August following the results of an ongoing corruption investigation into the owners of two major private media groups, the state seized two major private media groups and transferred them to state control.

Several important private media outlets returned to state control after a state corruption investigation concluded that the outlets had been illegally funded with public funds through individuals with strong ties to former president Eduardo dos Santos. On July 31, the PGR's National Service on Assets Recovery seized the Media Nova Group that owned TV Zimbo, Radio Mais, and the newspaper *O Pais* and returned the outlets to state control. On August 28, the Interative, Empreendimentos e Multimedia group that owned TV Palanca and Radio Global was also seized by the state. On September 4, the government announced that TV Palanca would become a specialized sports channel.

Journalists and opposition parties said the seizure of the media outlets was worrying and would limit independent journalism leading up to national elections in 2022. The government argued that the seized companies were in poor economic shape and needed to be restructured before offering the companies for sale to investors under the government's privatization program.

Transmission licenses are granted by the minister of telecommunication, technology, and social communication. Journalists criticized the cost of licenses and said high costs impeded media pluralism and the emergence of new players. The base license to operate a television station is \$1.4 million, while a radio license costs \$136,000. Journalists also criticized the opacity of the process used by the government to grant transmission licenses.

Journalists routinely complained of lack of transparency and communication from government press offices and other government officials.

The president appoints the leadership of all major state-owned media outlets, and state control of these outlets often led to one-sided reporting. State news outlets, including Angolan Public Television (TPA), Radio Nacional, and the *Jornal de Angola* newspaper, favored the ruling party but increased coverage of opposition political parties' perspectives, as well as of social problems reflecting poor governance. TPA broadcasted plenary sessions of the National Assembly live, including interventions by opposition parties. TPA also invited opposition politicians and civil society members to comment live on stories featured on nightly newscasts, but private stations were prohibited from filming parliament. Opposition parties also received less overall coverage on state media than the ruling Popular Movement for the Liberation of Angola (MPLA) party, and it was often difficult to distinguish between communications of the government and those of the ruling party.

Violence and Harassment: Journalists reported more incidents of violence or harassment compared with the previous year.

On January 23, police arrested two journalists from the Portuguese news agency Lusa near the National Assembly in Luanda. The journalists were covering a protest that demanded local elections in all municipalities of the country. Police said the protest was illegal and journalists were not allowed to cover the protest. Police detained 10 additional protesters. After their arrest the two Lusa journalists were taken to the fourth precinct police station, transferred to the second precinct police station, and then released after one hour with no further explanation. Lusa delivered a formal protest to the government after the release of the journalists.

On February 19, police assaulted two journalists from TV Palanca who were covering a protest against the inauguration of the new president of the National

Electoral Commission at the National Assembly. Journalist Jose Kiabolo said five police officers beat him and his cameraman and destroyed their video camera.

During an October 24 demonstration in Luanda, six journalists were detained while covering the protest. Two journalists from TV Zimbo were released after being forced to delete all footage of the demonstration. Four journalists from Radio Essencial and Valor Economico remained in custody for more than 50 hours without any charges. Two journalists from Agence France-Press claimed they were beaten by police and were ordered to carry a special permit to cover the protest. Later that week, President Joao Lourenco criticized the arrests of the journalists and stated it was not a situation he wished to be repeated.

Censorship or Content Restrictions: The Regulatory Entity for Social Communication (ERCA) is a regulatory body comprised of 11 counselors designated by political parties represented in the parliament, the government, and journalists. ERCA aims to safeguard press freedom and lawful media activity and issues regulations and decisions on those issues. Journalists and opposition political parties criticized ERCA for being controlled by the MPLA ruling party and for issuing regulations that favored the government.

The Ethics and Credentialing Commission (ECC) is a body exclusively comprised of journalists that is authorized to license and delicense journalists. The ECC remained largely inactive due to the lack of funds allocated to ECC operations in the 2020 National Budget. In July the Ministry of Telecommunications, Technology, and Social Communication launched an office to support ECC operations and stated the credentialing of journalists would begin in October.

Journalists reported practicing self-censorship for political and financial reasons.

The minister of social communication, the spokesperson of the presidency, and the national director of information maintained significant decision-making authority over media. It was commonly understood 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 rarely published or broadcast stories critical of the ruling party, government officials, or government policies. Coverage critical of the previous government of Jose Eduardo dos Santos and of senior-level officials who had been dismissed on allegations of corruption increased significantly during the year.

The newspaper *Novo Jornal* reported that well-known singer Dog Murras, known as an open critic of the government, was hired by TV Zimbo to host a daily show on societal issues called *Angola Speak Out*. (*Novo Jornal* and TV Zimbo were owned by the same parent company.) The report said that TV Zimbo shareholders were warned before Murras's first show that his presence could bring negative consequences to their business. TV Zimbo broke the contract with Murras and withdrew promotional videos for the show released on April 11.

On August 30, two days after the PGR's National Service on Assets Recovery seized TV Palanca, the show *Angola Urgent*, which discussed societal issues, left the airwaves. On September 4, the government announced that TV Palanca would become a specialized sports channel. Following the seizure, several of the seized outlets, including TV Zimbo and *Novo Jornal*, continued to feature articles critical of the government.

Libel/Slander Laws: Defamation is a crime punishable by imprisonment or a fine. Unlike cases in which defendants are presumed innocent until proven guilty, defendants in defamation cases have the burden of proving their innocence by providing evidence of the validity of the allegedly damaging material.

Several journalists in print media, radio, and political blogs faced libel and defamation lawsuits. Journalists complained the government used libel laws to limit their ability to report on corruption and nepotistic practices, while the government assessed that some journalists abused their positions and published inaccurate stories regarding government officials without verifying the facts or providing the accused with the right of reply.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. There were no credible reports that the government monitored private online communications without appropriate legal oversight.

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

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

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

## Freedom of Peaceful Assembly

The constitution and law provide for the right of peaceful assembly, and the government sometimes respected this right.

The law requires written notification to the local administrator and police three days before public assemblies are to be held. The law does not require government permission to hold public assemblies, but it permits authorities to restrict or stop assemblies in public spaces within 109 yards of public, military, detention, diplomatic, or consular buildings for security reasons. The law also requires public assemblies to start after 7 p.m. on weekdays and 1 p.m. on Saturdays.

Several civil rights groups challenged the 1991 law on freedom of assembly by holding unannounced protests. The groups said the law restricts the fundamental right to assembly granted by the 2010 constitution and refused to inform the authorities in advance about the time and location of protests and public assemblies.

The number of antigovernment protests increased and the government at times prohibited events based on perceived or claimed security considerations. Police and administrators did not interfere with progovernment gatherings. Politically unaffiliated groups intending to criticize the government or government leaders often encountered the presence of police who prevented them from holding their event or limited their march route. In such cases, authorities claimed the timing or venue requested was problematic or that proper authorities had not received notification.

On January 19, a protest against the inauguration of the new president of the National Electoral Commission at the National Assembly resulted in police violence and the detention of more than 30 protesters. The provincial command of the Angolan National Police said the protesters acted violently and organized an illegal protest without the proper legal procedures. Police also detained two journalists from TV Palanca.

At the Luanda October 24 protest (see section 2.a., Violence and Harassment), police also arrested 97 protesters and six journalists. A total of 71 protesters received a suspended one-month prison sentence for rioting and disobedience and 26 protesters were acquitted. All six journalists were released, and President Lourenco rebuked their arrest. The government stated the protest was

unauthorized and that when police tried to disperse the protest, some protestors threw stones and erected road blocks.

### **Freedom of Association**

The constitution and law provide for the right of association, but the government did not always respect this right. Extensive delays in the NGO registration process continued to be a problem. NGOs that had not yet received registration were allowed to operate. At times, the government arbitrarily restricted the activities of associations it considered subversive by refusing to grant permits for projects and other activities. Authorities generally permitted opposition parties to organize and hold meetings.

A 2012 law and a 2002 presidential decree regulated NGOs. Despite civil society complaints that requirements were vague, the Ministry of Justice and Human Rights actively provided information on registration requirements.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government at times restricted these rights.

In-country Movement: Document checkpoints in domestic airports and on roads throughout the country were common. Reports by local NGOs suggested that, in spite of an incremental drop in cases, some police officers continued to extort money from civilians at checkpoints and during regular traffic stops. Reports from the diamond-mining provinces of Lunda Norte and Lunda Sul indicated some government agents restricted the movements of local communities.

### **e. Status and Treatment of Internally Displaced Persons**

Not Applicable.

### **f. Protection of Refugees**

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports throughout the year that Lunda Norte provincial authorities exerted pressure on irregular migrants and refugees to return to the Democratic Republic of the Congo (DRC). The government failed to provide adequate protection for asylum seekers and urban refugees in this area.

In May illegal immigrants at a Luanda migrant detention facility posted video footage to social media platforms complaining about their lengthy detention, the facility's substandard conditions, and their heightened risk of COVID-19 infection due to the facility's tight quarters. The footage depicted the accommodations and complained about a shortage of food, water, hygiene supplies, and face masks, which are required by Ministry of Health officials when physical distancing is not feasible.

In response, UN agencies and diplomatic missions engaged Ministry of Interior officials, who denied the detainees' claims but did not provide access to the facility. Government officials said the detainees used the pandemic as a pretext to secure their release and broadcasted a video presentation countering the complaints with footage of spacious facilities and interviews with detainees and community leaders praising the accommodations. Subsequently, most of the detainees were released on a temporary order and were expected to be required to report to Immigration Services until their situations are resolved.

In 2018 security forces launched Operation Rescue, a nationwide law enforcement campaign to address violent crime, illegal migration, unlicensed commercial and religious activity, and road accidents. The campaign affected both legal and undocumented migrants, refugees, and stateless persons who rely on the informal markets to make a living, as job opportunities were limited and the law prohibits refugees from operating businesses. One NGO said the Operation Rescue has not ended and the problems associated with the operation continue.

Under the law authorities issued refugee cards with a five-year validity period. UN agencies advised that the refugee cards expired in July since the government never renewed the cards. The Minister of Interior told UN officials that the government would begin to fully implement the law when COVID-19 restrictions are lifted.

Access to Asylum: The law provides for the granting of asylum or refugee status but the government has not fully implemented the law. The law provides specific procedures for the submission of an asylum application and guidance on the determination of asylum and refugee cases. UNHCR and several NGOs, however, reported that asylum seekers and urban refugees did not have a mechanism to apply for or resolve their status. A 2015 law changed the role of the Committee for the Recognition of the Right to Asylum, the prior implementing mechanism to identify, verify, and legalize asylum seekers, to that of an advisory board. The government had not put into practice an alternative mechanism to adjudicate asylum and refugee cases in the committee's place. The law also authorized the creation of reception centers for refugees and asylum seekers where they were to receive assistance until the government makes a decision on their cases, but the government had not yet established these centers.

Freedom of Movement: UNHCR, NGOs, and refugees reported restrictions on freedom of movement in Lunda Norte Province. Police arbitrarily arrested or detained refugees and confiscated or destroyed their registration documents during periodic roundups, particularly in Dundo, the provincial capital. Refugees also reported periodic restrictions on freedom of movement from their resettlement site in Lovua, Lunda Norte province, and cited such restrictions as a factor motivating them to return to the DRC.

Employment: Formal restrictions on a refugee's ability to seek employment existed. Regulation 273/13 restricted refugees from obtaining the business license required to own and operate a business. Refugees often faced difficulty obtaining employment due to their inability to obtain legal documents required to work in the formal sector. Refugees reported a general lack of acceptance of the refugee card and lack of knowledge concerning the rights it was intended to safeguard. Authorities continued to harass asylum seekers and refugees working in the informal market.

Access to Basic Services: Persons with recognized refugee status could at times obtain public services. The government has not implemented key elements of the 2015 asylum law, which included refugee and asylum seekers' access to basic services and issuance of documents, including new or renewed refugee cards and birth certificates for refugees' children born in the country. UNHCR, NGOs, and refugees, however, reported that urban refugees in particular were unable to obtain legal documents following passage of the asylum law and at times faced difficulty

accessing public services such as health care and education. Corruption by officials compounded these difficulties.

Durable Solutions: In January and February the government cooperated with UNHCR and supported an organized voluntary repatriation of 2,912 refugees from Lunda Norte to the DRC. UNHCR estimated that 6,381 refugees remained at its Lovua, Lunda Norte, resettlement camp.

### **g. Stateless Persons**

There is no study or census related to the number of stateless persons in the country. The government estimated that there are more than 12 million unregistered citizens in the country. Children of undocumented foreign parents born in the country may fall into a stateless status if the parents are unable to register them.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: In 2017 the government held presidential and legislative elections, which the ruling MPLA won with 61 percent of the vote and the country inaugurated MPLA party candidate Joao Lourenco as its third president since independence. The MPLA retained its 68 percent supermajority in the National Assembly in the 2017 elections; however, opposition parties increased their representation by winning 32 percent of parliamentary seats, up from 20 percent in the 2012 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 complained to the Constitutional Court about aspects of the electoral process, including the National Electoral Commission's lack of transparent decision making on key election procedures and perceived irregularities during the provincial-level vote count.

The central government appoints provincial governors. The constitution does not specify a timeline for implementing municipal-level elections. In 2018 the administration of President Lourenco promised municipal-level elections would take place by 2022. The government declared municipal elections would not take place in 2020 because the government had not completed the electoral laws needed to prepare for the elections. The government also stated that COVID-19 had hindered the preparations needed to implement municipal elections. Opposition parties and civil society criticized the government for failing to provide a prospective date when municipal elections were expected to occur.

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 may 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. The National Assembly has the authority to draft, debate, and pass legislation, but the executive branch often proposed and drafted legislation for the assembly's approval. The MPLA retained its 68 percent supermajority in the National Assembly in the 2017 elections; however, opposition parties increased their representation by winning 32 percent of parliamentary seats, up from 20 percent in the 2012 elections.

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 may limit party membership based on ethnicity, race, or gender.

On August 27, the Constitutional Court denied the request by CASA-CE founder Abel Chivukuvuku to form the Angolan Renaissance Party. Chivukuvuku accused the ruling MPLA party of repression and political interference in the court's decision.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. Of the 220 deputies in the national assembly, 65 or 30 percent were women, up from 27 percent for the last three years. Four of 18, or 22 percent, of provincial governors were women which is double the number from both 2018 and 2019, and seven of 21, or 33 percent, of cabinet ministers were women, down from 37.5 percent in 2018 and 2019. Some observers believed

traditional and cultural factors prevented women from participating in political life to the same extent as men. The country has multiple linguistic groups, many of which were represented in government.

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

On January 27, a new law on prevention and combatting of money laundering, financing of terrorism and proliferation of weapons of mass destruction was published. A new penal code was also published on November 11 directly regulating modern financial crimes and increasing penalties for corrupt officials, and will go into effect 90 days after the publication.

President Lourenco dismissed cabinet ministers, provincial governors, senior military officers, and other high-level government officials due to alleged corrupt practices. The PGR launched significantly more corruption investigations and brought criminal charges against several officials. Nonetheless, official impunity and the uniform application of anticorruption legislation remained a serious problem.

In August President Lourenco requested that the National Assembly review the new penal code to ensure it adequately penalizes corrupt activities. In a letter sent to the president of the National Assembly, Lourenco wrote that the penal code “may not be aligned with the current vision and pass a wrong message concerning crimes committed in the exercise of public functions.” Lourenco said he was concerned the new penal code could establish lower penalties for economic crimes, influence peddling, and public sector corruption.

Corruption: Government corruption at all levels was widespread, but accountability improved due to increased focus on developing better checks and balances and institutional capacity. In August the criminal chamber of the Supreme Court convicted Valter Filipe, the former governor of the National Bank of Angola, Jose Filomeno dos Santos (“Zenu”), the former chairman of Angola’s Sovereign Wealth Fund and son of former president Jose Eduardo Dos Santos, and two other partners of influence peddling, money laundering, and fraud. The court gave them sentences ranging from five to eight years in prison. Zenu and his codefendants transferred \$500 million from the National Bank of Angola to a private bank account in the United Kingdom. All the defendants’ appeals to the plenary of the Supreme Court were denied.

In December 2019 the Luanda Provincial Court preemptively froze all in-country accounts and several assets owned by former first daughter Isabel dos Santos, her husband Sindika Dokolo, and businessman Mario Leite da Silva on suspicion that the assets, amounting to more than \$1 billion, originated from state funds obtained unlawfully. Isabel dos Santos considered the seizure order to be “politically motivated” and said she would use “all the instruments of Angolan and international laws” to fight the order. To date she remains in exile and subsequently demonstrated willingness to negotiate with the Angolan government, something that President Lourenco denied would be an option.

The government commenced legal proceedings against Isabel dos Santos and her associates that aim to recover more than \$1 billion in allegedly misappropriated state assets. In December 2019 the Luanda provincial court preemptively froze assets belonging to Isabel and her associates at Unitel, the country’s largest mobile-phone company, and in Banco de Fomento Angola (BFA), one of the largest private banks. In May the government filed criminal charges against Isabel dos Santos on suspicion of embezzlement of state funds while she was head of state-owned oil company Sonangol.

In July the PGR, through its National Service on Assets Recovery, seized three private commercial buildings in Luanda built with funds from state-owned oil company Sonangol. The PGR said the buildings belonged to the Riverstone Oaks Corporation, which is controlled by former vice president and president of Sonangol, Manuel Vicente, and the former director of Sonangol Real Estate and Properties, Orlando Veloso.

Government ministers and other high-level officials commonly and openly owned interests in public and private companies regulated by, or doing business with, their respective ministries. Laws and regulations regarding conflict of interest exist, 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.

**Financial Disclosure:** The law on public probity requires senior government officials, magistrates and public prosecutors as well as managers of public companies to declare their assets held domestically and abroad to the attorney general. The president and vice president were the first to submit their declarations in 2018. Asset declarations are only disclosed for criminal, disciplinary, and administrative purposes and require a judicial warrant.

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 these reports as confidential. Government officials are to make a declaration within 30 days of assuming a post and every two years thereafter. The law does not stipulate a declaration be made upon leaving office but states that officials must return all government property within 60 days.

Penalties for noncompliance with the law vary depending on which section of the law was violated, but they include removal from office, a bar from government employment for three to five years, a ban on 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.

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

A variety of domestic and international human rights groups operated throughout the country. Some groups investigating government corruption and human rights abuses alleged government interference in their activities particularly in provinces outside of Luanda. Civil society organizations faced fewer difficulties in contacting detainees than in previous years, and prison authorities permitted civil society work in the prisons.

The Law of Associations 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 the government deemed politically sensitive.

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

**Government Human Rights Bodies:** The state-funded Interministerial Commission for the Writing of Human Rights Reports included representatives from various government ministries. Leading civil society members decided not to participate

on the commission because they did not believe the Commission was independent or effective.

The 10th Commission on Human Rights of the National Assembly is charged with investigating citizen complaints of alleged human rights violations and makes recommendations to the National Assembly.

An Office of the Ombudsman, with a national jurisdiction, existed to mediate between an aggrieved public, including prisoners, and an offending public office or institution. The office had representative offices open in the provinces of Cabinda, Kwanza-Sul, Cunene, Huambo, and Luanda, and had neither decision-making nor adjudicative powers, but helped citizens obtain access to justice, advised government entities on citizen rights, and published reports. These reports are presented annually to the National Assembly. The ombudsman is elected by the majority of the members of the National Assembly.

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

### **Women**

Rape and Domestic Violence: Rape, including spousal rape and intimate partner rape, is illegal and punishable by up to eight years' imprisonment if convicted. 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 law criminalizes domestic violence and penalizes offenders with prison sentences of up to eight years and monetary fines, depending on the severity of their crime. The Ministry of Justice and Human Rights 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.

The government reported that cases of domestic violence increased during the period of confinement due to COVID-19. According to a Ministry of Social Action, Family and Promotion of Women (MASFAMU) report between March and May, 567 cases of domestic violence were reported in the second trimester of 2020 versus 444 reported cases in the first trimester. The NGO Gender Observatory started a campaign called "Quarantine without Violence" and urged the National Police to create a hotline for cases of domestic violence. In May

MASFAMU launched a partnership with the UN to support a crisis hotline to help victims of gender-based violence.

Other Harmful Traditional Practices: There were anecdotal reports that some communities abused women and children due to accusations the latter 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 Harassment: Sexual harassment was common and not illegal. It may be prosecuted, however, under assault and battery and defamation statutes.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. During the year the Angolan branch of Universal Church of the Kingdom of God (IURD) had a public split with the church's Brazilian leadership. On June 23, a group of Angolan IURD pastors took control over some of the 230 IURD temples in the country after accusing the Brazilian leadership of racism and harassment, including forced vasectomies of Angolan IURD pastors or mandatory abortions if an IURD pastor's wife became pregnant. Both groups pressed charges against each other, which led to the closure and seizure of at least seven temples in Angola by the attorney general's office on charges of money laundering. At year's end, criminal investigations continued.

Discrimination: Under the constitution and law, women enjoy the same rights and legal status as men. The government, however, did not enforce the law effectively as societal discrimination against women remained a problem, particularly in rural areas. Customary law prevailed over civil law, particularly in rural areas, and at times had a negative effect on a woman's legal right to inherit property.

The law provides for equal pay for equal work, although women generally held low-level positions. There were legal restrictions on women's employment in occupations and industries compared to men, including in jobs deemed hazardous, factory jobs, and those in the mining, agriculture, and energy sectors. The Ministry of Social Assistance, Family, and Promotion of Women led an interministerial information campaign 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 or from one's parents. The government does not register all births immediately. According to the 2014 census, approximately 13.7 million citizens (46 percent of the population) lacked birth registration documents. During the year the government continued programs to improve the rate of birth registration through on-site registries located in maternity hospitals in all 18 provinces with a campaign called "Born with Registration." The government also trained midwives in rural areas to complete temporary registration documents for subsequent conversion into official birth certificates. The government permitted children to attend school without birth registration, but only through the sixth grade. The government implemented a mass registration process to issue identification (ID) cards with the goal of providing government-issued IDs to all citizens by the end of 2022.

Education: Education is tuition free and compulsory for documented children through the ninth grade. Students in public schools often faced significant additional expenses such as books or irregular fees paid directly to education officials in order to guarantee a spot. When parents were unable to pay the fees, their children were often unable to attend school. The Ministry of Education estimated that one to two million children did not attend school, because of a shortage of teachers and schools. Due to the "state of emergency" that went into effect on March 27, the government closed schools as a preventive measure against the spread of COVID-19, and provided some classes as television programs. The government began to reopen schools in October.

There were reports that parents, especially in more rural areas, were more likely to send boys to school rather than girls. 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 due to lack of capacity within institutions to provide appropriate care. The Ministry of Social Affairs, Family and Promotion of Women offers programs for child abuse victims and other vulnerable children. Nevertheless, nationwide implementation of such programs remained a problem.

In June the government launched a hotline called "SOS Child" to report violence against children. In fewer than two weeks, government officials stated the hotline received 19,753 calls relating cases of violence against children.

Child, Early, and Forced Marriage: The legal age for marriage with parental consent is 15 for girls and 16 for boys. The government did not enforce this restriction effectively, and the traditional age of marriage among lower income groups coincided with the onset of puberty. According to UNICEF, 6 percent of men between the ages of 20 and 24 were married or in union before the age of 18, 30 percent of women between the ages of 20 and 24 were married or in union by the age of 18, and 7 percent of women between the age of 20 and 24 were married or in union by the age of 15.

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 regarding the commercial sexual exploitation of children, which remained a problem. The law prohibits the use of children for the production of pornography; however, it does not prohibit the procuring or offering of a child for the production of pornography, or the use, procuring, or offering of a child for pornographic performances.

Sexual relations between an adult and a child younger than 12 are considered rape, and conviction carries a potential penalty of eight to 12 years' imprisonment. Sexual relations with a child between the ages of 12 and 17 are considered sexual abuse, and convicted offenders may receive sentences from two to eight years in prison. The legal age for consensual sex is 18. Limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were reports of prosecutions during the year.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not effectively enforce these prohibitions. The constitution grants persons with disabilities full rights without restriction and calls on the government to adopt national policies to prevent, treat, rehabilitate, and integrate persons with disabilities to support their families; remove obstacles to their mobility; educate society regarding disability; and encourage learning and training opportunities for persons with disabilities.

The law requires changes to public buildings, transportation, and communications to increase accessibility for persons with disabilities. The law also institutes a quota system to encourage the public and private sectors to employ more persons with disabilities, with the public sector quota at 4 percent of total employees and the private sector set at 2 percent. Civil society organizations and persons with disabilities, however, reported the government failed to enforce the law, and significant barriers to access remained.

The government official responsible for overseeing programs to promote inclusion for persons with disabilities acknowledged that both the private and public sectors fail to meet the quota system established by law. ANDA, an NGO that promotes the rights of persons with disabilities, said in a March interview that discrimination, physical, and psychological barriers impede persons with disabilities from having access to work, education, and public transportation.

Persons with disabilities included more than 80,000 survivors of land mines and other explosive remnants of war. The NGO Handicap International estimated that as many as 500,000 persons had disabilities. Because of limited government resources and uneven availability, only 30 percent of such persons were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling.

Persons with disabilities found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the education system. Women with disabilities were reported to be vulnerable to sexual abuse and abandonment when pregnant. The Ministry of Social Assistance, Families, and Women's Promotion 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.

## **Indigenous People**

The constitution does not specifically refer to the rights of indigenous persons, and no specific law protects their rights and ecosystems. One NGO estimated that 14,000 members of the San indigenous group scattered among the southern provinces of Huila, Cunene, Kuando Kubango, and Moxico suffered discrimination and lacked adequate access to basic government services, including medical care, education, and identification cards.

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

The constitution prohibits all forms of discrimination but does not specifically address sexual orientation or gender identity. The new penal code decriminalizes same-sex sexual relations and makes it illegal to discriminate based on sexual orientation.

Local NGOs reported that lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals faced violence, discrimination, and harassment. The government, through its health agencies, instituted a series of initiatives to decrease discrimination against LGBTI individuals.

Discrimination against LGBTI individuals was rarely reported, and when reported, LGBTI individuals asserted that sometimes police refused to register their grievances. The association continued to collaborate with the Ministry of Health and the National Institute to Fight HIV/AIDS to improve access to health services and sexual education for the LGBTI community.

## **HIV and AIDS Social Stigma**

Discrimination against those with HIV/AIDS is illegal, but lack of enforcement allowed employers to discriminate against persons living with HIV. There were no news reports of violence against persons living with HIV. Reports from local and international health NGOs suggested discrimination against persons living with HIV was common. The government's National Institute to Fight HIV/AIDS includes sensitivity and antidiscrimination training for its employees when they are testing and counseling HIV patients.

## 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, police, firefighters, members of sovereign bodies, and public prosecutors 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. The law prohibits strikes by members of the armed forces, police, prosecutors and magistrates of the PGR, prison staff, fire fighters, public-sector employees providing “essential services,” and oil workers. Essential services are broadly defined, including the transport sector, communications, waste management and treatment, and fuel distribution. In exceptional circumstances involving national interests, authorities have the power to requisition workers in the essential services sector. The law does not explicitly prohibit employer interference with union activity.

While the law allows unions to conduct their activities without government interference, it also places some restrictions on their ability to strike. Before engaging in a strike, workers must negotiate with their employer for at least 20 days prior to a work stoppage. Should they fail to negotiate, the government may deny the right to strike. The government may intervene in labor disputes that affect national security and energy sectors. Collective labor disputes are to be settled through compulsory arbitration by the Ministry of Public Administration, Labor and Social Security. The law prohibits employer retribution against strikers, but 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 should be adjudicated in the labor court. The Ministry of Public Administration, Labor and Social Security had a hotline and two service centers in Luanda for workers who believed their rights had been violated. By law employers are required to reinstate workers who have been dismissed for union activities.

During the year there were several strikes in the public and private sector over disputes between employers and workers. There were also allegations of retribution against strikers during the year.

In June, three taxi unions agreed to strike and refused to circulate in the municipality of Cacucos in Luanda province citing lack of designated stopping

areas and poor road maintenance. The governor of Luanda, Joana Lina, demanded that the strike be lifted and gave the unions four days to resolve the situation.

The government generally did not effectively enforce applicable labor laws. Labor courts functioned but were overburdened by a backlog of cases and inadequate resources. The law provides for penalties for violations of the law and labor contracts, which are commensurate with those for other laws involving denials of civil rights, but the penalties were not an effective deterrent due to the inefficient functioning of the courts.

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 party continued to dominate the labor movement due to historical connections between the party and labor, and also the superior financial base of the country's largest labor union (which also constitutes the labor wing of the MPLA). The government is the country's largest employer, and the Ministry of Public Administration, Labor and Social Security mandated government worker wages with no negotiation with the unions.

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

The law prohibits all forms of forced or compulsory labor and sets penalties commensurate with those for other analogous serious crimes. The government did not effectively enforce the law due in part to an insufficient number of inspectors and to systemic corruption.

Forced labor of men and women occurred in fisheries, agriculture, construction, domestic service, and artisanal diamond-mining sectors, particularly in Lunda Norte and Lunda Sul provinces. Migrant workers were subject to seizure of passports, threats, denial of food, and confinement. Forced child labor occurred (see section 7.c).

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

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

The law prohibits children younger than 14 from working. To obtain an employment contract, the law requires youth to submit evidence they are 14 or older. Children can work from age 14 to age 16 with parental permission, or without parental consent if they are married, and the work does not interfere with schooling or harm the physical, mental, and moral development of the minor. The law also allows orphan children who want to work to get official permission in the form of a letter from “an appropriate institution,” but it does not specify the type of institution. The Ministry of Public Administration, Labor and Social Security; the Ministry of Social Assistance, Families, and Women’s Promotion; the Ministry of Interior; the Ministry of Labor; INAC; and the national police are the entities responsible for enforcement of child labor laws.

The Ministry of Public Administration, Labor and Social Security continued to implement its *National Action Plan for the Eradication of Child Labor* for 2018-22, which aims to identify the most prevalent areas and types of child labor and to strengthen coordination of child labor investigations, prosecutions, and the imposition of criminal penalties. The government did not effectively monitor the large informal sector, where most child labor occurred.

Penalties were commensurate with those for other analogous serious crimes. The government did not consistently enforce the law, and child labor, especially in the informal sector, remained a problem. Through March, INAC registered 573 cases of hazardous child labor on farms involving the handling of chemicals, stones, and bricks and reported the cases to law enforcement. The Ministry of Public Administration, Employment, and Social Security had oversight of formal work sites in all 18 provinces, but it was unknown whether 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 whether the government fined any businesses for using child labor.

Child labor occurred in agriculture on family and commercial farms as well as in fishing, brick making, artisanal diamond mining, charcoal production, domestic labor, construction, and street vending. Exploitive labor practices included involvement in the sale, transport, and offloading of goods in ports and across border posts. Children were forced to work as couriers in the illegal cross-border trade with Namibia. Adult criminals sometimes used children for forced criminal activity, since the justice system prohibits youths younger than 12 from being tried in court.

Street work by children was common, especially in the provinces of Luanda, Benguela, Huambo, Huila, and Kwanza Sul. Investigators found children working in the streets of Luanda. 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 (see section 6).

The incidence of child labor increased in the southern provinces due to a severe drought. In Cunene province, children were forced to leave school and to work as herders or to dig wells and fetch water. The drought and the accompanying economic devastation increased the risk of exploitation of vulnerable persons in the province; one NGO in Cunene said the drought led many boys to seek work in urban areas and led girls to engage in prostitution.

The government, through INAC, worked to create, train, and strengthen child protection networks at the provincial and municipal levels in all 18 provinces. No central 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

The labor law prohibits discrimination in employment and occupation based on race, sex, religion, disability, or language, and the government in general effectively enforced the law in the formal sector. The International Labor Organization noted the law did not clearly define discrimination, however. The constitution prohibits all forms of discrimination, although it does not specifically address HIV/AIDS status, sexual orientation, or gender identity (see section 6). The law provides for equal pay for equal work, but gender pay disparities in the country still exist. There were legal restrictions on women's employment in occupations considered dangerous, in factories, and in industries such as mining, agriculture, and energy. Women held ministerial posts.

The government did not effectively enforce the law, although penalties, when applied, were commensurate with those for other laws related to civil rights. There

were no known prosecutions of official or private-sector gender-based discrimination in employment or occupation. 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. Reports during the year indicated that persons with albinism also experienced discrimination in employment and access to public services. In the past, there have also been complaints of discrimination against foreign workers. There were no known prosecutions for discrimination in employment. Penalties were not sufficient to deter violations.

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

A minimum wage for the formal sector exists and varies by sector. The UN Committee on Economic, Social and Cultural Rights raised concerns about the wide disparities of minimum wage by sector and the possibility this may undervalue work in female-dominated sectors. The lowest minimum wage was for agricultural work and was set below the UN Development Program's official line of poverty. The minimum wage for the formal sector may be updated annually or when the government assesses economic conditions warrant. The minimum wage law does not cover workers in informal sectors, such as street vendors and subsistence farmers.

The standard workweek in the private sector is 44 hours, while in the public sector it is 37 hours. In both sectors the law mandates at least one unbroken period of 24 hours of rest per week. In the private sector, when employees engage in shift work or a variable weekly schedule, they may work up to 54 hours per week before the employer must pay 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. By law employers must provide, at a minimum, a bonus amounting to 50 percent of monthly salary to employees each year in December and an annual vacation. The law did not cover domestic workers, but a 2016 presidential decree extended some protections and enforcement standards to domestic workers. Workweek standards were not enforced unless employees filed a formal complaint with the Ministry of Public Administration, Labor and Social Security. The law protected foreign workers with permanent legal status or a temporary work visa.

The government effectively enforced the minimum wage law within the formal labor sector, and penalties were commensurate with those for similar infractions. Most workers in the informal sector were not covered by wage or occupational

safety standards. An estimated 60 percent of the economy derived from the informal sector, and most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes.

The Ministry of Public Administration, Labor and Social Security is charged with implementing and enforcing the law. An insufficient number of adequately trained labor inspectors hampered enforcement efforts. Inspectors have the authority to conduct unannounced inspections and initiate sanctions but some companies received advance warning of impending labor inspections.

Occupational safety and health standards are required for all sectors of the economy. Employees have the right to remove themselves from hazardous working conditions without jeopardy to their employment. The government did not always proactively enforce occupational safety and health standards nor investigate private company operations unless complaints were made by NGOs and labor unions. Inspections were reduced due to the COVID-19 pandemic. In 2019 there were 241 major industrial accidents that caused the death or serious injury of workers.