

# ANGOLA

## 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 and exercised tight, centralized control over government planning, policymaking, and media outlets. In 2008 the government held the first legislative elections since 1992. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, despite a ruling party advantage due to state control of major media and other resources and serious logistical failures that marred polling in the capital, Luanda. Security forces reported to civilian authorities.

The three most important human rights abuses were lack of judicial process and judicial inefficiency; limits on the freedom of assembly, association, speech, and press; and the abridgement of citizens' right to elect officials at all levels.

Other human rights abuses included: cruel and excessive punishment, including torture and beatings as well as unlawful killings by police and military personnel; harsh prison conditions; arbitrary arrest and detention; lengthy pretrial detention; impunity for human rights abusers; infringements on citizens' privacy rights and forced evictions without compensation; official corruption; restrictions on nongovernmental organizations (NGOs); discrimination and violence against women; abuse of children; trafficking in persons; discrimination against persons with disabilities, indigenous people, and persons with HIV/AIDS; limits on workers' rights; and forced labor.

The government took steps to prosecute or punish officials who committed abuses; however, accountability was limited 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**

Unlike in previous years, there were several reports that the government or its agents committed politically motivated killings. Opposition parties, human rights

activists, and domestic media sources reported that security forces arbitrarily killed at least four persons during the year.

In March the opposition party National Union for the Total Independence of Angola (UNITA) published a list of nine cases from 2010 of killing or disappearance in Huambo Province that UNITA argued were politically motivated. A National Assembly commission investigated the claims during the year and concluded there was no political intolerance in Huambo. However, civil society criticized the report.

In October Januario Armindo Sikaleta, the municipal secretary of UNITA in Bocoio, Benguela Province, was killed. UNITA representatives in Benguela suspected that Januario was one of nine persons killed for political motives in the province during the year.

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

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

There were no developments in the cases reported of arbitrary killings in 2010.

The Armed Forces of Angola (FAA) carried out counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda (FLEC), which reportedly resulted in a few deaths. The FAA responded to at least one FLEC attack against civilian targets.

In January 2010 FLEC claimed responsibility for an attack on a Togolese national soccer team, which was traveling through Cabinda to participate in the African Cup of Nations. Three persons were killed and nine injured. Two persons were arrested for direct involvement and six for tangential involvement. Of the first two, one person was sentenced to 24 years in prison, and the other was acquitted; the six arrested for tangential involvement were released in December 2010.

Land mines placed during the civil war remained a threat. According to the National Commission for Demining and Humanitarian Assistance, land mine and other explosive remnants of war (ERW) accidents killed 10 and injured at least 23 individuals during the first half of the year. A subsequent press report in

November noted that there were 42 land mine victims. The government continued to strengthen and expand national demining capacity during the year, and it partnered extensively with international NGOs on demining operations and mine-risk education.

### **b. Disappearance**

There were no reports of politically motivated disappearances. There were some local media reports that persons “disappeared” in police or military custody following a public demonstration on September 3. The detainees’ location was reported within three days, and they were granted a timely trial according to the law.

In 2009 the president of a local movement for autonomy and independence, Jota Malakito, was taken into police custody and held incommunicado. In October 2010 he was tried with 33 other persons accused of crimes against state security and instigating a rebellion. In January 2011 Malakito and the 33 were released after their lawyer successfully argued for habeas corpus relief because the law on crimes against state security had been repealed.

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

The constitution and law prohibit such practices; however, government security forces tortured, beat, and otherwise abused persons. Unlike in previous years, reports of beatings and other abuses in police stations during interrogations were not common.

Police and other security forces were not held accountable for torture committed in previous years. Although the government punished some violators administratively, no prosecutions occurred during the year.

The government continued to conduct operations throughout the country to identify, detain, and expel undocumented immigrants from the provinces bordering the Democratic Republic of Congo (DRC), Cabinda, Zaire, Uige, Lunda Norte, and Lunda Sul. In particular, in the diamond-rich province of Lunda Norte, NGOs and the media reported acts of violence and degrading treatment, including rape and sexual abuse, associated with these operations. Police expelled approximately 38,000 undocumented immigrants between April and October, according to an international NGO report. According to the same NGO, more than 2,000 deportees

reported suffering sexual violence, and 7,000 reported physical abuse. Based on an assessment mission among those returned to the DRC, a 2010 UN report cited 117 victims of sexual violence in that year. The victims, irregular immigrants from the DRC, reported being detained and raped by military or police officers before being forcibly expelled to the DRC. The government responded that the allegations were unfounded, but reported uncovering one case of rape. During the year the alleged perpetrator was found guilty and sentenced to an unknown prison term.

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

According to an NGO report published in August, a local authority in Lunda Norte reported that the border police forced people to undress and conducted cavity searches on men and women to detect diamonds. The same authority reported that police accepted bribes.

Unlike in previous years, there were no reported cases of abuse by the army.

One political party reported abuses by private security companies in Lunda Norte. In previous years human rights activists reported that private security companies hired by diamond companies to protect their concessions from illegal exploitation committed abuses.

Land mine and other ERW-related injuries continued as infrastructure improvements made possible increased movement of persons and goods in rural, war-affected areas. At least 10 persons were killed and 23 injured by unexploded ordnance (see section 1.a.) during the year. A subsequent press report in November noted that there were 42 land mine victims.

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

Prison conditions improved over the year, although NGOs continued to report corruption, overcrowding, and deaths from poor conditions.

Overcrowding was a major problem. According to the Ministry of Interior and press reports, the 34 prisons had 11,692 available places for 19,898 prisoners in November. The Viana prison, for example, had space for 2,436 inmates, but held 3,689 as of September. The Benguela prison was built for 1,500 inmates, but held more than 1,800, according to an April press report.

There were 9,234 men in pretrial detention and 10,113 men serving a sentence. There were 551 women, of whom 253 were in pretrial detention and 298 were sentenced. Most prisoners were between 16 and 35 years old.

The Ministry of Interior was building five new prisons in Bengo, Luanda, Malange, Huambo, and Cunene provinces to create 10,000 new places and eliminate overcrowding by 2013. The government opened new prisons in Bengo Province in 2010 and in Luanda and Lunda Norte in 2011. The new, expanded, or rehabilitated prisons are intended to alleviate the overcrowding that sparked riots in 2007 in which at least two persons were killed.

Prison conditions varied widely between urban and rural areas. Every prison provided some medical care, sanitation, potable water, and food. Most prisoners were allowed visitors, and it was customary for families to bring food to prisoners, although food was provided. Prisoners are allowed to list five visitors for free entry, but individuals not on the list must pay 50 kwanzas (\$0.52) to enter. According to a press report, underpaid guards accepted bribes up to 1,000 kwanzas (\$10) for visitors to enter the prison expeditiously and deliver food. Prison guards continued to demand that prisoners pay for weekend passes to which they are entitled without charge.

At least six prisoners died of unknown causes; it was unclear whether they died due to prison conditions or preexisting medical conditions.

Authorities were taking steps to improve prison recordkeeping, and efforts were underway to move from a manual recordkeeping system to a computerized database including biometric data and a link to other agencies, such as police and justice. Adequate statistics were available in each facility, and authorities were able to locate every prisoner.

The law provides for prisoners to practice freedom of religion. The government allows prisoners to submit complaints to judicial authorities and request investigation of conditions. The government investigated and monitored prison and detention center conditions.

The government permitted visits to prisons by independent human rights observers, foreign diplomats, and international human rights observers. In September a foreign diplomatic delegation visited the new prison in Lunda Norte and noted it had sanitation, ventilation, lighting, medical care, food, and was not overcrowded. The International Committee of the Red Cross visits the Cabinda prison on a

regular basis. In December a spokesperson for a local NGO reported having visited Luanda prisons during the year and described conditions as increasingly humane.

Unlike in previous years, there were no reported cases of prison rape. Guards were not allowed to have relationships with female detainees. There were unsubstantiated indications that male prisoners raped other male prisoners.

Children under three years old may stay with their mothers in prison. There were 83 children of female detainees and prisoners, 16 of whom were in Viana prison. The children may leave the prison with family members. The Ministry of Interior worked with social assistants to ensure the children's well-being. The children were supposed to receive dietary supplements, milk, and diapers and could benefit from a day care center.

Authorities at provincial prisons regularly housed juveniles, often incarcerated for petty theft, together with adults because separate juvenile detention centers did not exist outside Luanda. Authorities in Luanda prisons separated juveniles from the main prison population.

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

An independent Office of the Ombudsman exists to mediate between an aggrieved public and an offending public office or institution. The office has no decision-making or adjudicative powers, but it helps citizens access justice and advises government entities on citizen rights. The office also educates the public about the role of the ombudsman, human rights, and publishes reports.

Prisoners were provided education and vocational training to prevent repeat offenders and help with social reintegration. In some prisons inmates grew food and made bread to feed other inmates and sell to police, as well as on the local market. Limited vocational training was done in a public-private partnership with local industry. The labor was voluntary, and the ministry was establishing a system to pay prisoners for their work. In some prisons inmates had access to sports and recreation facilities. In November the ministry inaugurated a prison hospital in Sao Paulo.

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

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

According to a local NGO, police arbitrarily arrested individuals without due process. For example, in May a Somali national reported that he and 30 others had been in Caxito prison in Bengo Province since 2009. According to the detainees, they were being held without knowing the charges against them and had never appeared in court. The Somalis entered Angola from Zambia and did not have passports.

There was one report of citizens from the northern province of Cabinda being detained for crimes against the state. In November 2010 the National Assembly approved a new law on state security, replacing the 1978 law. According to press reports, on July 26, police detained nine young persons in Cabinda under the new law on state security for “inciting social disorder” when the youths attempted to deliver a letter requesting water, electricity, respect for human rights, and transparency to a visiting international delegation. All nine were acquitted the next day.

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

The National Police, controlled by the Interior Ministry, are responsible for internal security and law enforcement. The Internal Intelligence Service reports to the presidency and investigates sensitive state security matters. The FAA is responsible for external security but also has domestic security responsibilities, including border security, expulsion of irregular immigrants, and small-scale actions against FLEC separatists in Cabinda.

Civilian authorities maintained effective control over the FAA and National Police, and the government had mechanisms to investigate and punish abuse and corruption. However, there were reports of impunity involving security forces during the year. The security forces were generally effective, although sometimes brutal. Impunity existed, particularly at the highest levels of power. The National Police and FAA have internal mechanisms to investigate security force abuses, and the government provided some training to reform the security forces.

Other than personnel assigned to elite units, police were poorly paid, and the practice of supplementing income through extortion of civilians was widespread.

Corruption and impunity remained serious problems. Most complaints were handled within the National Police by internal disciplinary procedures, which sometimes led to formal punishment, including dismissal. However, the government did not establish mechanisms to expedite investigations and punish alleged offenders, and it rarely disclosed publicly the results of internal investigations.

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

### **Arrest Procedures and Treatment While in Detention**

Prior to an arrest, the law requires a judge or magistrate to issue a warrant, although a person caught committing a crime may be arrested immediately without a warrant. However, security forces did not always procure arrest warrants before detaining persons. In 2010 a local NGO estimated that as many as 75 percent of searches were conducted without a warrant.

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

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

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

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that prison officials demanded bribes to release prisoners. Prisoners are allowed access to a lawyer, although this did not always happen in practice.

The law mandates access to legal counsel for detainees and states that indigent detainees should be provided a lawyer by the state. These rights often were not respected, in part due to the shortage of legal professionals. The law also allows



family members prompt access to detainees; however, this occasionally was ignored or made conditional upon payment of a bribe.

Arbitrary Arrest: Unlawful arrest and detention continued to be serious problems. NGOs continued efforts to secure the release of persons detained illegally. Security officials arbitrarily arrested members of the opposition. In 2010 the online independent news source Club-K reported that police in Bie Province detained one person for attending a UNITA meeting. UNITA member Alcides Sakala reported that police detained 11 persons more than two days for belonging to UNITA. In response to similar reports from Huambo Province in 2010 and 2011, a Parliamentary Inquiry Commission claimed there was no political intolerance.

Between March and December, authorities in Balombo, Cubal, and Ganda municipalities, Benguela Province, detained and later released 22 individuals for being members of UNITA, according to the opposition party. At least one person was detained for a week before being released. The lengths of the other detentions were not known.

On October 10, authorities in Cambulo municipality, Lunda Norte Province, detained Alfonso Marcasso for being a member of the International Lunda Chokwe Protectorate Movement, according to the same civil society organization. He was transferred to Dundo and remained in prison until late December, when he was released. Authorities never filed charges against Marcasso.

Unlike in previous years, there were no reports of security forces detaining Cabinda residents suspected of FLEC activity or collaboration.

The six individuals arrested in January 2010 in Cabinda for “crimes against state security” by collaborating with FLEC were freed in December 2010.

Pretrial Detention: The law states detainees should not be held longer than 24 hours, but many were held for days. 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 the prison system for up to two years before their trials began. NGOs reported that more than 50 percent of inmates were pretrial detainees, most of whom had not been formally charged. The government did not release detainees

who had been held beyond the legal time limit, claiming that previous releases of pretrial detainees had resulted in an increase in crime.

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

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

Unlike in previous years, the Ministry of Defense did not try civilians in military courts.

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

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

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

### **Trial Procedures**

The law provides for the right to a fair trial; however, the government did not always respect this right. Suspects must be in the presence of a judge and defense attorney when charged. Defendants are presumed innocent until convicted. By law trials are usually public, although each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires that an attorney be provided at public expense if an indigent defendant faces serious criminal charges. Outside of Luanda the public defender was generally not a trained attorney due to shortages in qualified personnel. Defendants do not have the right to confront their accusers.

They may question witnesses against them and present witnesses and evidence on their own behalf. The government did not always respect these rights in practice.

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

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

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

### **Political Prisoners and Detainees**

There were reports of political prisoners. At year's end seven political activists from the Movement for Autonomy and Independence of the Lundas remained imprisoned for crimes against state security and instigating a rebellion. The seven remain imprisoned despite the fact that the state security law under which they were convicted has since been repealed. In October the seven prisoners went on a hunger strike. By year's end the provincial court of Lunda Norte had not disclosed why they should remain in prison.

Political activist Antonio Txichicussula reportedly was detained in February in Lunda Norte's Lukapa district for having documents related to a local separatist group. Txichicussula was tried, sentenced, and released in September on two years' probation after posting bail of 45,000 kwanzas (\$473).

### **Regional Human Rights Court Decisions**

There was no additional information at year's end about the 2010 African Commission on Human and People's Rights decision against Angola, or

recommendation that the government establish a commission of inquiry to investigate the deportation of 126,264 foreigners in 2004.

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

Although the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. Civil courts functioned in some provinces but faced severe backlogs. In 2009 Luanda's civil courts had more than 2,000 pending civil suits. Damages for human rights violations could be sought in court, but no cases were tried during the year.

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

The constitution and law prohibit such actions, but the government did not always respect these prohibitions in practice. For example, citizens widely believed that the government maintained surveillance of certain groups, including government critics, opposition parties, and journalists. A National Assembly bill on cybersecurity was withdrawn from debate after civil society groups claimed it hampered freedom of expression and press.

#### **Property Restitution**

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

The government exercised eminent domain to destroy private homes, although less often than in the previous year. The homeowners were not compensated at fair market value for the loss of their residences or land.

At year's end residents of the 1,557 homes destroyed in Lubango in September 2010 remained in resettlement camps in Tchimukua and Tchavola. A local NGO reported that the residents had insufficient access to water, shelter, health and education facilities, police, and jobs.

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

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

## Status of Freedom of Speech and Press

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

For example, according to independent Web site Club-K, news about the uprisings in Tunisia and Egypt was censored for fear that it might prompt comparisons to President dos Santos' 32-year rule. MPLA leaders Dino Matross and Rui Falcao spoke to private radio station LAC warning that the government would crack down if similar protests were to take place in the country.

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

On September 1, a group of young people stated that they were asked by authorities to postpone their public protest against dos Santos scheduled for September 3. The group's leader, Carbono Casimiro, wrote an open letter in which he claimed that the government offered him \$270,000 and eight cars if he would cancel the demonstration.

Freedom of Press: There were 12 privately owned weekly newspapers and four Luanda-based commercial radio stations. All but three of these publications, *Folha 8*, *Angolense*, and *Agora*, were rumored to be owned by groups or individuals tied to the government. Nongovernment radio stations could broadcast only in provinces where they physically established antennas. Only government-owned Radio Nacional was allowed to use repeaters to expand signal reach and was thus the only station broadcasting in much of the country. As a result 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 were also suspected to be connected to the ruling party, operated in Huila.

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

The government also restricted nationwide independent broadcasting through licensing laws. However, despite such restrictive laws, Radio Mais broadcast to three provinces outside Luanda. During the year Radio Ecclesia negotiated with the Ministry of Social Communication to expand its broadcast range to five provinces, but at year's end it still broadcast only in Luanda. State-owned Radio Nacional opened multiple community-based radio stations during the year, including the popular Radio Cazenga.

Official news outlets, including Angolan Public Television, favored the ruling party. Opposition parties were given limited access to state-owned media and were asked to pay in exchange for coverage of their events and statements.

Violence and Harassment: During the year authorities arrested, harassed, and intimidated journalists. For example, on March 7, police detained three journalists from the independent weekly newspaper *Novo Jornal*, for attempting to cover a planned protest (see section on freedom of assembly). They were later released without being charged.

In October Voice of America reporter Jose Manuel Gimbi was searched for by what were presumed to be plainclothes officials who went door to door in his neighborhood. He was not home or harmed, but he filed a complaint with local authorities. This case was erroneously reported by some local and international human rights groups as a threat on Gimbi's life.

There was no new information at year's end on the six cases of journalists robbed, attacked, or killed in September and October 2010.

Censorship or Content Restrictions: There were reports security forces interfered with journalists' attempts to take pictures or video during the year. For example, during a September 3 demonstration, journalists reported plainclothes individuals believed to be linked to the police stole or destroyed cameras and media equipment.

Visitors were warned during the year not to take photographs of any government-affiliated buildings or persons because security forces might seize their cameras or detain them.

Human rights activists and journalists practiced self-censorship.

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

In 2009 journalist Armando Chicoca was accused of defaming the president of the provincial court of Namibe Province, Antonio Vissandule. On March 3, Chicoca was sentenced to one year in prison for criminal defamation. At year's end he was out of jail on bail.

On October 10, William Tonet, editor of the private newspaper *Folha 8*, was convicted of criminal libel against high-level officials by the Luanda provincial court. The case pertained to an article *Folha 8* published in 2008 alleging these officials had gained control of diamond mines in Lunda Norte Province without public, competitive bidding. Tonet appealed, but he was initially sentenced to one year in prison and a fine of \$100,000.

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

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. In November at least two independent online news sites suffered denial of service attacks simultaneously, leading some to allege government interference.

### **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**

Although the constitution and law provide for the right of assembly, the government at times restricted this right. At least 10 public demonstrations took place during the year, although police detained persons during at least five of these demonstrations.

The law requires written notification to the local administrator and police three days before public assemblies are to be held, but it does not require government permission for such events. However, the government at times prohibited events based on perceived or claimed security considerations. Participants potentially were liable for “offenses against the honor and consideration due to persons and to organs of sovereignty.” Police and administrators did not interfere with progovernment gatherings. However, groups intending to criticize the government or government leaders 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.

During the year activists suffered intimidation, including anonymous death threats, because of their involvement in public demonstrations.

On March 7, an anonymous group planned a demonstration to protest the president’s 32-year term in office. Fourteen persons were arrested, including three journalists from *Novo Jornal*. They were later released without being charged. Official statements indicated they were detained for their personal protection.

In March members of the NGO Associacao Maos Livres reported receiving threats and having at least one car vandalized. The victims believed the incident was related to the March 7 demonstration and other human rights-related work.

On May 25, the youth-led group Revolutionary Movement for Social Intervention (MRIS) planned a demonstration at Independence Square in Luanda to protest poor living conditions. Police detained several of the organizers: two musicians, a journalist from independent, UNITA-linked Radio Despertar, and another citizen. All four detainees were released the same day without being charged. They then returned to Independence Square, and the demonstration continued without police interference.

On September 3, MRIS and an estimated 200 persons demonstrated under the slogan, “32 is enough,” a reference to the number of years the president had been in office. Police arrested 24 individuals, including at least one of the organizers.



According to multiple reports, police injured some demonstrators and journalists and destroyed media equipment. A Luanda court sentenced five persons to three months in prison and fines and damages totaling almost 10,000 kwanzas (\$105) for resisting arrest and allegedly causing bodily harm to four police officers during the demonstration. The court also sentenced 13 persons to 45 days in prison for disobedience. Two minors were sentenced to two years with suspended sentences. Three of the accused protesters were acquitted for lack of evidence. On October 14, the Supreme Court overturned the convictions for lack of evidence, and the imprisoned demonstrators were released.

### **Freedom of Association**

The constitution and law provide for the right of association, and the government generally respected this right in practice. Nevertheless, extensive and unexplained delays in the NGO registration process continued to be a problem. According to a 2011 survey, approximately 70 percent of the NGOs operating in the country were properly certified by the Ministry of Justice. The rest were unable to obtain certification, but were nevertheless allowed to operate.

The government sometimes arbitrarily restricted the activities of associations it considered subversive by refusing to grant permits for organized activities. During the year opposition parties generally were permitted to organize and hold meetings; however, opposition officials continued to report 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/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government at times restricted these rights in practice. During the year the government improved the road network and decreased checkpoints between provinces. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations

in providing protection and assistance to internally displaced persons (IDPs), refugees, asylum seekers, and other persons of concern.

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

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

### **Internally Displaced Persons (IDPs)**

Officially there were no longer significant numbers of IDPs. The majority of Angolans previously considered IDPs either returned home or did not intend to return to their area of origin, as many now considered their new locations to be home. Some of those who may have wanted to return to their original homes stated that a lack of physical infrastructure and government services, such as medical care and the presence of land mines, were major deterrents to their return.

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

The government did not restrict aid efforts by international humanitarian groups. Unlike in previous years, the government allowed international organizations access to refugee camps, returnee welcome centers, and border crossings to conduct assessment missions. Diplomatic missions were denied access to these facilities on one occasion.

### **Protection of Refugees**

In 2010 all Angolan returnees who were forcibly returned from the DRC in late 2009 had been settled in communities, mostly in Uige and Zaire provinces. Government officials and returnees reported in 2011 that returnees had received

some assistance from MINARS and international organizations, but continued to require legal assistance to regularize their status, supplies to restart their careers, education and language training, agricultural supplies, and housing materials.

In 2009 the government and UNHCR resumed joint efforts to repatriate thousands of refugees remaining outside the country since the civil war. These efforts continued; during the year Angolan refugees returned voluntarily from Namibia, Zambia, the Republic of Congo, and the DRC. According to UNHCR statistics, more than 100,000 Angolan refugees remained in neighboring countries at year's end. The government cooperated with the UNHCR on voluntary refugee repatriation and reintegration programs, but operations were significantly delayed due to funding constraints and lack of reintegration support to returnees.

Access to Asylum: The country's law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country hosted nearly 15,000 refugees and more than 4,000 asylum seekers, the majority from the DRC.

Nonrefoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Employment: There were no formal restrictions on refugees' 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.

Access to Basic Services: Persons with recognized refugee status could take advantage of public services. Refugees sometimes faced difficulty obtaining access to public services such as health care and education due to a lack of legal documents.

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

The constitution and law provide citizens with the right to change their government peacefully. Citizens were able to exercise the right to elect legislative representatives in 2008. The 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 phased in provinces and municipalities based on a variable timeline. However, 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: After having postponed legislative elections for two years, the government held the first postwar elections in 2008. The ruling MPLA won 81.6 percent of the vote. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, although the ruling party enjoyed advantages due to state control of major media and other resources. Serious logistical failures marred polling in the capital, Luanda. Opposition parties criticized many aspects of the electoral process, including state control of the major media, late disbursement of public campaign funds, the National Electoral Commission’s (CNE) failure to accredit some opposition and civil society electoral observers, and the CNE’s last-minute decision to discard the legal requirement that a voter registry be used at polling stations to verify a voter’s identity and residence. Despite these and other irregularities, more than 87 percent of registered voters participated. Opposition parties generally accepted the electoral results.

Observers had expected a presidential election in 2009. However, elections did not occur due to a delay to accommodate constitutional reform. The new constitution calls for elections within five years of the previous elections and were scheduled for late 2012. Voters will elect candidates from a party list, with the presidential candidate at the head of the list.

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

Opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the MPLA. UNITA continued to argue

that the MPLA had not lived up to the terms of the 2002 peace accord, and former combatants lacked the social services and assistance needed to reintegrate into society. Former combatants also reported difficulties obtaining pensions due to bureaucratic delays or discrimination. UNITA headquarters buildings in at least three provinces were denied access to public utilities, including electricity and water. During the year UNITA reported that its members suffered intimidation and harassment.

In February UNITA claimed that at least nine of its supporters were killed in Huambo Province for political reasons in the previous year. A parliamentary commission sent to investigate the claim found no political intolerance in Huambo Province. However, civil society criticized the report.

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

Participation of Women and Minorities: Of the 220 deputies in the National Assembly, 79 were women (36 percent), exceeding the UN-recommended quota of 30 percent. Six women served as governors or vice governors, and 20 women were executive level officials (ministers, state secretaries, presidential appointees).

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. Other groups also took part in governing at the national level. There were six members of smaller ethnic groups in the National Assembly and one minority member, a Chokwe, in the cabinet. Political parties must be represented in all 18 provinces; however, most political parties had limited national constituencies. By law no political party could limit party membership based on ethnicity, race, or gender.

#### **Section 4. Official Corruption and Government Transparency**

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.

Despite the widespread perception that government corruption at all levels was endemic, public prosecutions were rare. By year's end no high-level official had been charged or prosecuted for corruption, which added to the popular belief that

officials were unwilling to enforce the law. The Financial Court was the government agency responsible for combating government corruption; the National Criminal Investigation Department 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 corrupt and subject to political influence and conflict of interest.

In July the governor of Luanda, Jose Maria dos Santos, was dismissed after only eight months in office. Private media reported that he tried to extort \$25 million from an Israeli developer that needed a building permit. He reportedly was fired not for attempting to extort the funds, but for invoking the name of one of the president's closest advisors in doing so. No charges were filed against the governor.

Joaquim Ribeiro, former commander of the Luanda Provincial Police, was removed from his post and accused of ordering the homicide of a police officer. According to private media, Ribeiro was under investigation for embezzling public funds and ordered the murder because the victim had incriminating information against him. Ribeiro remained in prison charged with murder and embezzlement, and the trial was continued at year's end.

On October 10, David Mendes from the Partido Popular (an opposition party) filed a criminal complaint with the attorney general against President dos Santos and Elisio Figueiredo (a Portuguese citizen and the financial advisor of President dos Santos), Pierre Falcone (a French citizen and arms dealer), and Manuel Vicente (the president of the state-owned oil company Sonangol) for their involvement in embezzling public funds of more than \$775 million. By year's end the attorney general had not responded.

In October 2010 the president fired both the minister of the interior and the vice minister for immigration for authorizing the illegal extradition of a Portuguese citizen from Sao Tome and Principe. The media reported that the Portuguese man was accused of embezzling funds from a local businessman, who also was a business partner of the interior minister. Despite a presidential statement declaring the extradition illegal, no charges were brought against any government officials involved in the case. Apart from the demotion, no other action was taken against the two ministers.

In March 2010 the National Assembly approved a law on public probity, which requires most government officials to declare their assets to the attorney general. However, the information was not made available to the general public during the year, and the president, vice president, and president of the National Assembly are exempt from the law's requirements.

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

As a condition of the loan, the state-owned oil company Sonangol published its 2009 and 2010 audited financial statements on its Web site. By year's end the government had not started to gradually phase out the quasi-fiscal activities of Sonangol and to concentrate such operations in the central government. The government published online a detailed block-by-block accounting of the monthly revenues it received from Sonangol's oil production, but critics noted that the figures on oil production and revenues published by the Ministries of Petroleum and Finance and by Sonangol were contradictory, undermining the goal of transparency. However, there continued to be a significant lack of transparency in the overall process of the government's procurement and use of loans, taken from both private banks and foreign governments.

In December the IMF reported that \$32 billion was unaccounted for in the government's fiscal accounts during the period 2007-10, most of which was believed to stem from misreporting of transfers from Sonangol to the national treasury.

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

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

The business climate continued to favor those connected to the government. Government ministers and other high-level officials commonly and openly owned interests in companies regulated by or doing business with their respective

ministries. There are laws and regulations regarding conflict of interest, but they were not widely enforced. Petty corruption among police, teachers, and other government employees was widespread. Police extorted money from citizens and refugees, and prison officials extorted money from family members of inmates (see sections 1.c., 1.d., and 2.d.).

Like in the previous year, there were credible reports that high-level officials received substantial bribes from private companies that were awarded government contracts. According to press reports, in October the president of the National Agency for Private Investment (ANIP), Aguinaldo Jaime, was fired for conflict of interest due to his involvement in a real estate contract project Bem Morar approved by ANIP.

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

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

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

Local NGOs actively promoted and defended human rights during the year by asserting constitutional rights, documenting prison conditions, 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 or related to election issues. Government officials threatened to ban those NGOs it determined to be operating outside their mandate or not effectively working on the specific issues they were created to address; however, NGO leaders suspected the motive was to silence their criticism. No NGOs were banned during the year.



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

The government arrested and harassed NGO workers. For example, on March 8, unknown assailants threatened activists and members of the human rights defenders' NGO Associacao Maos Livres. The leader's car was vandalized.

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

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

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

UN and Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives. In 2008 the UN Human Rights Office (UNHRO) closed its office following a government decision not to grant a full mandate to the office. The decision to close the office directly contradicted government commitments to work more closely with the UNHRO, which were made when the country won a three-year term on the UN Human Rights Council in 2007. Authorities allowed UN officials to monitor human rights. In March Special Representative of the Secretary General Margot Wallstrom visited the country following allegations of abuse in Lunda Norte. A representative of the UNHRO also visited in November.

The government restricted access of international NGO observers to the country. For example, in August immigration officials denied 17 activists entry into the

country to attend a civil society forum connected with the Southern African Development Community summit. According to the press, officials confiscated reports a Zimbabwean activist was carrying. Immigration authorities claimed that none of the activists had valid visas. In August two Mozambican journalists with valid visas were denied entry to attend a workshop.

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

Government Human Rights Bodies: The National Assembly Committee on Human Rights ostensibly focused on human rights; however, it did not issue any reports. An interministerial commission for human rights meets regularly and prepares reports for the UN and other international organizations.

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

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

### **Women**

Rape 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 Organization of Angolan Women operated a shelter in Luanda that offered special services for rape victims. In 2009 the police commissioner in Luanda estimated that 10 cases of rape occurred daily nationwide. However, the true incidence of rape was likely much higher. The Ministry of Justice worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations.

Domestic violence against women, including spousal abuse, was pervasive and reportedly occurred in both urban and rural areas. In June a law was passed prohibiting domestic abuse; the law does not distinguish between men and women. Penalties for violating the law had not been finalized by year's end.

A 2007 preliminary study on domestic violence in Luanda indicated that 78 percent of women had experienced some form of violence since the age of 15. Twenty-seven percent of women reported abuse in the 12 months preceding the study; among women living in the poor outskirts of Luanda, 62 percent reported abuse in the same time period. During 2010 police recorded 831 cases of domestic violence. The Ministry of Family and Promotion of Women registered more than 6,000 cases of domestic violence in 2010. Of these cases, 80 percent were for minor offenses, and 99.5 percent of the victims were women, according to a press report. It is believed the police and ministry statistics seriously undercounted the number of domestic violence cases, since many if not most victims believed that authorities would not help them and they feared reprisal if they reported the abuse. Common-law husbands or boyfriends perpetrated the majority of violence. 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 (FGM): FGM was not considered to be a widespread practice, although there were reports of instances in rural regions.

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

Sexual Harassment: Sexual harassment was common and not illegal. However, 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 have access to the information and means to do so free from discrimination, coercion, and violence. Women have access to contraception. According to a 2011 study, 6 percent of women used contraception. A 2009 study found 47 percent of women who gave birth had four or more prenatal consultations. Approximately 67 percent of women saw a qualified person at least once, 49 percent of births were attended by a

qualified person, and 42 percent gave birth in a medical center. According to UN estimates, the maternal mortality ratio in the country in 2008 was 610 deaths per 100,000 live births. High maternal mortality was likely due to inadequate access to health facilities before, during, and after giving birth. A woman's lifetime risk of maternal death was one in 29. There were no reports of coercive family planning practices such as female infanticide or coercive sterilization. There were no legal, social, cultural, or other barriers that limit access to these services. Information on government provisions for reproductive health services or diagnosis and treatment of sexually transmitted infections, including HIV, was not available.

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

The law provides for equal pay for equal work; however, women generally held low-level positions in state-run industries and in the private sector or worked in the informal sector. In an interministerial effort spearheaded by the Ministry of Family and Promotion 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 during the year.

## **Children**

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

Education: Education is tuition-free and compulsory for documented children until the sixth grade, but students often had significant additional expenses. The educational infrastructure remained in disrepair. There were insufficient schools and teachers to provide universal primary education. An independent study in 2010 reported 18 percent of boys and 13 percent of girls enrolled in secondary or higher education. The same study reported that 25 percent of the school-age population did not attend school during the year. A 2009 survey reported the annual dropout rate was 1.3 percent per year.

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. There were reports of families paying bribes to education officials to ensure their child got a place in a classroom. 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. Religion and superstitions played a role in child abuse. Abuse of children accused of witchcraft continued to be a problem. Children accused of witchcraft were subject to abuses such as isolation from their families, denial of food and water, ritualistic cuttings, and the placing of various caustic oils or peppers on their eyes or ears. Children were sometimes killed during “exorcism” rituals. Most cases of abuse relating to traditional beliefs occurred in Luanda, Uige, and Zaire provinces. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be victims of practices involving witchcraft. Government and religious leaders called for an end to these practices, but the influence of these traditional beliefs remained strong.

Child 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. Common-law marriage was regularly practiced.

Harmful Traditional Practices: In 2010 a total of 55 children in Sanza-Pombo, Uige Province, were accused of being witches. A Congolese priest chained and tortured 12 of the accused children for being witches and therefore dangerous to their families. No action was taken against the priest.

Churches, many based in the DRC, convinced impoverished families living in rural areas and the outskirts towns that their children had supernatural powers, leading to allegations that these children were practicing witchcraft. According to the National Institution of Child Welfare (INAC), some religious sects were closed in 2010 because they endangered the health and welfare of citizens. Despite actions taken against these religious sects, sporadic information on children accused of practicing witchcraft continued, especially in the northern provinces. However, INAC reported that incidents involving witchcraft declined 70 percent between 2003 and 2010. INAC also reported that an unknown number of individuals had gone to jail for alleging children committed witchcraft.

Sexual Exploitation of Children: All forms of prostitution, including child prostitution, are illegal; however, local NGOs expressed concern over child prostitution, especially in Luanda, Benguela, and Cunene provinces.

Sexual relations between an adult and a child under the age of 12 are considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse, with convicted offenders liable for sentences of up to eight years in prison; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were no known prosecutions during the year.

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

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 450-500 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](http://www.state.gov/j/tip).

## **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. The constitution mentions persons with disabilities in articles 23 (principle of equality), 77 (health and social protection), 80 (childhood), 83 (disabled citizens), and 84 (former combatants and veterans). Article 83 grants persons with disabilities full rights without restrictions. The constitution permits the state to adopt a national policy to prevent, treat, rehabilitate, and integrate persons with disabilities, provide support for their families, remove obstacles to mobility, raise awareness in society, and foster special education and training opportunities.

Persons with disabilities included more than 80,000 land mine victims. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. However, a 2010 study estimated that 2.6 percent of the population had a physical or mental disability. Only 30 percent of persons with disabilities were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling. According to MINARS statistics published in December, there were an estimated 150,000 persons with disabilities, most between the ages of 25 and 44, and 56 percent male. Of those persons with disabilities, 62 percent had physical disabilities (of whom 75 percent were ERW victims and 22 percent from polio), 28 percent had sensory disabilities, and 10 percent had mental disabilities. MINARS assisted approximately 90,000 persons with disabilities.

Presidential decree number 14 protects persons with disabilities. However, 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. MINARS sought to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by land mine incidents. During the 2008 election, the government provided voting assistance to persons with disabilities.

## **Indigenous People**

An estimated 3,500 San persons lived in small dispersed communities in Huila, Cunene, and Kuando Kubango provinces. The San are traditional hunter-gatherers who are linguistically and ethnically distinct from their Bantu fellow citizens. Their very limited participation in political life has increased, and Ocadec, a local

NGO advocate for the San people, worked with provincial governments to increase services to San communities and to improve communication between these communities and the government.

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

The law does not criminalize same-sex activity, although discussing such topics in society is highly taboo. The constitution defines marriage as between a man and a woman. NGOs reported a small but underground lesbian, gay, bisexual, and transgender community in Luanda. A 2011 health-related study on gay men in Luanda indicated that almost half of the interviewed men had confronted homophobia and reported suffering violence or discrimination based on sexual orientation.

### **Other Societal Violence or Discrimination**

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

Persons with albinism were common victims of discrimination, although church groups worked to eliminate the abuse.

## **Section 7. Worker Rights**

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

The constitution and law provide for the right of workers to form and join independent unions and specifies rights for trade unions. The law allows unions to conduct their activities without government interference and grants workers, except government workers, the right to strike. The law does not effectively prohibit employer retribution against strikers, and it permits the government to force workers back to work for "breaches of worker discipline" or participation in unauthorized strikes. The law protects the right to collective bargaining, and there are no legal restrictions on collective bargaining. 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. There were unions for journalists, teachers, and taxi drivers, among others.

The constitution grants workers the right to engage in union activities, but the government may intervene in labor disputes that affect national security, particularly strikes in the oil sector. Strict bureaucratic procedures must be followed for a strike to be considered legal, and the government can deny the right to strike or obligate workers to return to work.

In practice the government did not protect these rights, although the Ministry of Labor has a hotline for workers who believe their rights have been violated. Government approval is required to form a union, and the government admitted that unions were hampered by membership and legalization issues. Labor unions independent of the government-run unions worked to increase their influence, but the ruling MPLA continued to dominate the labor movement due to historical connections between the party and labor.

There were several examples during the year of workers going on strike to demand a salary increase. The government routinely thwarted union efforts at collective bargaining with long delays in processing, and collective bargaining was restricted in practice. In addition the judicial system did not enforce these provisions.

The government is the country's largest employer, and the Ministry of Public Administration, Employment, and Social Security (MAPESS) centrally mandated wages.

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

The law prohibits forced or compulsory labor, including by children, but such practices occurred. Child labor is punishable under the labor law, although no cases were punished during the year. The Ministry of Justice has effective enforcement mechanisms for the formal economic sector; however, most labor law violations occurred outside the formal economy and were not subject to legal sanctions. Forced labor occurred in the artisanal diamond mining sector. Additionally, men and boys were trafficked into the country for forced labor, especially in the construction sector. Children also reportedly worked in charcoal

and in forced child labor in the production of rice. Migrant workers were employed under forced labor conditions in diamond mining areas, particularly in Lunda Norte and Lunda Sul. The government took steps to eliminate illegal immigration and illegal diamond mining activities during the year.

Some Angolan boys were taken to Namibia for forced labor in cattle herding and 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 a loophole in the justice system prevents youth from being tried in court. Angolan women and children were subjected to domestic servitude in South Africa, the DRC, Namibia, and some European nations, primarily Portugal. See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

Child labor in the formal sector was restricted under the law. Article 282 of the labor law requires that the minor submit evidence that he/she is over 14 years of age to obtain an employment contract. The law prohibits children under 14 from working. Although children could work from age 14 to 16 with parental permission, they could not do so if it interfered with schooling. The law was effectively enforced in the formal sector.

Child labor, especially in the informal sector, remained a problem. MAPESS had oversight of formal work sites in all 18 provinces, and inspectors are supposed to check on the age of workers at such sites. If it determined a business was using child labor, it transferred the case to the Ministry of Interior to investigate and possibly press charges. An unknown number of businesses were warned or fined for using child labor. Although MAPESS, other government agencies, and labor unions developed a national plan against child labor, MAPESS could not regulate the sizeable informal sector as it was not within its purview.

In October 2010 the newspaper *Agora* published a study conducted in Benguela that found more than 70,000 children worked in Benguela Province. A living standards survey published in 2010 reported that 20.4 percent of children between the ages of five and 14 worked; more children worked in rural than in urban areas. The study also reported that boys and girls were equally likely to work.

Most work done by children was in the informal sector. Children engaged in economic activities, such as agricultural labor on family farms and commercial

plantations, fishing, charcoal production, domestic labor, and street vending. Exploitive labor practices included forced prostitution, involvement in the sale or transport of illegal drugs, and the offloading and transport of goods in ports and across border posts.

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

The MAPESS inspector general is responsible for enforcing all labor laws, including complaints of child labor. The Ministry of Family and Promotion of Women and INAC play a significant role in coordinating the response to a case of child labor and protecting possible victims. Ultimately, the Ministry of Interior and the Ministry of Justice are charged with investigating and prosecuting cases of child labor, although no such prosecutions were reported during the year.

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

The government, through INAC, worked to create, train, and strengthen child protection networks at the provincial and municipal levels in all 18 provinces. The networks reported cases in which they successfully identified and removed children from exploitive 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/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm)

#### **d. Acceptable Conditions of Work**

The minimum wage was 11,044 kwanza (\$116) per month for all formal sectors. Workers in informal sectors, such as street vendors, subsistence agriculture, and domestic household, are not covered by the minimum wage law. The minimum wage law was effectively enforced in the formal sector.

By law the standard workweek is 40 hours with at least one unbroken period of 24 hours of rest per week. There is a limit on work of 54 hours per week. Required premium pay for overtime is time and a half for up to 30 hours of overtime and time and three-quarters from 30 to 40 hours. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. The government sets occupational health and safety standards. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

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.

The workweek standards were not enforced effectively unless employees lodged a formal complaint with MAPESS.

In September 2010 the MPLA-linked labor union, Uniao Nacional dos Trabalhadores Angolana, published a report on working conditions that highlighted high unemployment, poor living conditions, and inequality as continuing problems despite various economic measures and new laws. Workers found they did not have job stability, employers violated workers' rights, and workers unable to find employment in the formal sector had to seek work in the informal labor market.

The Ministry of Labor's inspector general did not enforce these standards effectively. Inspections occurred, although rulings on labor violations found by inspectors were not effectively enforced. Despite the law providing for the right, workers were unable to remove themselves from unsafe working conditions without jeopardizing their employment.

The secretary general of the General Centre of Independent and Free Unions of Angola (CGSILA), an independent labor union, stated that workers in the civil construction sector were subjected to hazardous working conditions that led to many accidents and even death. The problem was worse in Luanda, where construction activity is concentrated. There was inadequate monitoring of the

construction sector, although MAPESS created commissions to oversee the occupational safety of this sector. Two officials in CGSILA noted that health workers also were subjected to unsafe and unsanitary conditions that led to their contracting various diseases or becoming sick.