

ANGOLA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Angola is a constitutional republic. In August 2017 the ruling Popular Movement for the Liberation of Angola (MPLA) party won presidential and legislative elections with 61 percent of the vote. MPLA presidential candidate Joao Lourenco took the oath of office for a five-year term in September 2017, and the MPLA 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 (SIC), also under the Ministry of Interior, are responsible for preventing and investigating domestic crimes. The Expatriate and Migration Services and the Border Guard Police, in the Ministry of Interior, are responsible for migration law enforcement. The state intelligence and security service reports to the presidency and investigates sensitive state security matters. The Angolan Armed Forces (FAA) are responsible for external security but also have domestic security responsibilities, including border security, expulsion of irregular migrants, and small-scale actions against Front for the Liberation of the Enclave of Cabinda separatists in Cabinda. Civilian authorities maintained effective control over the FAA and the national police, and the government has mechanisms to investigate and punish abuse and corruption. The security forces generally were effective, although sometimes brutal, at maintaining stability.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by government security forces; arbitrary detention by security forces; political prisoners; refoulement of refugees; corruption, although the government took significant steps to end impunity for senior officials; crimes of violence against women and girls, which the government took little action to prevent or prosecute; trafficking in persons; and crimes involving societal violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, although parliament passed landmark legislation prohibiting discrimination against LGBTI 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.

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

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

There were reports the government or its agents committed arbitrary or unlawful killings. On August 22, soldiers of the FAA and elements from private security company Kadyapemba attacked a group of approximately 100 artisanal diamond miners in North Lunda, leading to the death of 39-year-old Bernardo Miguel, online news outlet Maka Angola reported.

During the year the SIC allegedly committed extrajudicial killings, at times in coordination with the national police, to combat crime. The national police and FAA have internal mechanisms to investigate security force abuses, and the government provided some training to reform the security forces.

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. In August the country hosted a UN-organized training session related to the UN Convention Against Torture that gathered more than 60 participants working in a range of ministries and representatives of civil society groups.

Periodic reports continued of beatings and other abuses both on the way to and inside police stations during interrogations. On August 10, Manuel Tanto Mutyito died while detained in Sao Nicolau Prison in Namibe Province after being detained

by police the same day on theft charges. Mutyito's brother, who visited his brother's prison cell the next day, reported his brother's body showed signs of injury and that his cell walls were stained with blood. Police confirmed the murder, and an investigation was underway. 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).

During the year there were fewer 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. Authorities claimed known agitators, who sought only to create social instability, organized many of the public demonstrations.

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: On July 19, Attorney General Helder Pitta Gros acknowledged to press that prison conditions in Uige Province were inadequate for rehabilitation and reintegration of prisoners.

Authorities frequently held pretrial detainees with sentenced inmates, and short-term detainees with those serving long-term sentences for violent crimes, especially in provincial prisons. Inmates who were unable to pay court-ordered fines remained in prison after completing their sentence.

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.

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.

Members of opposition parties visited prisons around the country on a regular basis and reported uneven improvements in living conditions and rehabilitation programs. A local NGO that provides pro bono legal services to inmates stated prison officials were trying to improve conditions but that overcrowding limited results. 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.

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 the public prosecutor must inform the detainee of the legal basis for his or her detention within 48 hours. NGO sources reported authorities often did not respect the law. If the public prosecutor is unable to determine whether there is a legal basis for the detention within 48 hours, the prosecutor has the authority to

release the person or, depending on the seriousness of the case, require the person to submit to one or more pretrial procedures prescribed by law, such as posting bail, periodic appearance before authorities, or house arrest.

If the public prosecutor determines a legal basis exists for the detention, a 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.

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.

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.

Arbitrary Arrest: Unlawful arrest and detention remained serious problems. On September 9, a judge in Namibe Province acquitted three fishmongers arrested by police for protesting the government's decision to close a public fish market and two youths for taking pictures of the protest. In his ruling the judge emphasized the right to protest is enshrined in the constitution and that the defendants had not rioted or committed vandalism.

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 two years in pretrial detention. On March 18, State Secretary of Interior Jose Bamoquina Zau reported that approximately 8 percent of pretrial detainees were confined beyond their respective detention limits. 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. Institutional weaknesses in the judicial system, however, such as political influence in the decision-making process, were problems. The Ministry of Justice and Human Rights and the PGR worked to improve the independence of prosecutors and judges. The National Institute for Judicial Studies conducted capacity-building programs on the importance of an independent judicial system.

There were long trial delays at the Supreme Court, in part because the court is the only appeal court in the country. A law put into force in 2015 established another level of appellate courts to reduce delays, but it was not implemented at year's end. A public recruiting process for new judges was underway to staff the new appellate courts. 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 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 charged through all appeals. 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 is designated for children's affairs. A 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

On January 28-29, 64 activists of the Independent Movement of Cabinda were detained in Cabinda Province after submitting the statutory notification to authorities of their intention to demonstrate on February 1 to demand independence for the exclave. The activists were arrested in anticipation of the march and held in custody for several months without a trial. They were subsequently released in tranches. Defense lawyers argued the arrests were illegal since the constitution

allows freedom of assembly and protest. On July 4, the last 11 activists were released on their own recognizance and were awaiting trial on rebellion charges.

Civil Judicial Procedures and Remedies

Damages for human rights violations may be sought in provincial courts and appealed to the Supreme Court.

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 provides that all untitled land belongs to the state.

In January the provincial government of Benguela demolished approximately 100 homes in the Salinas neighborhood of the city of Benguela, leaving hundreds homeless, a foreign radio service reported. Benguela governor Rui Falcao accused the affected homeowners of building unlicensed homes on land they did not own. Affected homeowners, some of whom had lived in their homes for 30 years, claimed they had land titles for the properties and accused the government of reselling their land to new buyers.

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

The constitution and law prohibit such actions, 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 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 country's primary source for news and generally reflected a progovernment view. Nevertheless, individuals were

increasingly able to use private media and social media platforms to openly criticize government policies and practices.

Freedom of Expression: 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.

Press and Media, Including Online Media: Private radio and print media criticized the government openly and access to private media was expanding to outside the capital. For example, the private Catholic radio station Radio Ecclesia expanded its coverage from one to 15 provinces, and private media were on the internet. 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 their coverage of opposition political parties' perspectives and social problems reflecting poor governance during the year. The TPA continued to broadcast plenary sessions of the National Assembly live, including interventions by opposition parties. The channel also continued to invite opposition politicians and civil society members to comment live on stories featured on the nightly news, but private stations were prohibited from filming parliament. Opposition parties also received far less overall coverage on state media than did the ruling party.

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

On June 20, relatives of the defendants in the court case of former minister of transportation Augusto Tomas and four others charged with corruption threatened the journalists covering the event while they were in the lobby awaiting the beginning of the court session. In response the head of the Angolan Journalists Union urged his colleagues to press charges against those who try to intimidate journalists.

Censorship or Content Restrictions: The Regulatory Entity for Social Communication (ERCA), a body mandated to license and delicense journalists and determine what constitutes appropriate media content, remained largely inactive.

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.

Libel/Slander Laws: Defamation is a crime for which conviction is punishable by imprisonment or a fine, and unlike in most 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 the right of reply.

Internet Freedom

The law mandates ERCA to determine what constitutes appropriate media content, including online content. The government did not, however, restrict or disrupt access to the internet or censor online content, and there were no credible reports 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 increasingly 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. The number of antigovernment protests increased during the year, and the government at times prohibited events based on perceived or claimed security considerations. Police and administrators did not interfere with progovernment gatherings. Nonpartisan groups intending to criticize the government or government leaders, however, often encountered the presence of police, who prevented them from holding their event or limited their march route. Usually authorities claimed the timing or venue requested was problematic or that the proper authorities had not received notification.

In July seven activists from the Revolutionary Movement were detained, tried, and convicted in Benguela for protesting in front of Lobito city hall to demand access to clean water. They were convicted of violating the constitution's provisions for failing to communicate their intention to protest and for contempt of law enforcement. The court imposed a five-month prison sentence that could be suspended in lieu of payment for a fine. The activists were released a few days following the sentencing with each paying a fine of 76,000 kwanzas (\$208).

Freedom of Association

The constitution and law provide for the right of association, but the government did not always respect this right (see also section 7.a.). Extensive delays in the NGO registration process continued to be a problem; however, NGOs that had not yet received registration were allowed to operate. The government at times 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 on private associations and a 2002 presidential decree regulate NGOs. Despite civil society complaints that requirements were vague, the Ministry of

Justice and Human Rights was active in providing 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. Internally Displaced Persons

Not Applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: 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.

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 November 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 continued

throughout the year. It acutely 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. Political opposition parties and civil society organizations also criticized the operation for restricting religious freedom, including the closure of an estimated 2,500 places of worship.

The government did not implement key elements of the 2015 asylum law, which impeded refugee and asylum seekers' access to basic services and documents, such as birth certificates for children of foreign-born parents. NGOs working with refugee and asylum-seeker populations continued to cite security force harassment of and government discrimination against those communities.

The government generally cooperated with UNHCR, the World Food Program, and NGOs to protect and assist refugees. In August and September, the government supported a voluntary spontaneous repatriation of more than 15,000 refugees from Lunda Norte to the DRC. The government cooperated with UNHCR and the government of the DRC to respond to the humanitarian crisis and provided transportation for the spontaneous returnees. UNHCR estimated more than 8,000 refugees remained at its Lovua, Lunda Norte, resettlement camp.

Access to Asylum: The 2015 asylum law provides for the granting of asylum or refugee status, but the law had not been implemented. 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 reported that asylum seekers and urban refugees did not have a mechanism to apply for or resolve their status. The 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; however, at year's end the government had not put into practice an alternative mechanism to adjudicate asylum and refugee cases in the committee's place. The law also established the creation of reception centers for refugees and asylum seekers where they are to receive assistance until the government makes a decision on their cases.

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 ripped up 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 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. A general lack of acceptance of the refugee card and lack of knowledge concerning the rights it was intended to safeguard compounded the difficulties.

Access to Basic Services: Persons with recognized refugee status could at times obtain public services. 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.

g. Stateless Persons

Not applicable.

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 August 2017 the government held presidential and legislative elections, which the ruling MPLA won with 61 percent of the vote. In September 2017 the country inaugurated MPLA party candidate Joao Lourenco as its third president since independence.

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 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 court rejected opposition appeals, citing a lack of evidence. The court concluded that members of the two opposition parties, the National Union for the Total Independence of Angola (UNITA) and the Social Renewal Party, forged election documents submitted in support of their appeals, a crime for which conviction carries a penalty of two to eight years' imprisonment and a monetary fine. The court referred the matter to the public prosecutor, but at year's end there were no additional details on the investigation.

The central government appoints the provincial governors, and the constitution does not specify a timeline for implementing municipal-level elections.

Political Parties and Political Participation: The ruling MPLA party dominated all political institutions. Political power was concentrated in the presidency and the Council of Ministers, through which the president exercised executive power. The council 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 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. In August CASA-CE founder Abel Chivukuvuku left the party to establish a new political party tentatively named the Angolan Renaissance Party. By law no political party may limit party membership based on ethnicity, race, or gender.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. Of the 220 deputies in the national assembly, 59 were women. Only two of 18 provincial governors were women, and only 12 of 32 cabinet ministers were women. 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 23, the government approved a new penal code on corruption that directly regulates modern financial crimes and increases penalties for corrupt officials. At year's end the new penal code had not entered into force. During the year 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. Official impunity and the uniform application of anticorruption legislation, however, remained a serious problem. President Lourenco continued to stress that ending impunity for corruption was among his administration's top priorities.

Corruption: Government corruption at all levels was widespread, but accountability improved incrementally due to increased focus on developing better checks and balances and institutional capacity. On February 23, the PGR reported 604 cases involving public officials and political leaders suspected of corruption. Several high-profile cases including that of the son of the former president, Jose Filomeno dos Santos, the director of security and counterintelligence general Antonio Jose Maria, and former Luanda governor and current member of parliament (MP) Higino Carneiro were all under investigation or awaiting trial.

On August 16, former minister of transport Augusto da Silva Tomas was sentenced to 14 years in prison for embezzlement, misappropriation of public funds, abuse of power, and violating budgeting standards at the National Council of Shippers, a state international shipping regulator. Tomas was tried along with four former shipping officials, three of whom also received sentences ranging from 10 to 12 years.

On December 30, the Luanda Provincial Court preemptively froze all Angolan accounts and assets owned by former first daughter Isabel dos Santos, her husband Sindika Dokolo, and businessman Mario Leite da Silva on suspicion that the assets originated from state funds obtained unlawfully. At year's end the government had yet to file any criminal charges.

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 January 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 on public probity 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 of those 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 subject 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 includes only representatives from various government ministries. Leading civil society members decided not to participate on the commission because they did not believe it 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 existed to mediate between an aggrieved public, including prisoners, and an offending public office or institution. The office did not cover the entire country and had neither decision-making nor adjudicative powers, but it helped citizens obtain access to justice, advised government entities on citizen rights, and published reports.

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

Women

Rape and Domestic Violence: Rape, including spousal 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. According to a survey conducted by the country's National Statistics Institute, one in every five women suffered domestic physical violence "frequently or from time

to time” during the year, and 31 percent of women between the ages of 15 and 49 reported experiencing domestic violence at some point in their lives.

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. On July 18, a woman killed her 11-year-old niece in Ramiros, Luanda, as part of a witchcraft ritual. At year’s end she was in the custody of SIC.

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.

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 impact 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.

The Ministry of Social Assistance, Family, and Promotion of Women led an interministerial government 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 and the training of midwives in rural areas to complete temporary registration documents for subsequent government

conversion into official birth certificates. The government permitted children to attend school without birth registration, but only through the sixth grade.

Education: Education is tuition free and compulsory for documented children through the sixth 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.

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 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.

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 in lower income groups coincided with the onset of puberty. According to UNICEF, 6 percent of men aged 20-24 were married or in union before age 18, 30 percent of women aged 20-24 were married or in union by 18, and 7 percent of women aged 20-24 were married or in union by age 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 penal code, approved by parliament in January, but yet to be published, prohibits the use of children for the production of pornography.

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-data.html>.

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 of Accessibilities 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. Civil society organizations and persons with disabilities, however, reported the government failed to enforce the law, and significant barriers to access remained.

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. The estimated 14,000 members of the San indigenous group who are scattered among the southern provinces of Huila, Cunene, Kuando Kubango, and Moxico lacked adequate access to basic government services, including medical care, education, and identification cards and suffered discrimination, according to a credible NGO. The same NGO reported that well-connected individuals confiscated land from the San, leading many San to rent from the new landowners or work as indentured servants; however, the report was unclear how recently the confiscation occurred. At year's end the land had not been returned.

Acts of Violence, Discrimination, 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. On January 23, the National Assembly passed a new penal code that decriminalizes same-sex sexual relations and makes it illegal to discriminate based on sexual orientation. At year's end the penal code, which parliament passed in January, had not been published or entered into force.

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 with the condition or disease. There were no news reports of violence against persons with HIV/AIDS. Reports from local and international health NGOs suggested discrimination against individuals with HIV/AIDS 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.

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,

Employment, 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, Employment, 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 January, April, and May, workers of the state-owned Luanda Railways staged several strikes demanding better working conditions and salaries. On May 13, police wounded at least 12 strikers who blocked a train that was operating as part of the legally required minimum train service. Three strikers were detained and fined. Strikers also alleged police coerced several strikers to return to work. Some, but not all, of the union’s demands were met following the strike.

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 labor code and labor contracts, 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 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, Employment, 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 sufficiently stringent penalties.

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. The government continued to make use of a training video for law enforcement and immigration officials that included a short segment on how to identify victims of trafficking, although this was not the sole objective of the film. INAC continued working to reduce the number of children traveling to agricultural areas in the country's southern regions to work on farms, mostly through community outreach concerning the importance of an education.

Forced child labor increased in the southern provinces that suffered a severe drought during the year. In certain villages in Cunene, children were forced to leave school and to work as herders or to dig wells and fetch water.

See also the Department of State's *Trafficking in Persons Report* at <https://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 years of age 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, Employment, 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 Labor continued to implement its *National Action Plan for the Eradication of Child Labor* for 2018-22, which aims to map the most prevalent zones and types of child labor in the country to strengthen coordination of child

labor investigations, prosecutions, and the imposition of criminal penalties. An interministerial commission to combat trafficking in persons and child labor was created in 2014 to coordinate enforcement actions. The government had difficulty monitoring the large informal sector, where most child labor occurred.

Inspectors are authorized to conduct surprise inspections whenever they see fit. Penalties were generally sufficient to deter violations. The government did not consistently enforce the law, however; child labor, especially in the informal sector, remained a problem. In the first trimester of the year, INAC registered 700 cases of hazardous child labor 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.

Children engaged in economic activities such as agricultural labor on family farms and commercial plantations--particularly in orchards--as well as in fishing, brick making, artisanal diamond mining, charcoal production, domestic labor, 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 act 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, but many returned during the weekends to some form of dwelling in Luanda or outlying cities. 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 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 sexual orientation or gender identity (see section 6). On January 23, the National Assembly passed a penal code that decriminalizes same-sex sexual relations and makes it illegal to discriminate based on sexual orientation. At year's end the penal code, which parliament passed in January, had not been published or entered into force. The law provides for equal pay for equal work, but gender pay disparities in the country were among the highest in the world. Women held ministerial posts.

The government did not effectively implement the law. 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. There were no known prosecutions for discrimination in employment. Penalties were not sufficient to deter violations.

Discrimination against foreign workers also occurred.

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 woman-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. Workweek standards were not enforced unless employees filed a formal complaint with the Ministry of Public Administration, Employment, and Social Security. Labor 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 sufficient to deter violations. 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.

A 2016 presidential decree established minimum employment standards for domestic workers, including national minimum wage protection, an eight-hour work day for domestic workers living outside of their employer's home, a 10-hour work day for domestic workers living inside their employer's home, compulsory employer contributions to a domestic worker's social security protection, and maternity and holiday allowances. The Ministry of Public Administration, Employment, and Social Security is charged with implementing and enforcing the law. An insufficient number of adequately trained labor inspectors hampered enforcement efforts. Some companies received advance warning of impending labor inspections.

The labor law requires a safe work environment in all sectors of the economy. Employees have the right to remove themselves from hazardous working conditions and may file a formal complaint with the Ministry of Public Administration, Employment, and Social Security if employers insist they perform

hazardous tasks. The government enforced occupational safety and health standards and investigated private company operations based on complaints made by NGOs and labor unions. On May 27, the General Labor Inspector of Lunda Sul reported that 10 companies were charged and fined for violating health and safety labor laws in the first quarter of the year.