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Angola Country Report on Human Rights Practices for 1997

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<Picture: Blue Bar rule>

ANGOLA

The Republic of Angola continued its ongoing transition from a single party state to a multiparty democracy. The Popular Movement for the Liberation of Angola (MPLA) has ruled Angola since its independence from Portugal in 1975. The Constitution was revised in 1991 to provide for elections and for the protection of basic human rights, but the Government generally does not respect its provisions in practice. In 1992 President Jose Eduardo dos Santos received a plurality of votes in Angola's first elections, which United Nations observers declared to be free and fair. The second round of the election was not held due to the repudiation of the first round results by the National Union for the Total Independence of Angola (UNITA) and the subsequent return to civil war. In 1994 the Government and UNITA signed the Lusaka Protocol in an effort to formally end 20 years of civil war. In April UNITA joined with the MPLA and 10 smaller opposition parties to form a Government of Unity and National Reconciliation (GURN). As specified in the Lusaka Protocol, UNITA finally filled in April the 70 National Assembly seats won in 1992. The judiciary, where it functions, is not independent of the President and the MPLA.

The Government and UNITA continued to implement the Lusaka Protocol's provisions for a cease-fire, including the disarming and quartering of 70,000 UNITA troops, the integration of some UNITA soldiers into the Angolan armed forces, and the demobilization of remaining combatants. This process is taking place under the auspices of the U.N. Observer Mission in Angola (MONUA--the follow-on force to the U.N. Angola Verification Mission (UNAVEM III). Three observer countries (Portugal, Russia, and the United States) are also monitoring the implementation of the Lusaka Protocol. In July the newly integrated Angolan Armed Forces (FAA) were officially inaugurated. Some 10,000 of the FAA's 90,000 troops are former UNITA soldiers.

The Ministry of the Interior is responsible for internal security. It exercises this function through the National Police. The Paramilitary Rapid Intervention Police, (PIR), created in 1992 as an elite paramilitary force, was restricted to barracks as part of the 1994 Lusaka Protocol; that quartering ended in October. The armed forces are responsible for external security. Prior to implementation of the Lusaka Protocol-mandated cease-fire, they were primarily engaged in fighting the civil war against UNITA. While civilian authorities generally maintain effective control of the security forces, there were frequent instances in which the security forces acted independently of government

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authority. Members of the security forces committed numerous, serious human rights abuses, especially in areas to which the Government recently extended its administration.

Angola's developing economy is in transition from a centrally-directed to a market-based model. There are extensive natural resource reserves and rich agricultural lands which have not yet been exploited. Principal exports are petroleum and diamonds, which together with foreign aid, are the country's leading sources of foreign exchange. Oil revenues for 1997 exceeded \$4 billion, and diamond revenues were estimated at \$850 million. Subsistence agriculture, the traditional livelihood for the majority of the country's approximately 12 million citizens, was constrained severely by the extensive use of land mines in 23 years of civil conflict, as well as by government and UNITA restrictions on freedom of movement. In 1997 approximately 1.2 million internally displaced persons (IDP's) still relied on emergency food aid supplied by the international donor community. About 1 million Angolan IDP's had returned to their homes by late 1997. Areas under government control suffered from hyperinflation, scarcity of consumer goods, massive unemployment and underemployment, crumbling infrastructure, and continuing pervasive corruption. While the Government took some measures to increase the availability and control the prices of consumer staples, these unsustainable initiatives did not remedy the root causes of economic instability. Areas controlled by UNITA experienced scarcities of consumer goods along with massive unemployment and underemployment. Annual per capita gross national product is approximately \$450, but the overwhelming portion of the country's wealth remains concentrated in the hands of a small elite. The average monthly salary of wage earners (a small minority of the labor force) was approximately \$10 in rural areas and \$50 to \$160 in Luanda, a level that falls well short of providing a decent standard of living.

Although there was some improvement, the Government's human rights record continued to be poor, and it continued to commit numerous serious abuses. Members of the security forces committed extrajudicial killings, arbitrarily and secretly arrested and detained persons, and often tortured and beat detainees. The Government did not take effective action to punish abusers. The Government continued to inhibit independent investigations of human rights abuses. Government leaders cited the 20-year civil war as a justification for allowing emergency considerations to override concerns about human rights abuses. Prison conditions were life threatening. Arbitrary arrest and detention are problems. The judiciary does not ensure due process and only functions in parts of the country. The Government infringed on citizens' privacy rights. The Government restricted freedom of expression, the press, assembly, and association. While some improvements were made, citizens' freedom of movement continues to be restricted. The judiciary, where it functions, is not independent from the President and the MPLA. Although Angola is nominally a multiparty democracy, citizens have no effective means to change their government. Parliamentary elections due to be held in 1996 were postponed for between 2 and 4 years under the terms of the Lusaka Protocol; presidential elections are not to be held until the United Nations determines that appropriate conditions exist. Discrimination and violence against women were widespread. Children and

the disabled continued to suffer as a result of the civil war and poor economic conditions. The Government continued to dominate the labor movement, and there was no improvement in the poor worker rights situation.

The human rights situation in territories controlled by UNITA was poor, with numerous extrajudicial killings, disappearances, incidents of torture, arbitrary arrests and detentions, denial of fair public trial, forced conscription, and attacks on civilian populations. UNITA tightly restricted freedom of speech, the press, assembly, association, and movement. UNITA did not cooperate with independent investigations of human rights abuses by United Nations human rights monitors, the only such monitors in the country.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Politically and economically motivated violence by state security forces and common criminal violence were often indistinguishable. A large number of violent crimes including robbery, vehicle hijackings, assault, kidnaping, rape, and murder were committed by members of the military and police forces both in and out of uniform. For example, the Government's so-called antibanditry campaign late in the year in the provinces of Benguela, Huila, and Huambo had to be abandoned when even the Government acknowledged that its own security forces were out of control. Although most criminal activity was committed by poorly and irregularly paid rogue elements of the security forces, there were credible reports that some of these attacks were carried out under orders from the Government. The Government did not take any effective action to punish abusers, especially in areas to which government authority had recently been extended.

Frequent gun battles between members of the military and police, and fighting among soldiers, police, and bandits in streets, suburbs, and open air markets of major urban centers resulted in numerous civilian casualties.

Many prisoners died as a result of inadequate food, poor sanitary conditions, and lack of medical treatment (see Section I.c.).

The 1995 killing of independent journalist Ricardo de Mello remains unsolved, as do the October 1995 murder of state-owned-television journalist Antonio Casmiro in Cabinda (see Section 2.a.) and the 1994 killing of the Vice-Governor of Malange Province. The results of the investigation into the November 1993 death of opposition politician Carlos Simea were never released. It is widely believed that these persons were killed for political reasons.

Civilians reportedly were killed in the cross-fire between the Angolan National Army and the armed factions of the Cabinda Enclave Liberation

Front (FLEC). Fighting is concentrated in the northern areas of Tandu-Zinze, Kuku-Zau, and Belize.

UNITA forces also continued to kill civilians (see Section I.g.). It has been credibly alleged that dozens of prisoners died in UNITA custody (see Sections I.c. and I.d.).

There was no investigation of the mass grave site found in June 1996 in Soyo, Zaire Province. The Joint Commission determined that the killings took place prior to the signing of the Lusaka Protocol in November 1994 and that UNAVEM, and later MONUA, did not have the mandate to investigate.

Two mass grave sites were discovered in Huambo Province in November, but MONUA has yet to determine the circumstances and timing of the deaths. The Joint Commission issued a declaration that these sites should not be disturbed until the situation on the ground allows for a proper forensic investigation.

b. Disappearance

The Government and UNITA continued to accuse each other of abductions and disappearances of civilians including traditional leaders (Sobas) and party activists. MONUA investigates all alleged cease-fire violations and human rights abuses that are reported to it by the Government, UNITA, and private individuals. It divides allegations into confirmed and unconfirmed and pending, and it assigns responsibility of confirmed incidents to the Government, UNITA, or bandits. While the cases reported to MONUA represent only part of the offenses that occurred in 1997, a pattern of government and UNITA disregard for the human rights of civilian populations can be discerned. For example, MONUA confirmed 100 cease-fire violations by the Government and UNITA (plus 36 acts of banditry) in the last quarter of the year, of which 41 were serious human rights incidents committed by either the Government or UNITA. A total of 18 incidents involved attacks on communities, another 16 involved the detention, harassment, or disappearance of civilians, and 7 involved the theft of property.

There were no developments in the August 1994 disappearances of two individuals associated with Africare, Vincent Douma and Oliveira Lemba. The International Committee of the Red Cross (ICRC) and the human rights division of MONUA, as well as civilian police, continued searching for them throughout the year.

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

There were credible firsthand reports that the police committed torture. In many cases the police beat and then release detainees rather than make an effort to prepare a formal court case. Security forces also committed rapes.

UNITA forces continued to attack the civilian population and also committed rapes.

Prison conditions constituted a serious threat to the health and life of prisoners. The Government and the National Assembly Committee on Human Rights have acknowledged that conditions are inhuman. Cells are overcrowded and lack basic sanitary facilities. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports that many prisoners died of malnutrition and disease.

Prison officials routinely beat detainees. Prisoners depended on families, friends, and international relief organizations for basic support. On August 4, Vice Minister of the Interior Jeronimo Marcolino visited Bentiaba prison in Namibe Province and acknowledged that the conditions were harsh and life threatening. Tribunals are not functioning, and there are persons who have been in preventive detention for longer than the 135-day period allowed by law and who have not yet been put on trial.

Ten UNITA members died in the custody of the National Police in Malange in November. A government report on the incident claimed that 9 had died as a result of fighting among a group of over 50 prisoners, and 1 had committed suicide. The Government report absolved the National Police of any responsibility. However, the prisoners were held for over 24 hours in inhuman conditions, and international and other observers believed that they died of asphyxiation. The Government refused to perform autopsies and declined to return the bodies to the families of the deceased. The Government also refused to allow the exhumation of the bodies.

The Government permitted prison visits by MONUA human rights monitors.

It has been credibly alleged that dozens of prisoners died in UNITA custody (see Section 1.d.)

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under the law a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that an arrest warrant be signed by a judge or a provincial magistrate. Arrest warrants may also be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to a prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before trial to prepare a case, although this deadline may be extended by attorneys general but only under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members. However, a scarcity of resources and the lack of qualified and motivated personnel in the judicial system, limited the exercise of these rights.

Although in 1993 the Council of Ministers decided to transfer control of the judicial process and prison system from the Interior Ministry to the Justice Ministry, the decision had not been implemented as of year's end. Interior Ministry personnel continued to systematically,

arbitrarily, and secretly arrest and detain persons for all categories of crime for indefinite periods of time, often without any apparent intent of bringing the detainees to trial.

Throughout 1996, UNAVEM III human rights monitors visited 12 prisons and found that more than half of all inmates were awaiting trial. This figure was as high as 90 percent in Luanda. Under Angolan law, a prisoner may not be legally held for longer than 135 days without trial. In reality most prisoners awaiting trial have been incarcerated for longer than 135 days. In many cases the police beat and then release detainees rather than make an effort to prepare a formal court case.

According to the Government there are no political prisoners in government custody. However, the security services routinely are used to serve the interests of the ruling MPLA, including detention and harassment of oppositionists.

UNITA continues to detain persons against their will. The number of such persons is unknown, though a number of confirmed cases exist: Eugenio Manuvakola (former UNITA Secretary General and signer of the Lusaka Protocol), Germana Malaquias, Linda Arthur Chipuku, Shita Nkongo Artur Danda, Carlos Emerson Artur Danda, and Telma Nunda. Manuvakola was kept under house arrest for 3 years, escaping to Luanda in August, where he recounted the harsh conditions of his illegal detention and torture, and gave credible reports of substantial numbers of people under UNITA house arrest.

The Lusaka Protocol provides for the release, under ICRC auspices, of persons detained for war-related reasons. As of September 10, 1996, the ICRC reported that 535 prisoners reported by the Government (369) and by UNITA (166) had been released. However, the ICRC has reclassified 78 prisoners originally reported to the ICRC by UNITA as "disappeared" because UNITA claimed that they were no longer in its possession. It was credibly alleged that most or all of these individuals died in UNITA custody. In October 1996, the ICRC arranged the release of 205 political detainees in government and UNITA custody. There have been no cases filed with ICRC since.

The Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the court system lacked the means, experience, and training to be truly independent from the influence of the President and the ruling MPLA. The President has strong appointive powers, including appointment of Supreme Court justices, with no requirement for confirmation by the National Assembly. The judicial system was largely destroyed during the civil war and during 1997 did not function in large areas of the country.

The court system comprises the Supreme Court at the appellate level, and municipal and provincial courts of original jurisdiction under the authority of the Supreme Court. As of the end of the year, 9 of the 12 seats on the Supreme Court had been filled. The Court serves as an

appellate tribunal for questions of law and fact, but it does not have authority to interpret the Constitution. The Constitution reserves this role for a constitutional court, an entity that had not yet been set up as of year's end. The Constitution provides for the creation of an office of the "Provider of Justice," or ombudsman, designated by the National Assembly for a 4-year term, to defend citizens' rights and liberties. This office also had not yet been constituted at year's end.

Trials for political and security crimes are handled exclusively by the Supreme Court. There were no known political or security trials.

The Constitution provides defendants with the presumption of innocence, the right to a defense and legal assistance, and the right of appeal. Amendments to the Code for Penal Process in 1991 provided for public trials, established a system of bail, and recognized the accused's right to counsel. However, the Government does not respect these rights in practice. Municipal courts deal rapidly with routine civil and misdemeanor cases on a daily basis. Judges are normally respected laymen, not licensed lawyers. The judge and two laymen selected by the full court act as jury. Routine cases are usually settled by a court within 3 months. The verdict is pronounced the day following the conclusion of the trial in the presence of the defendant. More than half of all prisoners in jail are awaiting trial (see Section I.c.).

UNITA has established a military and a civilian court system in territories under its control and claims that its civil code is equivalent to the Portuguese civil code currently used by the Government. UNITA President Jonas Savimbi appoints judges personally, and UNITA trials are not open to the public. Juries consist of male elders chosen from the community. The accused reportedly has the right to a lawyer.

There are credible reports that the Government holds political prisoners; however, the number is unknown. There are numerous confirmed cases of UNITA-held political prisoners. It is unknown if persons detained by UNITA have been convicted by some judicial procedure. Even if they were, decisions made by self-styled UNITA courts have no standing under the legal system of the Republic of Angola or other protections of rule of law.

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

The Government maintained a sophisticated security apparatus dedicated to surveillance, monitoring, and wiretapping of certain groups, including journalists, opposition party leaders, members and suspected sympathizers of UNITA, National Assembly deputies, and foreign diplomats. Legal requirements for search warrants are routinely disregarded.

Both the Government and UNITA continued to forcibly conscript civilians for military duty (see Section I.g.). There were credible reports that military-aged Rwandan refugees, including minor children, were forcibly conscripted into UNITA's forces when they entered areas of Angola under UNITA control in July and August. On July 6, UNITA forcibly conscripted

200 youths in Cubal, Benguela Province, part of a continuing pattern.

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Land mines planted during the civil war to gain military advantage and to restrict the free circulation of people and goods continued to kill and maim thousands of people. Many major roads were demined and reopened as a consequence of government and UNITA commitments to allow the free circulation of people and goods throughout Angola. However, new mines were planted late in the year in Bie, Uige, and Moxico provinces. In October a group of deminers were attacked, and six people killed in Chongoroi in Benguela Province. While the perpetrators were not identified, the deaths followed threats by local UNITA supporters against deminers in a nearby area. In many areas local authorities and military commanders of both parties continued to restrict free and safe passage of local populations, humanitarian organizations providing relief assistance, and United Nations observers. Freedom of movement was particularly constricted in the northeastern provinces of Lunda Norte and Lunda Sul. UNITA forced demobilized soldiers to go to areas of its choosing rather than to their home villages. On May 30, Vice Minister of Territorial Administration N'Zau Puna and UNITA Joint Commission delegate Isaias Samakuva were publicly attacked and injured in Quibala by more than a dozen individuals known to be UNITA supporters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press, and specifically provides that the press cannot be subject to political, ideological, or artistic censorship. However, the Government does not always respect these rights in practice. Citizens, including Deputies in the National Assembly, expect reprisals for public criticism of the Government or the MPLA. The formation of the GURN and the seating of 70 UNITA members in the National Assembly opened the political process to greater debate. The Government intimidates journalists, sometimes with death threats, into practicing self-censorship.

Ricardo de Mello, editor of *Imparcial Fax*, was killed in 1995 following the publication of an article on government corruption, which named Minister of the Interior Santana Andre Pitra Petroff as one corrupt official. There has been no investigation of this killing by the Government. Angola's open involvement in the October fighting in the Republic of Congo was never reported in the official media. The Government runs and tightly controls the only daily newspaper, the only television station, and the major radio station. It tightly restricts opposition leaders' access to these media. Five commercial radio stations, three private weeklies, and one twice-weekly newspaper all practice some measure of self-censorship. Low-circulation newsletters that openly criticize government policy and highlight growing socioeconomic problems have thus far been allowed to operate. The

Government allows UNAVEM/MONUA to broadcast a series of "Roads of Peace" television and radio programs each week, although it continues to deny UNAVEM/MONUA the right to establish its own radio station.

Media policy and censorship are controlled by a committee composed of the Minister of Social Communication, the press spokesperson for the presidency, and the directors of the state-owned radio, television, and newspaper. The state-controlled national radio headquarters in Luanda reviewed programs broadcast on national radio stations in provincial capitals.

The Government generally was less restrictive with foreign news agencies such as the Voice of America, the British Broadcasting Corporation, and the Cable News Network, although it continues to prohibit direct retransmission. Foreign journalists require authorization from the Minister of Interior in order to obtain access to government officials or travel within Angola. Both the Government and UNITA invited journalists to planned press events and to visit areas under their control.

UNITA runs the Voice of the Resistance of the Black Cockerel (VORGAN), which often broadcasts hostile propaganda against the Government, contrary to the provisions of the Lusaka Protocol. For example, a UNITA broadcast in July accused the MPLA of declaring war against the people of Angola and urged the people to resist. However, the use of hostile propaganda declined towards year's end. Under the protocol, UNITA is obliged to transform Radio VORGAN into a nonpartisan private commercial station. UNITA's newspaper, Terra Angolana, follows a strictly pro-UNITA line and could not be found in government-controlled areas. UNITA prohibits the press from freely entering UNITA-controlled territory.

Academic life has been severely circumscribed by the civil war, but there is academic freedom, and academics do not practice self-censorship.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of assembly, association, and protest, but the Government does not respect these rights in practice. The Government strictly controls both assembly and association. Legislation allows the Government to deny registration to private associations on security grounds, and the Government arbitrarily limits organized activities deemed inimical to its interests. The law also requires a minimum of 3 days' prior notice to authorities before public or private assemblies are scheduled to be held, and it makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty".

In May 1996, Konrad Leibsher, a Catholic priest working with Luanda's poor, was arrested and tried for "crimes against the security of the state" for displaying placards decrying deteriorating economic conditions in Luanda. The Government prosecutor argued that crowds drawn by the priest's placards violated the law on meeting and demonstrations that requires prior government approval of gatherings that have the

potential to endanger public order. The defense argument that freedom of speech protections are enshrined in the Constitution prevailed.

Legislation allows the Government to deny registration to private associations on security grounds, and the Government arbitrarily limits organized activities deemed inimical to its interests.

The Constitution provides for the right of association, but the Government does not respect this right in practice. The Government strictly controls freedom of association.

UNITA did not allow free assembly and association in areas under its control.

c. Freedom of Religion

The Constitution provides for freedom of religion, including the separation of church and state, and the Government respects this right in practice.

During the May 1996 trial of Catholic priest Konrad Leibsher (see Section 2.b.), the government-controlled newspaper published a front page editorial accusing the priest of subversive activities, ordering the Church to stay out of social affairs, and insisting that sovereignty and order must be safeguarded. The Angolan Catholic Church issued a response supporting the priest, calling it the duty of every religious minister to confront issues of social justice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence within Angola and freedom of exit from and entry into the country, but the Government does not respect these rights in practice. As part of the peace process, both the Government and UNITA committed themselves to allow the free circulation of people and goods, but local authorities and military commanders continued to restrict movement in many areas. The Government and UNITA continue to operate illegal checkpoints in many areas of the country that limit freedom of movement and economic activity. Nevertheless, many major roads were demined and opened to traffic. Roughly a fifth of Angola's 1.2 million internally displaced persons returned home; as did a third of the 325,000 Angolan refugees living in neighboring countries. Remining of roads in areas of the country under UNITA control, or adjacent to such areas, caused additional civilian casualties as well as new restrictions on the freedom of movement.

Angola is a party to both the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and Organization of African Unity Convention on Refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government provides first asylum to refugees. An eligibility committee to evaluate asylum claims was established on paper in 1990, was first staffed in 1995, and now meets regularly to evaluate asylum requests. There are approximately

9,600 refugees from the Democratic Republic of the Congo, at least 1,000 of whom have been officially granted refugee status. There were no reports of the forced expulsion of persons with valid claims to refugee status. As of October, there were some 2,000 refugees in Luau, Moxico Province, an area that reverted to government control in September. The Government agreed not to arbitrarily expel or forcibly repatriate this group of Rwandan and Burundian refugees and allowed the UNHCR to provide all appropriate assistance.

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

The Constitution provides all adult citizens with the right to vote by secret ballot in direct, multiparty elections to choose the President of the Republic and the deputies of the National Assembly. However, in practice, citizens have no effective means to change their government.

The President is elected by absolute majority. If no candidate obtains a majority of votes cast, there is a runoff between the two candidates with the highest number of votes. The National Assembly consists of 220 deputies, 130 elected on a national ballot and 90 elected to represent the provinces. The Electoral Law also provides for the election of three additional deputies to represent Angolans living abroad; however, these positions were not filled in the 1992 elections. Ruling power is concentrated in the President who appoints the Prime Minister and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. The National Assembly has, since its inception, served as a rubber stamp for the Council of Ministers. However, the seating of 70 UNITA deputies in April fostered for the first time substantive debates on issues ranging from the peace process to the Government's budgeting priorities and accountability. Subsequently, all parties called for the National Assembly to assume greater powers.

Citizens exercised their constitutional right to elect the President and members of the National Assembly in the country's first free election, held under U.N. auspices in 1992. President dos Santos won 49.5 percent of the vote and should have faced UNITA leader Savimbi, who won just over 40 percent of the vote, in a constitutionally mandated runoff election. UNITA and other parties accused the Government of massive electoral fraud, but U.N. and other international observers declared the elections generally free and fair and called on UNITA to accept the results. The civil war resumed after UNITA rejected the election results, and the runoff in the presidential elections was postponed indefinitely. The U.N. is authorized by the Lusaka Protocol to declare that requisite conditions have been met to hold the second round of presidential elections.

In April the MPLA, UNITA, and 10 small opposition parties, joined to form a government of unity and national reconciliation. All 70 UNITA deputies took their seats in the National Assembly for the first time since the 1992 elections. UNITA officials assumed the posts of Ministers

of Geology and Mines, Trade, Health, and Hotel and Tourism; Deputy Minister of Defense, Home Affairs, Finance, Agriculture, Public Works, Social Reintegration, and Mass Communication. UNITA cabinet officials have been allowed considerable freedom within their areas of direct responsibility, but they have had little input on overall government policy. UNITA leader Jonas Savimbi has so far refused to assume the duties of leader of the largest opposition party, a position created for him by the National Assembly in April. The measure creating the position was never published in the government gazette, as required by Angolan law, and was automatically nullified 10 days after passage.

The National Assembly began to conduct substantive debates on national policy. In July military preparations in the provinces of Lunda Norte and Lunda Sul led to often acrimonious debates which were broadcast on national radio. During the August debate on the national budget, the National Assembly passed a resolution criticizing the Council of Ministers for the small amount spent on education and health.

There are no legal barriers to the participation of women in the political process; however, only 10 of 83 cabinet positions, 35 of 220 seats in the National Assembly, and 0 of 9 seats on the Supreme Court are held by women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally cooperated with UNAVEM/MONUA human rights monitors. The Angolan Human Rights Association, the only Angolan human rights group, and the Human Rights Committee of the National Assembly remained weak and ineffective. UNITA reports its human rights concerns through its Lisbon-based Association of Surviving Angolans (ACAS). The Dominican Order of the Roman Catholic Church is building a cultural center on the outskirts of Luanda that is to have a human rights component.

The UNAVEM/MONUA Human Rights Monitoring Group (HRMG) established offices in six provinces, conducted human rights training for U.N. Forces, and investigated individual cases of human rights abuses. Human rights committees were established in Namibe, Benguela, Huambo, Kwanza Sul, Uige, and Cunene. Committees consist of representatives from government and civic organizations. In Uige both government and UNITA representatives participate. To date, the committees have done little investigative work, though their establishment is considered a positive first step.

The HRMG'S work was hampered by insufficient staff throughout much of 1997, ranging from 3 to 10 investigators, and other difficulties. The arrival of 55 MONUA human rights officers in September greatly increased the HRMG's capacity.

UNITA impedes independent investigations of human rights abuses in territory that it controls. It denied attempts by UNAVEM/MONUA to investigate complaints of human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Under the Constitution all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, religion, ideology, degree of education, or economic or social condition. The Government does not have the ability to enforce these provisions effectively.

Women

Violence against women was widespread. In March a Ministry of Women was created to deal specifically with this problem. In the last half of the year, a series of national conferences on violence against women, partially funded with foreign assistance, were held which resulted in resolutions calling on the Government to reform the civil code to end women's legal inequality; to hire more female police officers giving them responsibilities for domestic abuse cases; and to create a social welfare program.

The Constitution and Family Code provide for equal rights without regard to race, religion, gender, national origin, ideology, level of education, or socioeconomic condition. However, a portion of Angola's civil code dates back to colonial times and includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities.

The maternal mortality rate during 1996 was 1,500 per 100,000 live births. There is no effective means to enforce child support laws, and women carry the major responsibility for raising children. Due to dire economic circumstances, increasing numbers of women engaged in prostitution. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by their spouses.

Despite constitutional protections, women suffered from discrimination. The law provides for equal pay for equal work, but in practice women are not compensated equally. Some women held senior positions in the military (primarily in the medical field) and civil service, but women were mostly relegated to low-level positions in state-run industries and in the small private sector. In much of the country in recent years women swelled the ranks of the disabled because they often set off land mines while foraging in the fields for food and firewood. Adult women may open a bank account, accept employment, and own property without interference from their spouses. Women also have the right to inherit property. Upon the death of a male head of a household, the widow automatically is entitled to 50 percent of any estate with the remainder divided equally among legitimate children.

Children

The Government gave only marginal attention to children's rights and welfare, in spite of the fact that over half the population is under the age of 15. The Education Ministry barely functions due to a meager education budget. Low to nonexistent pay has resulted in a shortage of

teachers. There is a net enrollment rate of 40 percent of the school-age children, down from 42 percent in 1992, with an 18-point gap between boys and girls to the detriment of girls. In 1996 it was estimated that 872,575 school-age children were out of school. The public school network in its present state cannot absorb these children. Most educational infrastructures are partially or totally damaged and lack basic equipment and teaching materials. A highly successful nationwide antipolio campaign in 1996 and 1997 was an important exception to the lack of government health programs for children.

The peace process has allowed the successful demobilization and reintegration of over 8,000 child soldiers from both government and UNITA forces. However, UNITA has impeded planned follow-up assistance to most of its underage demobilized soldiers. An increase in the number of street children in Luanda and other cities resulted from the breakdown of family structure caused by the resumption of the civil war in 1992 and the continuing deterioration of the economy. UNICEF estimates that there are approximately 5,000 street children in Luanda alone. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets. Street children wash cars, shine shoes, and carry water, but also beg, steal, pick through garbage, and prostitute themselves in order to survive. The Christian Children's Fund, a nongovernmental organization working with children, estimates that there are approximately 500 to 1,000 prostitutes under the age of 18 in Luanda.

The government-sponsored National Institute for Children is a well-intentioned organization, but it lacks the capacity to adequately assist efforts by international nongovernmental organizations to assist dispossessed youth. There are no active private children's rights advocacy groups, although the Association of Women Jurists has signaled its intention to take up these issues. Minister of Justice Paulo Tjipilica has been an outspoken advocate of children's rights and has launched a nationwide campaign to register 3 million children.

Female genital mutilation (FGM), is widely condemned by international health experts as damaging to both physical and psychological health. There is very little evidence of the practice of FGM in Angola. It reportedly occurs rarely in remote areas of Moxico Province, bordering the Democratic Republic of the Congo and Zambia.

People With Disabilities

The number of physically disabled includes an estimated 78,000 people who were disabled by land mine explosions. While there is no institutional discrimination against people with disabilities, the Government is doing little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for the disabled to public or private facilities, and, given the degradation of the nation's infrastructure and the high unemployment rate, it is difficult for the disabled to find employment or participate in the education system.

National/Racial/Ethnic Minorities

Angola's population includes 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered throughout the southern provinces of Namibe, Cunene, and Cuando Cubango. There is no evidence that they suffer from official discrimination or harassment, but they do not participate actively in the political or economic life of the country and have a marginal ability to influence government decisions concerning their interests.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and join trade unions, engage in union activity, and strike, but the Government does not consistently respect these rights in practice. Although the Government dominated the National Union of Angolan Workers (UNTA), which is the labor organ of the ruling MPLA, the General Center of Independent and Free Labor Unions of Angola (CGSILA) remained relatively independent. SIMPROF (Syndicatos de Professores), a nationwide teachers' union, staged strikes demanding better pay for teachers, and met with some limited success. The law requires that labor unions be recognized by the Government. Restrictions on civil liberties potentially prevent any labor activity not approved by the Government. However, the major impediment to organized labor's ability to advocate on behalf of workers is the 80 percent unemployment rate.

The Constitution provides for the right to strike, and legislation passed in 1991 provides the legal framework for, and strictly regulates the exercise of, that right. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by military and police personnel, prison workers, and firemen. The law does not effectively prohibit employer retribution against strikers.

Employees of the Ministry of Health, including medical personnel, as well as teachers staged strikes during the year. Stevedores and other port personnel also threatened to strike. In 1996 there were strikes against the Government by teachers, doctors, and nurses, among others. The Health and Education Ministries negotiated settlements but repeatedly failed to honor them because of lack of resources. On Labor Day, May 1, 1996, the Government deployed paramilitary police in all public spaces in Luanda to deter rumored labor demonstrations.

Unions have the right to affiliate internationally.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize, and the law provides for collective bargaining, but the Government does not respect these rights in practice. The Government dominates the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security sets wages and benefits on an annual basis. In 1996 the Government failed to honor a February 1996 agreement

between the teachers' union and the Education Ministry to provide teachers an indexed wage. In the small private sector, wages are based on multiples of the minimum salary set by the Government. Legislation prohibits discrimination against union members. Union members' complaints are adjudicated in the regular civil courts. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Current law authorizing forced labor for breaches of worker discipline and participation in strikes has been cited by the International Labor Organization as a violation of its Convention 105. The laws prohibit forced or bonded child labor, but the Government does not have the capacity to enforce these provisions. According to the General Employment Law and complimentary legislation of 1981, children under the age of 14 cannot be employed. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations that require great physical effort. However, these provisions are generally unenforced.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 14 years. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. This Ministry maintains employment centers where prospective employees register, and the centers screen out applicants under the age of 14. However, many younger children work on family farms, as domestic servants, and in the informal economy. Family-based child labor in the subsistence agricultural sector is common. Poverty and social upheavals have brought large numbers of orphaned and abandoned children into the unregulated urban informal sector. Laws exist that prohibit child labor, but the Government does not enforce them (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum wage set by the Ministry of Public Administration, Employment and Social Security was roughly \$30 per month before erosion of the currency by inflation (with the rapid devaluation of the kwanza, the dollar value of the minimum wage was \$2 a month at the end of 1995). However, the Government does not enforce this standard. Neither the minimum wage nor the average monthly salary, which ranges in Luanda from approximately \$50 to \$160, is sufficient to provide a decent living for a worker and family. As a result, many wage earners depend on the thriving informal sector, subsistence farming, theft, corruption, or support from relatives abroad in order to survive.

A 1994 government decree established a 37-hour workweek. However, inadequate resources prevented the Ministry of Public Administration, Employment, and Social Security from enforcing this standard or from enforcing occupational health and safety standards. Workers cannot

remove themselves from dangerous work situations without jeopardizing their continued employment.

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