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Angola Country Report on Human Rights Practices for 1996

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## ANGOLA

The Republic of Angola is in 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 guarantees of basic human rights, but the Government does not generally respect its provisions in practice. In 1992 President Jose Eduardo dos Santos received a plurality of the votes in Angola's first elections, which United Nations' (U.N.) observers declared to be free and fair. Pending final resolution of the peace process, the President and the MPLA, backed by the security services, continue to dominate the Government. The judiciary is not independent of the President and the MPLA.

In November 1994, the Government signed the Lusaka Protocol peace accord with the National Union for the Total Independence of Angola (UNITA) in an effort to end 20 years of civil war. Under the auspices of the United Nations Angola Peacekeeping Mission (UNAVEM III) and with the help of three observer countries--the United States, Portugal, and Russia--the Government and UNITA continue to implement the Lusaka Protocol's provisions for a cease-fire, withdrawal of forces in contact, disarming and quartering of UNITA forces, integration of some UNITA soldiers into the Angolan armed forces, demobilization of remaining combatants, and creation of a Government of National Reconciliation. In May the National Assembly passed and President Dos Santos signed a blanket amnesty covering all crimes under military as well as civilian law against internal state security committed from May 31, 1991, to May 8, 1996. Passage of this law removed one of the last obstacles to UNITA's integration into Angola's armed forces.

The Ministry of the Interior is responsible for internal security. It exercises this function through the National Police and the paramilitary Rapid Intervention Police created in 1992 as an elite military force. 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 authority. Members of the



security forces committed numerous, serious human rights abuses.

Angola's developing economy, in transition from a centrally directed to a market-based model, has significant potential to exploit extensive natural resource reserves and rich agricultural lands. Principal exports are petroleum and diamonds, which together with foreign aid are the country's leading sources of foreign exchange. Oil revenues for 1996 exceeded \$4 billion and diamond revenues exceeded \$850 million. Subsistence agriculture, the traditional livelihood for the majority of Angola's approximately 12 million citizens, was severely constrained by heavily mined fields and roads as well as by both government and UNITA restrictions on freedom of movement. In 1996 more than 3 million Angolans remained displaced or affected by the war, including 1.2 million who relied on emergency food aid supplied by the international donor community. Areas under government control suffered from hyperinflation, scarcity of consumer goods, massive unemployment and underemployment, and continuing pervasive corruption. While the Government took some measures to increase the availability and control prices of consumer staples, these initiatives did not remedy the root causes of economic instability and are not sustainable. Areas controlled by UNITA experienced scarcities of consumer goods along with massive unemployment and underemployment. Annual per capita gross national product is roughly \$320, but much of the country's wealth remains concentrated in the hands of the small MPLA, military, and business elites. The average monthly salary of wage earners is equivalent to only about \$10 (\$50 to \$100 in the Luanda area), which provides most of the population with a very low 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 numerous extrajudicial killings, arbitrarily and secretly arrested and detained individuals, and routinely 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 to justify allowing emergency considerations to override concerns over human rights abuses. Prison conditions were life threatening. 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 is not independent from the President and the MPLA, and the judicial system does not assure fair trials. 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 to be held when 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.

UNITA human rights abuses in territories under its control included disappearances, arbitrary arrests and detentions, denial of fair public trial, forced conscription, and violations of humanitarian law, including attacks on civilian populations. UNITA also restricted freedom

of speech, the press, assembly, association, and movement.

## 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. 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.

There were credible reports that the Rapid Intervention Police summarily executed people caught in the act of committing crimes. 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.

There were credible reports that many prisoners died as a result of inadequate food and medical treatment (see Section 1.c.).

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

UNITA forces continued to kill civilians (see Section 1.g.). It was credibly alleged that dozens of prisoners died in UNITA custody (see Sections 1.c. and 1.d.).

In June private demining companies clearing oil production facilities in Soyo, Zaire province, uncovered a mass grave site. More than 100 bodies were found, and it is likely that many more will be uncovered as demining work progresses. Credible evidence indicates that these killings were committed by UNITA forces during their capture of the city in May 1993. UNAVEM observers have not yet concluded their investigation into this discovery. Given the over 500,000 war and war-related deaths attributed to Angola's 20-year civil war, it is likely that additional mass graves will be discovered.

### b. Disappearance

The Government and UNITA continued to accuse each other of abductions and disappearances of civilians. There are reportedly dozens of kidnapings, abductions, and disappearances per month.

There were no developments in the August 1994 disappearances of two individuals associated with Africare, Vincent Douma and Oliveira Lembe. The International Committee of the Red Cross (ICRC) and U.N. agencies continued searching for them throughout the year.

The ICRC reclassified 78 prisoners of UNITA as "disappeared." There were credible allegations that many of these persons died in UNITA custody.

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

There were credible firsthand reports that the police committed torture. Prison officials employed by the Interior Ministry routinely beat accused individuals in Comarca de Viana, a prison on the outskirts of Luanda, to extract information or confessions prior to trial. In many cases the police routinely beat and then released detainees rather than make an effort to prepare a formal court case. Government forces continued to rob and rape civilians (see Section 1.g.).

A Catholic priest who runs an orphanage in Twambo credibly reported that regional Ministry of Justice officials made threats against his life, reportedly because of his alleged sympathies with UNITA.

Prison conditions constituted a 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 tuberculosis. Prison officials routinely beat detainees. Prisoners depended on families, friends, and international relief organizations for basic support.

The Government permitted prison visits by UNAVEM human rights monitors.

UNITA forces continued to rob and rape civilians (see Section 1.g.).

d. Arbitrary Arrest, Detention, or Exile

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 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.

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. However, this transfer had not yet been made by 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.

The number of people detained by the Government and UNITA for political and security reasons is unknown.

The Lusaka Protocol provides for the release, under ICRC auspices, of persons detained for war-related reasons. As of September 10, 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.

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 judicial system was largely destroyed during the civil war and during 1996 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. The President has strong appointive powers, including appointment of Supreme Court judges, with no requirement for confirmation by the National Assembly. As of September, 12 of the 16 seats on the Supreme Court remained vacant. 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 constituted at year's end. The Constitution provides for the creation of an office of the "Provider of Justice," 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 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 and to testify. However, the Government often did not respect these rights in practice. Municipal courts normally 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 normally dispatched by a court within 3 months. The verdict is pronounced the day following the conclusion of the trial in the presence of the defendant.

There are credible reports that the Government holds political prisoners; however, the number is unknown.

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.

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

The Government maintained a sophisticated security apparatus dedicated to surveillance, monitoring, and wire tapping of certain groups, including journalists, opposition party leaders, members and suspected sympathizers of UNITA, National Assembly deputies, and foreign diplomats. The law requires judicial warrants for searches of private homes. However, executive orders have been used to override normal legal provisions, as in the case of an executive order authorizing joint armed forces and police sweeps to seize weapons held by civilians in major urban areas in July and August. In August the Government began a 4-month operation, "Cancer II," that expelled over 4,000 Malian, Lebanese, Gabonese, and other foreign residents of Angola whose immigration status was deemed irregular. These prisoners were often held for more than 72 hours without appearance before a judge, and their deportations were carried out entirely within the executive branch without any judicial oversight or opportunity to challenge the legality of the decisions of police, customs, and immigration officers.

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

Consolidation of the Lusaka Protocol peace process resulted in a significant decline in the widespread abuses of humanitarian standards committed by both government and UNITA forces during the previous 20 years. However, government and UNITA forces continued to subject hundreds of civilians to robbery, rape, or murder. "Bandits" (a term also applied to rogue elements of the armed forces) were also responsible for many attacks against civilian populations, with numerous confirmed incidents concentrated in the Quilenges, Huila province; and Chongoroi, Benguela province; areas. On May 22, armed bandits robbing a civilian truck in Quilenges fired on a passing UNAVEM vehicle. While no peacekeepers were hit, five civilians were killed and at least six injured.

Millions of mines, which were planted during the 20-year 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, 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. There were isolated incidents in the

northeastern Lunda provinces and in Moxico where credible evidence indicates that demined roads were newly remined.

## 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 respect these rights in practice. Citizens, including deputies in the National Assembly, expect reprisals for public criticism of the Government or the MPLA, and the Government attempts to impede such criticism by monitoring and restricting access to political meetings. Journalists are intimidated into practicing self-censorship. 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. While two commercial radio stations and three private weekly and biweekly newspapers all practice self-censorship, several occasional newsletters are published that are openly critical of government officials and policy. The Government also allows UNAVEM to broadcast free of charge a series of "Roads of Peace" television and radio programs each week, although it has denied UNAVEM 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 spokesman for the presidency, and the directors of the state-owned radio, television, and newspaper. The state-controlled national radio headquarters in Luanda cleared programs broadcast on national radio stations in provincial capitals.

Journalists admitted that they practice self-censorship and that repeated "errors in judgment" could result in dismissal and death threats. The January 1995 murder of Ricardo de Mello, editor of the independent newsletter *Imparcial Fax*, remains unsolved. It was a major blow to the development of a free press in Angola.

The Government was less restrictive with foreign news agencies such as the Voice of America, the British Broadcasting Corporation, and Cable News Network. 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 a tightly controlled radio station whose broadcasts of often inflammatory material are heard throughout Angola. Lusaka Protocol provisions to convert this station into a nonpartisan private commercial station have not yet been completed. UNITA's newspaper, *Terra Angolana*, could not be found in government-controlled areas.

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 association, assembly, and protest, but the Government does not respect these rights in practice. The Government strictly controls both assembly and association, the Rapid Intervention Police were mobilized twice in the capital during May to deter planned demonstrations. 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 and makes participants liable for "offenses against the honor and consideration due to persons and to the organs of sovereignty" (see Section 2.c.).

In May 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, which requires prior government approval of gatherings which have the potential to endanger public order. The defense argument that freedom of speech guarantees are enshrined in the Constitution prevailed.

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. The authorities apparently did not enforce a 1995 government order prohibiting the practice of religion outside of approved locations.

During the May 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. Nevertheless, many major roads were demined and opened to traffic, and part of Angola's 850,000 internally displaced persons and of the 325,000 refugees in neighboring countries began to return to their homes.

In a 4-month period beginning in August, the coordinated government

operation Cancer II expelled more than 4,000 foreign residents whose immigration status was deemed irregular (see Section 1.f.).

Angola is a party to both the United Nations and Organization of African Unity conventions on refugees, and the Government cooperates with the U.N. High Commissioner for Refugees. The Government provides first asylum to refugees. An eligibility committee to evaluate asylum claims was established on paper in 1990, but was first staffed in 1995, and now meets regularly to evaluate asylum requests. There are approximately 9,600 Zairian refugees in Angola, 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.

### 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 deputies of the National Assembly. However, 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 basis and 90 elected to represent the provinces. 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 people exercised their new constitutional right to elect their government in September 1992 presidential and legislative elections. President dos Santos won 49.5 percent of the votes and should have faced UNITA leader Savimbi in a runoff election. UNITA and other parties accused the Government of massive electoral fraud, but U.N. 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. Subsequently, a small group within the MPLA has succeeded in maintaining a monopoly on governmental power. The U.N. is authorized by the Lusaka Protocol to declare when requisite conditions have been met to hold the second round of presidential elections. As part of the peace process, the Constitution was amended in 1996 to extend the mandate of the current Government and National Assembly past the November 1996 expiration of their terms to permit a smooth transition to a government of national reconciliation.

The National Assembly exercises little meaningful power independent of the ruling executive structure. Only 5 of 70 UNITA deputies elected to the National Assembly in the 1992 election occupied their seats, although the remainder are expected to do so when a government of national reconciliation and unity is formed. Several small parties are also represented in the National Assembly; however, few opposition deputies participated in National Assembly debate. One vocal opposition

deputy was stripped of his parliamentary immunity by a vote of the MPLA majority to face charges of party registration fraud. Some MPLA deputies admitted that National Assembly debate was frequently superfluous, and the Assembly simply rubberstamped the presidency's initiatives.

There are no legal barriers to the participation of women in the political process. Only 3 of 19 cabinet ministries are headed by women, and 1 of the 12 Supreme Court judges is a woman. Women have been promoted to the rank of subcommissioner (major general equivalent) in the National Police.

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

The Government impedes independent investigations of human rights abuses. Because of government suppression, the one functioning Angolan human rights monitoring group, the Angolan Human Rights Association, was moribund. The Human Rights Committee of the National Assembly remains weak and ineffective.

The UNAVEM Human Rights Monitoring Group (HRMG) held a number of national and regional human rights seminars with senior government and UNITA participation. UNAVEM's HRMG and military and civilian police observers were the only effective human rights monitors, but they did not make the conclusions of their investigations public. Additionally, the Government frequently interfered in UNAVEM's attempts to investigate complaints of human rights violations.

Amnesty International representatives were invited to participate in a June human rights seminar for police and prison officials. The Government granted the ICRC limited access to prisons in 1996. However, the Government denied the ICRC access to people allegedly being held as war-related prisoners (see Section I.d.).

UNITA impedes independent investigations of human rights abuses in territory that it controls. It frequently interfered in UNAVEM's attempts to investigate complaints of human rights violations and denied the ICRC access to persons believed to be held prisoner (see Section I.d.).

#### 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 effectively enforce these provisions.

##### Women

Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by their spouses. Due to dire economic circumstances, increasing numbers of women engaged in prostitution, and the clergy reported that marriages are breaking down at an alarming rate.

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. 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 household, the widow automatically is entitled to 50 percent of any estate with the remainder divided equally among legitimate male and female children.

In much of the country women swelled the ranks of the disabled because they often set off land mines while foraging in the fields for food and firewood.

### Children

The Government gave only marginal attention to children's rights and welfare. Approximately 20 percent of children attend primary education classes. The Health Ministry worked with international donors to coordinate a successful child vaccination campaign against polio in September. Also in cooperation with international aid organizations, the Ministry of Social Integration has begun working to demobilize over 8,000 child soldiers in both government and UNITA armed forces. 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. Child prostitution continued to be a pervasive sign of social decay in urban areas. Young girls often took jobs as domestic servants in private homes while young boys roamed the market places and streets. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets.

The government-sponsored National Institute for Children 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. Medical authorities report that female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, occurs rarely in remote areas of Moxico province, bordering Zaire and Zambia. Government health workers sporadically have campaigned against the practice.

### People with Disabilities

The number of physically disabled in Angola includes an estimated 70,000 people who required amputations due to mine explosions. While there is no institutional discrimination against people with disabilities, the Government is doing little to supplement current demobilization efforts to improve their physical, financial, or social distress. There is no legislation mandating accessibility for the disabled to public or private facilities, and, given the degradation of the nation's infrastructure, it is difficult for the disabled to find employment or participate in the educational system. There were a number of protests

by disabled veterans seeking to improve their benefits and force government attention to their plight.

#### 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.

The long civil conflict has deep ethnic and urban versus rural roots. Many of the small number of white and mixed race Angolans who occupy technical and governmental positions have strongly backed the MPLA. The Government accuses UNITA of exacerbating ethnic tensions by dwelling on the perceived colonial ties of these people.

#### 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 respect these rights in practice. The Government dominated the National Union of Angolan Workers (UNTA), the labor organ of the ruling MPLA. A rival labor federation, the General Centrale of Independent and Free Labor Unions of Angola (CGSILA) was established in May. The law requires that labor unions be recognized by the Government. Restrictions on civil liberties effectively prevent any labor activity not approved by the Government.

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.

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, 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. The Government failed to honor a February 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.

#### d. Minimum Age for Employment of Children

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 these 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.

#### e. Acceptable Conditions of Work

The minimum wage set by the Ministry of Public Administration, Employment and Social Security was set at roughly \$20 per month (4 million kwanzas). However, the Government does not enforce this standard. Neither the minimum wage nor the average monthly salary, which is \$10 (\$50 to \$100 in Luanda), 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 jeopardy to their continued employment.

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