



## U.S. DEPARTMENT of STATE

### Angola

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#### Country Reports on Human Rights Practices - 2004

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Angola is a constitutional republic in transition after its 27-year civil war ended in 2002. Legislation provides for decentralization; however, the Government remained highly centralized and dominated by the Presidency. The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. President Jose Eduardo dos Santos of the MPLA, who assumed power in 1979, won 49 percent of the votes cast in a 1992 election that U.N. observers considered generally free and fair. The Government of National Reconciliation was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA. The National Assembly was weak; while opposition deputies held approximately 43 percent of National Assembly seats, few mechanisms exist to check the power of the MPLA majority or defeat legislation supported by the executive branch. The judiciary was subject to executive influence, functioned poorly at the provincial and municipal levels and did not always ensure due process.

The Ministry of Interior, through the Angolan National Police (ANP), is responsible for internal security. The internal intelligence service is directly answerable to the Office of the Presidency. The Armed Forces of Angola (FAA) is responsible for external security but also has domestic responsibilities; the FAA conducted counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda Armed Forces of Cabinda (FLEC FAC). The civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The mixed economy, dominated by oil, grew by over 10 percent during the year; however, most of the country's wealth remained concentrated in a few hands. Although commercial and agricultural activity in urban and rural areas increased since the end of the war, 70 percent of the population of approximately 13 million continued to live in poverty. Approximately 85 percent of the population residing outside of Luanda were employed in agriculture, mostly at a subsistence level. Corruption, nontransparent contracting practices, and unfair enforcement of regulatory and tax regimes favored the wealthy and politically influential. Poor governance continued to limit the provision of basic services to most citizens. Although conditions improved in many parts of the country, the U.N. Office for the Coordination of Humanitarian Assistance (OCHA) estimated that 1.1 million citizens were still at risk of food insecurity, with 500,000 needing immediate food assistance.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. The right of citizens to change their government remained restricted due to the postponement of elections. Members of the security forces committed unlawful killings, were responsible for disappearances, tortured, beat, raped, and otherwise abused persons. Impunity remained a problem. Prison conditions were harsh and life-threatening. The Government continued to use arbitrary arrest and detention, and lengthy pretrial detention was a problem. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of speech and of the press, and harassed, beat, and detained journalists. The Government at times restricted freedom of assembly. Unlike in previous years, there were no reports that internally displaced persons (IDPs) were displaced by conflict; however, there were unconfirmed reports that refugees were included in the expulsions carried out during Operacao Brilhante. The Government began implementing a law that could increase restrictions on nongovernmental organizations (NGOs). Violence and discrimination against women, as well as adult and child prostitution, was common. Children and persons with disabilities continued to suffer as a result of poor economic conditions and limited protections against discrimination. Indigenous people suffered from discrimination and economic exploitation. There were reports of trafficking in persons. The Government continued to dominate much of the labor movement and did not always respect worker rights. Child labor was a problem.

#### RESPECT FOR HUMAN RIGHTS

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



#### a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the Government or its agents; however, security forces killed an unknown number of persons. Local human rights organizations reported that police and, increasingly, members of the Civil Defense Organization (ODC) were the primary human rights abusers and responsible for most unlawful killings (see Section 1.c.). Impunity remained a serious problem.

There were reports that military forces in Cabinda, including insurgency forces, executed civilians. The Human Rights Report on Cabinda, published by the civic association Mpalabanda, alleged that there were 19 civilians killed by military forces from September 2003 to December.

Clashes between Government troops and the FLEC-FAC in Cabinda continued. Reports of civilians killed occurred throughout the year. The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties. In January, two civilians died in Mikuma, Cabinda in fighting between the FLEC and the FAA. In a reprisal attack, an army special forces unit killed four men in Kaiu. On April 24, an unidentified armed group believed to be guerillas attacked Massabi, Cabinda, killing 6 and injuring 10 others. FLEC FAC forces reportedly tortured and killed at least one civilian.

There were no further developments in the May 2003 case in which FLEC guerillas executed a person for collaborating with the Government.

Police resorted regularly to unlawful killings, especially of known criminal gang members, as an alternative to relying on the country's ineffective judicial system.

Several persons died during an operation to expel illegal migrant workers from the country (see Section 1.c.). Police also killed several street vendors during riots following efforts to clear former market sites (see Section 2.b.).

Police and the military killed civilians during protest demonstrations (see Section 2.b.).

In July, the Government charged eight members of the Presidential Guard (UGP) for the November 2003 detention, torture, and drowning death of a car washer heard singing lyrics critical of the Government. All eight were acquitted in November.

There were no further developments in the April 2003 police shooting of a child in Boa Vista or the alleged killings by police reported in August 2003.

Prisoners died in official custody (see Section 1.c.).

Eight provinces, encompassing approximately 50 percent of the country, contained areas that were heavily mined. The U.N. Development Program (UNDP) estimated that there were 2 million unexploded munitions in the country; however, international NGOs conducting landmine clearance operations in the country estimated the number of landmines at 500,000. According to the Angolan Commission for Demining and Humanitarian Assistance, 73 persons were killed and 114 injured as a result of 86 mine related incidents during the year. There were more than 80,000 landmine victims with injury-related disabilities.

On July 2, three unidentified men shot Mfulumpinga Landu Victor, leader of the Democratic Party for Congress (PDP-ANA), as he entered his car not far from his party's office. The Government and police considered the killing a botched carjacking. Some political opposition parties believed the crime to be politically motivated. Police launched an investigation and at year's end one of two suspects remained in custody. The other suspect was released due to lack of evidence.

On November 11, Vincente Tembo, a UNITA deputy, was shot but not killed in a suburb of Luanda. Opposition groups claimed the shooting was politically motivated; however, the police denied this claim. An investigation was underway at year's end.

#### b. Disappearance

Persons taken into police custody reportedly disappeared in some cases, particularly in rural areas. Local human rights organizations in Cabinda reported several disappearances of persons detained by government forces during the year for alleged ties to FLEC insurgents.

In March, UNITA reported the disappearances of a municipal UNITA secretary and a member of the UNITA youth wing (JURA) in Benguela. These individuals were not found, and the MPLA denied any involvement in this disappearance.

There were no developments in the July 2003 disappearance of two young farmers in Huambo.

There were no further developments in the 2002 reported disappearances.

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

The Constitution and the Penal Code prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. Local and international human rights organizations reported that these abuses were widespread. Government spokespersons acknowledged problems, ascribing them to poor training and individual misdoings.

FAA personnel were responsible for torture and other forms of cruel and degrading treatment, including rape, in Cabinda during the year. The Human Rights Report of Cabinda, published by the Cabinda civic association Mpalabanda, reported 50 cases of torture or cruel and degrading treatment during the year. Police were frequently accused of using torture and coerced confessions during investigations and often beat and released suspects in lieu of trials. Persons suspected of ties to FLEC were allegedly subjected to brutal forms of interrogation. During the year, a visit by the U.N. Special Representative for Human Rights Defenders, Hina Jilani, and a report by Human Rights Watch (HRW) brought further attention to the problems in Cabinda. The large number of FAA troops deployed within the Cabindan population was identified as a major contributor to the human rights abuses.

In an attempt to curb illegal diamond mining, the Government targeted and expelled over 120,000 Congolese and West African migrant miners. This operation, codenamed "Operacao Brilhante," involved members of the FAA, National Police, and Ministry of Interior Immigration officials. Security forces detained, beat, raped, performed invasive body cavity searches, and shot migrant diamond workers as part of this operation. At least two persons drowned when forced to cross the river separating the country from the Democratic Republic of the Congo (DRC). Prior to expulsion, many were held for a few days in transit camps that lacked sufficient water, sanitation, and shelter. Lack of transport forced many to cover the last 40 miles of the journey to the border on foot. In July, the operation resumed after a 45-day suspension, as did reports of human rights abuses. The FAA and National Police reportedly changed their methods, and expulsions became more humane following a public announcement in September of condemnation by Agostinho Fernando Nelumba, Chief of Staff of the FAA. Nevertheless, problems remained, as evidenced by the December 6 prison deaths, and the operation continued at year's end.

Police participated in acts of intimidation, robbery, harassment, and killings (see Sections 1.a. and 1.f.). Authorities forcibly moved and injured vendors in various Luanda markets as part of a campaign to clean up the streets and improve traffic circulation (see Section 2.b.).

During the year, police beat journalists (see Section 2.a.).

Police injured and killed persons while forcibly dispersing demonstrations (see Section 2.b.).

Government authorities harassed opposition party members (see Section 3).

Police harassed NGO workers during the year, extorted money from travelers, and harassed and abused refugees (see Sections 2.d. and 4).

There were no developments in the 2003 and 2002 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

There were also reports that police assaulted prostitutes during the year (see Section 5).

Landmines continued to result in injuries (see Section 1.a.).

The press reported that FLEC-FAC forces continued to torture and kill civilians in Cabinda.

Between July 17 and 21, a mob burned and looted 80 homes of known or supposed UNITA supporters in Cazombo, Moxico, to protest the appointment of a former UNITA general to the new UNITA office. During the war, the general had ordered the destruction of the locality's bridge over the Zambezim River. Authorities arrested one traditional leader for instigating the violence.

Prison conditions were harsh and life-threatening. During the year, human rights activists reported that prison officials routinely beat and tortured detainees. The national prison system continued to hold approximately five times the number of prisoners for which it was designed. Overcrowding in Luanda prisons diminished after the completion in November of the rehabilitation and expansion of the Viana prison; however, local human rights organizations reported that conditions were considerably worse outside

the Luanda prison system. In Bengo, Malange, and Lunda Norte Provinces, warehouses were used as prison facilities during the year. In Huila Province, the provincial penitentiary held 350 prisoners in a facility designed for 150.

On December 6, local media reported that between 8 to 16 prisoners died due to asphyxiation in an overcrowded police station cell in Mussendi, Lunda-Norte. The detainees, some of whom were from the DRC, were being held as part of Operacao Brihante. In protests following these deaths, police reportedly killed two individuals (see Section 2.b.). The National Police Commander publicly admitted wrongdoing, ordered the arrest of the local commander and several officers, and stated that an investigation was underway.

Many prisons, lacking adequate financial support from the Government, were unable to supply prisoners with basic sanitary facilities, adequate food, and health care. Prisoners depended on families, friends, or international relief organizations for basic support. There were reports that prisoners died of malnutrition and disease. For example, in the Condeueji prison in Luanda Norte, independent media reported that six inmates died between June 1 and 3 due to inadequate food and water, harsh conditions, and lack of medical treatment.

Prison officials, who were chronically underpaid, supported themselves by stealing from their prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes to which they were entitled. There were reports of prison officials operating an informal bail system, releasing prisoners until their trial date for fees ranging from \$300 to \$1,500 (25,000 to 127,500 kwanza).

Female prisoners were held separately from male prisoners; however, there were reports that prison guards sexually abused female prisoners. Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates. Pretrial detainees frequently were housed directly with sentenced inmates, and prisoners serving short term sentences often were held with inmates serving long term or life sentences for violent crimes.

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year; however, NGO officials were denied access or given limited access to prisons in the provinces. Government authorities refused access to protesters detained following the April demonstration in Canfunfo (see Section 2.b.). The Government did not consistently report the arrest of foreign nationals to the appropriate consular authorities.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces did not always respect these provisions in practice. Persons were often denied due process. The National Police were the primary source of abuses during the year; however, reports of arbitrary detentions by the FAA continued in Cabinda. For example, in March, Cabindan authorities reportedly detained a man for having downloaded FLEC information from the Internet.

The National Police are under the Ministry of the Interior and are responsible for internal security and law enforcement. Other than those personnel assigned to elite units, police were poorly paid, and the practice of supplementing their income through extortion from the civilian population was widespread. Impunity remained a serious problem. The complaints office at the headquarters for the National Police received an average of 10 complaints from citizens a day regarding police misconduct. There were reports that police members were sanctioned internally and even removed from their positions for alleged violations. Most complaints were handled within the National Police via internal disciplinary procedures; however, on December 19 a member of the Luanda police was sentenced to 18 years' imprisonment for his involvement in the killing of a civilian in March, during an attempt to extort money from 3 individuals.

During the year, NGOs provided human rights and professional training to police and military. Police also participated in professional training with foreign law enforcement officials from several countries in the region.

Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate; however, security forces did not always procure an arrest warrant before placing individuals in detention.

The Constitution provides for the right to prompt judicial determination of the legality of the detention. A person may not be held for more than 135 days without trial. The National Security Law provides for a maximum of 180 days of investigative detention when an individual is caught in the act of committing a crime punishable by a prison sentence; however, in practice these limits were exceeded commonly.

The prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members; however, such rights were sometimes ignored in practice or made conditional upon payment of a bribe. There was a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice was nominally in charge of the prison system, the police continued to arrest and detain persons without bringing detainees to trial.

The law permits detainees access to legal counsel; however, this right usually was not respected in practice, partially due to a severe shortage of lawyers. There is a functioning bail system that is widely used for minor crimes.

Although illegal detention continued to be a problem, government and NGO attention to the problem increased and NGOs were given better access to information within the judicial system. Human rights organizations, such as the Association for Justice, Peace, and Democracy (AJPD), continued their efforts to secure the release of illegally detained individuals. At year's end, there was no update on the status of the six individuals the AJPD reported in September 2003 were being held illegally.

According to the independent media, security forces continued to illegally detain individuals in Cabinda accused of collaborating with FLEC. As part of Operacao Brilhante, expelled miners and their families were detained in transit centers until their removal from the country (see Section 1.c.).

There were no new developments in the October 2003 incident when three young men were detained in Tandu-Macuco village.

Unlike in previous years, the Government did not temporarily detain human rights activists.

Police sometimes arrested persons holding demonstrations (see Section 2.b.).

An insufficient number of judges and poor communication between various authorities led to prolonged detention. More than 60 percent of inmates were awaiting trial and it was common for inmates to wait approximately 1 to 2 years for trial. In many cases, police beat and then released detainees rather than prepare a formal court case. Local human rights organizations, such as Maos Livres and AJPD, were successful in securing the release of some detainees during the year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was subject to executive influence. The judiciary functioned poorly at the provincial and municipal levels, and did not ensure due process for criminal or civil cases. In practice, the court system lacked the means and political support to assure its independence. During the year, the Government continued to rebuild courts and train new magistrates and prosecutors; however, in civil and criminal provincial courts, there was often only one judge to cover all cases in the province.

During the year, the Human Rights Division of the U.N. Mission in Angola (UNMA) continued to support human rights training of municipal magistrates by the Ministry of Justice. The office trained 53 judges and 23 prosecutors during the year.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the authority of the Supreme Court. The Supreme Court serves as the appellate court for questions of law and fact. The President has the power to appoint Supreme Court justices without confirmation by the National Assembly. The Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established. The creation of the Constitutional Court depends on the writing of a new Constitution, expected following legislative elections which the Government announced would be held in 2006.

There were long delays for trials at the Supreme Court. Trials for political and security crimes in principle are handled exclusively by the Supreme Court; however, there were no such trials. The criminal courts have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure underwent positive changes during the year. The Ministry of Justice implemented random assignment of judges, updated case management systems, and trained law clerks.

Due to the lack of judicial infrastructure in many provinces and municipalities, traditional or informal courts still were utilized. Traditional leaders, "sobas," were called upon to hear and decide local cases. These courts were expected to continue until the formal legal system is rebuilt. They did not provide citizens with the same rights to a fair trial as the formal legal system; instead their rules were established by the community in which they were located.

By law, defendants are presumed innocent; trials are public; defendants have the right to appeal; there is a functioning system of bail; and defendants have the right to counsel; however, the Government did not always respect these rights in practice. Trials are public; however, each court has the right to close proceedings. Defendants do not have the right to confront their accusers. Judges were often not licensed lawyers; however, the Ministry of Justice increased efforts during the year to recruit and train lawyers to serve as magistrates. The judge and two laypersons adjudicate.

A Court for Children's Affairs, under the Ministry of Justice, functions as part of Luanda's provincial court system.

Government corruption was widespread and accountability was limited, despite the Anti Corruption Tribunal (see Section 3). During the year, the Tribunal investigated five cases and found all parties guilty, levying fines but no prison sentences.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, the Government did not always respect citizens' privacy rights. Legal requirements for search warrants occasionally were disregarded, most often in police searches for illegal vendors and periodic sweeps of public markets.

In April, policemen reportedly entered a residence in Cazenga, near Luanda, and stole \$1,000 (85,000 kwanza).

Citizens widely believed that the Government maintained surveillance of certain groups, including opposition party leaders and journalists.

There were fewer reports of abuses in Cabinda, but serious incidents were reported. Unlike in the previous year, there were no reports that army units burned villages. Local human rights organizations reported that the denial of access to agricultural areas led to the neglect and subsequent destruction of crops in Cabinda. Government forces in Cabinda reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes.

Unlike previous years, there were no IDPs forced to resettle. All but 100,000 of the 3.8 million IDPs returned to their area of origin or decided to remain permanently with their host communities (see Section 2.d.).

Approximately 3 years after the Government evicted 4,200 families from their homes in the Boa Vista neighborhood of Luanda for an urban renewal project, the Government completed promised replacement houses and public buildings. Many of the houses the Government built lacked plumbing and electricity.

The Government continued to demolish informal squatter housing. On April 17, military members removed families from approximately 50 homes, which were later demolished, near Cidade Alta, Luanda. In many instances the Government offered no compensation to displaced residents. Residents of Soba Kapassa neighborhood evicted between 2001 and 2003 continued to wait for financial reimbursement from the Government. UNITA quartering areas officially closed in June 2003. Demobilized soldiers in Camacupa, Bie reported discrimination in land distribution. Radio Ecclesia reported that approximately 2,500 demobilized soldiers and UNITA soldiers moved away from Cazombo, Moxico for fear of their safety. Similar incidents in Benguela and Kuando Kubango also were reported. The Government indicated that a lack of economic opportunity played a role in these movements.

Unlike in previous years, the FAA did not employ forced movements of rural populations as part of its counterinsurgency operations against the FLEC.

There were no new developments in the July 2003 forced removal of subsistence farmers in Huambo, Huila, or Kwanza Sul provinces.

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

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

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted this right in practice. There were fewer restrictions on journalists during the year. Both radio and print media criticized the Government openly, and at times harshly. There were reports that police, especially outside Luanda, harassed, beat, and detained journalists. There were also reports that the

Government paid journalists to publish pro government stories. During the year, there was increasing media attention on corruption, economic mismanagement, and opposition politics; however, there were reports that journalists were investigated for reporting on sensitive issues and that the Government limited access by independent journalists to certain events and interviews. Journalists exercised self censorship when reporting on highly sensitive matters. The Government did not restrict academic freedom.

The largest media sources were state run and carried little criticism of government officials, though they often highlighted government program deficiencies. The Government owned and operated Jornal de Angola, the only daily newspaper. There were seven private weekly publications with circulation in the low thousands. The Government tolerated increasing criticism of its policies and actions in the independent media.

The state press often criticized independent journalists and opposition leaders; however, unlike in previous years, independent journalists were able to respond to these criticisms.

There were five commercial radio stations, including the Catholic Church's Radio Ecclesia and Radio Lac Luanda, which openly criticized government policies and highlighted poor socioeconomic conditions. In July, the Minister of Social Communication strongly criticized Radio Ecclesia and called it a "smuggler" organization for importing transmission repeaters and other necessary broadcasting equipment without approval. Although Radio Ecclesia broadcasts via the Internet, the Government continued to refuse to approve its nationwide FM broadcast authority. The Government also publicly criticized the international community's support for independent media. Government-owned and operated Angolan National Radio was the only radio station with the capacity to broadcast throughout the country other than over shortwave. The only television station was the government Angola Public Television (TPA), which broadcast in Luanda and most provincial capitals.

The Government did not restrict the activities of foreign media, including the British Broadcasting Corporation and Voice of America. Foreign journalists must receive authorization from the Ministry of the Interior to meet government officials or to travel within the country. Foreign journalists also must obtain work visas issued in their home countries to enter and report on the country.

Government authorities reportedly harassed, beat, and detained independent journalists on at least two occasions during the year. In April, the Criminal and Investigative Police in Saurimo, Lunda Sul beat an Angola News Agency journalist investigating a murder in the area. Despite presenting his press credentials, the journalist was detained for 1 day. In August, seven policemen beat and confiscated the camera of two TPA reporters filming the crackdown on rural women vendors in Rangel municipality, near Luanda. All were later released.

There were no developments in the 2003 or 2002 cases in which government authorities harassed journalists.

A committee composed of the Minister of Social Communication, the spokesman of the Presidency, and the directors of state run media organizations had policy and censorship authority. The Government used its control of the government media to influence public opinion.

Defamation of the President or his representatives is a criminal offense, punishable by imprisonment or fines. Factuality is not a defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual material alleged to have caused harm. On March 30, the editor of the independent weekly Semanario Angolense was sentenced to 45 days in jail or to pay a \$106 (9,000 kwanza) fine. He also was forced to pay a \$1,200 (102,000 kwanza) fine directly to one of the claimants for publishing an article that detailed the personal fortunes of prominent government officials.

There were no updates on the cases of journalists arrested by the Government in 2003 on charges of slander.

The Law on State Secrecy permits the Government to classify information. Following the classification of material the Government then has the ability to demand information regarding the source of the materials and persecute those that published the classified information. There were unconfirmed reports that the Government used this law to classify information unnecessarily, shielding the public from information of government decision-making.

The Government did not restrict access to the Internet, and it was available in several provincial capitals.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government at times restricted this right in practice. At times police used excessive force to break up demonstrations.

The law requires a minimum of 3 days prior notice before public or private assemblies are to be held and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for pro government assemblies routinely were granted without delay; however, applications for protest assemblies sometimes were denied, usually based on the restriction of venue. During the year, official tolerance for public protest increased, although officials were not consistent in permitting such protests.

In February, government authorities prevented 1,500 activists from entering a stadium in Cabinda for a ceremony officially opening the civic association Mpalabanda. On June 17, police prevented 50 Democratic Aid and Progress Party (PADEPA) members from staging a demonstration against corruption in downtown Luanda. The Government also restricted two planned demonstrations by PADEPA in November and December.

Police used excessive force to break up demonstrations during the year. On March 4, a protest organized by vendors to protest closure of the Estalagem market in Viana resulted in clashes with police in which three civilians and one police officer were killed. Several others were injured and the police detained approximately 25 protestors. In April, all of the detainees were released and an official investigation into excessive force used by police officers continued at year's end.

On April 22, government forces, under provincial leadership, fired on a crowd protesting the removal of generators that provided neighborhood power in Canfunfo, Lunda Norte. Following a civilian attack on the local police station, an unconfirmed number of civilians were killed. The police arrested approximately 17 persons for their participation in these events. The authorities reported three of the detainees died in custody but refused to allow lawyers or family members access to the prison; the remaining detainees were all released by year's end.

In protests following the December 6 deaths of numerous individuals in Mussendi, Luanda-Norte police killed two individuals (see Section 1.c.). The National Police Commander publicly admitted wrongdoing, ordered the arrest of the local commander and several officers, and stated that an investigation was underway.

Unlike previous years, there were no reports that opposition supporters were detained after holding demonstrations.

No action was taken against security forces responsible for using excessive force to disperse demonstrations in 2003.

The Constitution provides for the right of association; however, the Government sometimes restricted this right in practice. There were fewer reports than in previous years that government officials interfered with private association. Legislation permits the Government to deny registration to private associations on security grounds. Although the Government approved most applications, including those for political parties, the Ministry of Justice continued to block the registration of the local human rights group AJPD by not taking action on its application originally filed in 2000 (see Section 4).

The Government arbitrarily restricted associations that it considered subversive by refusing to grant licenses for organized activities and through official harassment. Opposition parties were permitted to organize and hold meetings during the year; however, many reported harassment from local authorities outside Luanda (see Section 3). In March, UNITA members complained that a rural MPLA official in Bie ordered police to whip 13 residents to discourage attendance at a UNITA rally; however, these allegations could not be confirmed.

Independent labor activists reportedly also encountered difficulty with provincial governments registering branch associations; however, vigils and demonstrations took place throughout the year (see Section 6.b.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious groups must register with the Ministry of Justice and the Ministry of Culture. Colonial era statutes ban non Christian religious groups; however, they were not enforced during the year. In March, the National Assembly approved a law establishing stricter criteria for the registration of religious groups to curb the growth of cults, although the law did not have any effect on the registration process. The Minister of Justice also announced his opposition to Muslim proselytizing.

A total of 17 religious groups in Cabinda remained banned during the year on charges of practicing traditional medicine on the groups' members.



For a more detailed discussion, see the 2004 International Religious Freedom Report.

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

The Constitution provides for these rights; however, the Government at times restricted these rights in practice. Extortion and harassment at government security checkpoints in rural and border areas interfered with the right to travel. Police routinely harassed returning refugees at border checkpoints. The Government restricted access to areas of Cabinda that were deemed insecure. During the year, previously inaccessible areas were opened to travel.

Extortion at checkpoints was routine in Luanda, pervasive on major commercial routes, and served as a principal source of income for many of the country's security service personnel. As part of Operacao Brilhante, security forces harassed expelled miners and their families as they crossed the border into the DRC (see Section 1.c.). In Malanje, Congolese citizens reportedly avoided deportation through payments that ranged from \$50 to \$200 (4,250 to 17,000 kwanza) (see Section 1.c.).

Police forcibly moved poor residents from central neighborhoods in Luanda to outlying areas as part of urban renewal programs (see Section 1.f.).

Landmines remaining from the civil war were a major impediment to the freedom of movement (see Section 1.a.).

Foreign journalists must obtain authorization from the Ministry of the Interior to travel within the country.

The Constitution prohibits forced exile, and the Government did not use it.

The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from travelers. In February, OCHA declared that approximately 100,000 IDPs remained unsettled; however, 70 percent of the returnees resettled in areas where the preconditions specified in the national guidelines for the resettlement of IDPs had not been met. An estimated 40 percent of returnee communities remained closed to international humanitarian and development agencies due to destroyed access routes or mine obstruction.

The Ministry of Assistance and Social Re Insertion (MINARS) has primary responsibility for returnees and remaining IDPs, as well as continued housing and resettlement programs; however, these efforts remained inadequate. Provincial governments have primary responsibility for actual resettlement, ensuring safe, voluntary resettlement to areas cleared of mines and with access to water, arable land, markets, and adequate state administration. Unlike in previous years, there were no confirmed reports of forced relocation of IDPs; however, there were unconfirmed reports in connection with Operacao Brilhante. More than 65 percent of returnees did not have access to primary health care, 65 percent had no potable water, and 75 percent had no basic sanitation.

There were no new developments on the 2003 reports of unsafe conditions at provincial reception centers for IDPs.

During the year, an estimated 145,000 refugees returned, including 49,570 through the U.N. office of the High Commissioner for Refugees (UNHCR) voluntary repatriation program. There were reports that border officials robbed, harassed, sexually harassed, and charged refugees illegal taxes at border posts. UNHCR reported an increase in crimes against returnees in Moxico Province; incidents included physical assaults, confiscation of goods, and bribes. According to UNHCR, an estimated 83,000 to 200,000 citizens were still living outside the country.

The law provides for the granting of refugee status and asylum to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. An eligibility committee to evaluate asylum claims, under the authority of the Ministry of Justice, continued to meet periodically to consider asylum requests. Of the approximately 3,000 West Africans detained in June in Viana, near Luanda, as part of Operacao Brilhante, at least 10 were refugees or asylum seekers. According to the UNHCR, the country had approximately 12,000 refugees, most of whom were from the DRC.

In Bengo province, local residents continued to harass approximately 300 Congolese refugees in Sungui Camp.

There were no new developments in the June and October 2003 harassment of an NGO working in the area.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice this right remained restricted due to the delay in scheduling elections. Opposition parties complained of harassment and intimidation by the Government.

In 1992, the first multiparty presidential elections were held. MPLA president Jose Eduardo dos Santos won a plurality of votes cast. Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned to civil war, preventing a run-off election.

Active civil society discussions and political party activity for elections were underway during the year. On May 12, opposition parties walked out of the National Assembly's Constitutional Commission in protest at the Government failure to decide on a national election timetable. In August, the ruling MPLA party presented a tentative electoral timetable with legislative and presidential elections scheduled for September 2006. On November 11, President dos Santos spoke favorably of an opposition proposal to hold parliamentary elections in late 2006, with the Presidential election postponed until the following year. This would allow the newly elected parliament to draft a new Constitution, under which the presidential elections would be held in 2007. A formal election timetable is expected in early 2005.

The President is elected by an absolute majority. If no candidate wins a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President and the Council of Ministers, through which the President exercises executive power. The Council can enact decree laws, decrees, and resolutions, which means it can assume most functions normally associated with the legislative branch. Although the Constitution established the position of Prime Minister, the President filled the position from 1998 to 2002. In 2002, the President named former Interior Minister Fernando Dias dos Santos "Nando" as Prime Minister. While opposition deputies held approximately 43 percent of National Assembly seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. Laws such as the Law on State Secrecy and the Law on National Security further strengthened executive authority and limited legislative oversight (see Section 2.a.).

There were more than 120 registered opposition parties, of which 11 received a public subsidy based on their representation in the National Assembly. The majority of opposition parties have limited national constituencies. The two historical opposition parties that date back to independence, UNITA and the National Front for the Liberation of Angola (FNLA), traditionally derived support from the Ovimbundu and Bakongo ethnic groups. During the year, UNITA completed the transition from a disarmed military organization to the largest opposition party.

Opposition parties complained of harassment and intimidation by the police, army, ODC, and supporters of the Government outside Luanda. On February 28, government authorities attacked two UNITA activists in Mungo municipality. On March 29, a group of men in FAA uniforms and ODC badges attacked and set fire to a UNITA office in Kalima, Huambo province and threw stones at the occupants, injuring two persons. The UNITA members fled to Huambo City. In both of these cases, investigations were started and meetings were held between local officials and UNITA leaders to discuss culpability for these incidents; the cases were ongoing at year's end.

There were no new developments in the 2003 reports of harassment and intimidation.

The Government took steps to increase transparency and reduce state expenditures not reflected in the official budget. Parastatals, most notably the state oil company SONANGOL, were required to report their revenues to the central bank, though information gaps remained a concern. SONANGOL and ENDIAMA, the state diamond marketing company, must undergo regular audits conducted by international accounting firms.

During the year, the Government made a \$2.25 billion (191.25 billion kwanza) commercial oil-revenue backed loan and established a \$2 billion (170 billion kwanza) credit line with China's ExIm Bank. The IMF and World Bank expressed concerns that these funds may not be used in a transparent manner. Transparency in the business environment improved but cartel-like business practices continued to favor those connected to the Government. Petty corruption among police, teachers and other government

employees was prevalent, due in part to low salaries. During the year, four government officials, including a former Ambassador and Governor, were formally charged with corruption.

There were 35 women in the 220 seat National Assembly, and 10 women in the 41 member Cabinet including 3 ministers.

There were 7 members of minorities in the 220 seat National Assembly. There were 3 members of minorities in the 61 member Cabinet.

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

A variety of domestic and international human rights groups operated in the country and investigated and published their findings on human rights cases. The Government did not prohibit independent investigations of human rights abuses; however, it failed to cooperate and often used security conditions as a justification to deny access in Cabinda.

In February, the Government placed new restrictions on NGOs, requiring them to submit detailed activity reports, sign agreements with applicable ministries, and provide banking and financial details. Under the new regulations, the Government has the right to determine where and what projects each NGO may implement but did not exercise this right during the year.

There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs, of which an estimated 100 worked on human rights activities. Local NGOs actively promoted human rights during the year by documenting prison conditions and providing free legal counsel; however, the Government continued to be suspicious of local NGOs receiving international support.

The Ministry of Justice continued to block the registration of AJPD by not acting on its application, which has been pending since 2000. At year's end, AJPD was awaiting a Supreme Court decision on its suit against the Ministry of Justice for not processing the organization's registration application. In spite of its uncertain legal position, AJPD continued to function throughout the year without government interference.

The Cabinda civic association, Mpalabanda, formed in March, worked extensively on human rights issues. Their efforts focused on helping those abused, documenting the cases of abuse, educating the population on human rights issues and working with the provincial government and the FAA to curb abuses. They also reported on human rights abuses that occurred during the year (see Section 1.a. and 1.c.).

Unlike in the previous year, the Government did not temporarily detain human rights activists.

In February, municipal authorities expelled a foreign NGO worker from Lumbala N'guimbo, Moxico on charges of undermining the Government, improperly collaborating with UNITA, and traveling without proper authorization. The worker left the country to avoid prosecution.

There were no further developments in the August 2003 case of a local human rights leader being recalled from overseas medical treatment for police questioning or the October 2003 report of individuals in FAA uniforms stealing humanitarian supplies from an NGO.

Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human Rights Commission. Human Rights Watch visited the country multiple times during the year and released a report in July on media and political freedoms in the country.

During the year, U.N. humanitarian agencies maintained large scale operations for food security programs, repatriation and reintegration activities, and development projects.

The National Assembly's Committee on Human Rights conducted visits to prisons, held hearings on human rights issues, and, in December, held a public workshop on human rights that recommended the establishment of a National Ombudsman for Human Rights.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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, ideology, degree of education, or economic or social condition; however, the Government did not 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 spouses. The Ministry of Women and Family deals with violence against women and reported receiving an average of 20 domestic violence cases a month; however, most cases of domestic violence were not reported. The Government continued its project to reduce violence against women and improve their status. Domestic violence is prosecuted under rape, assault, and battery laws.

Rape is defined as a forced sexual encounter and is punishable by up to 8 years in prison. The law treats sex with a minor under the age of 12 as nonconsensual; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases.

Due to poor economic conditions, many women engaged in prostitution. Prostitution is illegal under the Constitution; however, the prohibition was not enforced. In January, independent media reported on police assaults on prostitutes in Luanda as part of an effort to forcibly reduce illegal street activity.

There are no specific legal prohibitions regarding sexual harassment; however, such cases may be prosecuted under assault and battery and defamation statutes. Sexual harassment was not a salient issue in the country.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition, the Civil Code includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children. The law provides for equal pay for equal work; however, in practice women rarely were compensated equally with men. Some women held senior positions in the armed forces (primarily in the medical field) and civil service, but women generally were relegated to low level positions in state run industries and in the private sector. Under the law, women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children. In much of the country, women constituted a growing percentage of persons with disabilities, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas.

## Children

Although international reports estimate that approximately 60 percent of the population is under the age of 15, the Government's attention to children's rights and welfare was insufficient. The Ministry of Education and Culture (MEC) functioned poorly due to a lack of resources and lack of administrative capacity. Nevertheless, the MEC, together with UNICEF, continued a program to provide informal learning and life skills for vulnerable children outside of the formal education system. During the year, the MEC Back to School campaign efforts consisted of training 20,000 new teachers for placement in schools throughout the country. The National Institute for Children has daily responsibility for children's affairs.

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses, including for books and supplies. Teachers were chronically unpaid and allegedly often demanded unofficial payment or bribes from students. Most of the educational infrastructure was damaged during the war, and schools lacked basic equipment and teaching materials. UNICEF reported that 56 percent of 6- to 9-year-olds attended school, but only 6 percent of 10- to 11-year-olds did. According to UNESCO, there was a gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school; however, MEC efforts to bring more students into the system should decrease this number. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

The Government provides free medical care for children at the one pediatric hospital in Luanda in addition to supporting child immunization programs and general medical care at public hospitals and clinics around the country. In many areas, formal health care was limited or non-existent. According to UNICEF, the mortality rate for children under 5 years of age was 250 per 1,000 live births. Local NGOs estimated that 100,000 children were abandoned or orphaned as a result of the civil war, and malnutrition was a problem. Landmine explosions continued to kill and injure children.

Child abuse was widespread. Physical abuse was commonplace with in the family and was largely tolerated by local officials.

There were reports of trafficking in children (see Section 5, Trafficking).

Child prostitution is prohibited by a general criminal statute; however, an international NGO estimated that there were as many as 1,000 underage prostitutes in Luanda. Sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse with convicted offenders liable for up to 8 years in prison.

Unlike in previous years, there were no confirmed reports that children were recruited into the armed forces. According to the Ministry of Justice, over 3.8 million children were registered locally between August 2001 and March in a campaign to limit the exploitation of children. By March, the UNICEF supported National Family Tracing and Reunification Program had identified 11,076 separated children and successfully reunited 3,670 children with their families.

Using information collected during the Government's first child registration campaign, it was estimated that there are approximately 1,500 street children in Luanda. Conditions in government youth centers were poor; most homeless children slept on city streets. They shined shoes, washed cars, and carried water, and many resorted to petty crime, begging, and prostitution to survive. The government sponsored National Institute for Children was responsible for child protection, but it lacked the technical capacity to work with international NGOs. The Government publicized the problems of street and homeless children during the year but did not develop any programs to assist them.

Human rights abuses due to accusations of sorcery and wizardry were a rising concern, especially against children. Individuals placed blame on the use of charms or other forms of witchcraft for their personal misfortunes. In some cases it was believed that deaths occurred during attempts to stop purported acts of witchcraft. There were reports of children being tortured by local "prophets" to stop these alleged actions in Uige and Zaire provinces that were under police investigation at year's end. A local NGO, "Crianca Futuro," sheltered 22 children abandoned due to allegations of witchcraft.

In November, two Painial-Mefa Evangelic Church priests from Cabinda were taken into custody in connection with the maltreatment of three children accused of witchcraft. The outcome of this case was still pending at year's end.

The Government, assisted by UNICEF, continued implementation of the post-conflict child soldier protection strategy. As outlined in the strategy, those designated as child soldiers were given access to special resources, including skills training, assistance with civil registration, access to special social assistance, and were guaranteed to not be recruited or reenlisted in the military. During the year, the World Bank also began assisting with the implementation of this strategy.

There were active domestic private children's rights advocacy groups, such as the Angolan Bar Association, the Angolan Woman Lawyers' Association, Crianca Futuro, and local organizations within the Catholic Church. Several international organizations also promoted children's rights in the country.

#### Trafficking in Persons

The Constitution prohibits slavery; however, no specific laws exist to combat trafficking in persons, and there were reports of trafficking.

There were reports that women and children were trafficked during the year, primarily to Europe and South Africa, for labor and sexual exploitation. IDPs, along with homeless and orphaned children, remained the groups most vulnerable to trafficking. There were reports of child trafficking in Santa Clara, on the Angola-Namibia border in Cunene Province. Children have been recruited and used in exploitative labor such as carrying goods across the border, prostitution, illegal money exchange, and selling goods.

The Ministry of Justice continued its campaign to register children, provide them with identity papers, and protect them against potential trafficking. The Government operated facilities throughout the country for abandoned and abducted children; however, the facilities were under funded, understaffed and overcrowded in many cases. A Catholic-based center in Namacumbe, near the Namibian border, assisted victims of trafficking to reintegrate them into the community.

#### Persons with Disabilities

While there was no institutional discrimination against persons with disabilities, the Government did little to improve their physical, financial, or social conditions. The number of persons with disabilities included more than 80,000 landmine victims. Handicap International estimated that up to 10 percent of the population have physical disabilities. There is no legislation mandating accessibility for persons with disabilities to public or private facilities, and it was difficult for persons with disabilities to find employment or participate in the education system.

#### Indigenous People

The population included 1 to 2 percent of Khoisan and other hunter gatherer tribes linguistically distinct from their Bantu compatriots. At least 3,400 San people lived in 72 small dispersed communities in Huila, Cunene, and Kuando Kubango provinces. San communities continued to suffer from social exclusion, discrimination, and economic exploitation. Greatly reduced access to land and natural resources and insecure and limited land rights eroded the San's former hunter gatherer livelihoods and exacerbated ethnic tensions with neighboring groups. Hunter gatherer communities generally did not participate actively in the political or economic life of the country, and had no ability to influence government decisions concerning their interests.

There continued to be a lack of adequate protection for the property rights of traditional pastoral communities. In April, the Agricultural Department confirmed that a private farm could expand beyond its concession of 5,000 hectares to an area of approximately 20,000 hectares. While this did not have direct effect on indigenous communities during the year, it created the possibility of reduced access in the future as large farms expanded throughout the interior. On August 10, the National Assembly passed a new land tenure law. International NGOs expressed concern that this law further excludes indigenous communities from access to land they had formerly cultivated or occupied, thereby increasing their vulnerability. The immediate effects of the law on indigenous communities were unknown. Opposition parties remained opposed to the law.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right to form and join trade unions and engage in union activities; however, the Government did not respect these rights consistently in practice. The MPLA controlled the National Union of Angolan Workers (UNTA), which claimed to have more than 400,000 members. There were two prominent independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA), with approximately 50,000 members, and the small Independent Union of Maritime and Related Workers (SIMA). Restrictions on civil liberties, such as freedom of speech and freedom of assembly, prevented labor activities not approved by the Government (see Sections 2.a. and 2.b.).

The law requires the Government to recognize the right of labor unions to organize; however, SIMA continued to encounter difficulties with provincial government authorities in registering branch associations and organizing dock and oil platform workers.

Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of anti union discrimination are required to reinstate workers who have been dismissed for union activities. In practice, neither the Labor Code nor the judicial system defended or enforced these rights.

### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and for collective bargaining; however, the Government did not always respect these rights in practice. The Government did not facilitate constructive labor management negotiations. The Ministry of Public Administration, Employment, and Social Security set wages and benefits on a semi annual basis (see Section 6.e.).

The Constitution provides for the right to strike, and the law regulates such actions. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The law does not effectively prohibit employer retribution against strikers; it permits the Government to force workers back to work for breaches of worker discipline and participation in unauthorized strikes. Workers exercised their right to strike during the year.

SIMA continued an organized protest begun in 2000 to demand severance compensation from Angonave, the national shipping company. Unlike in previous years, participants in the vigil were not subject to government harassment during the year.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children and the Ministry of Justice has effective enforcement mechanisms for the formal economic sector; however, the majority of labor law violations occur outside the official labor market and are not subject to legal enforcement. The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes. There were no further developments on the media reports that a prison director in Huambo used prisoners

as domestic laborers in 2003.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was restricted under the law; however, child labor remained a problem. The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort. The Government prohibits children younger than 16-years-old from factory work. These provisions rarely were enforced, and UNICEF believes that a high percentage of children between 5- and 14-years-old worked. Children worked on family farms, as domestic servants, and in the informal sector as street vendors. Family based child labor in subsistence agriculture was common. Children under 12 years of age worked for no reimbursement for their families and in apprenticeships. Poverty and social upheavals have brought large numbers of orphaned and abandoned children into unregulated urban employment in the informal sector.

The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws, and child labor law enforcement is under the jurisdiction of the courts; however, in practice, the court system did not provide adequate protection for children. In 2003, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system; however, these courts were not yet operational in the provinces by year's end. Child labor violations are punishable with fines. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws.

#### e. Acceptable Conditions of Work

The Ministry of Public Administration, Employment, and Social Security kept the minimum wage at the equivalent of \$50 (4,250 kwanza) per month. Many urban workers earned less than \$20 (1,700 kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated to be between \$40 and \$150 (3,400 to 12,500 kwanza) per month, provided a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, or support from abroad to augment their incomes. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.

A government decree limits the legal workweek to 44 hours; however, the Ministry was unable to enforce this limit or occupational safety and health standards. In practice, workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

Foreign workers are not protected under the labor law. They receive legal protection only if they work under contract; otherwise, they receive protection only against criminal acts.

