



Angola

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Angola is a constitutional republic in transition after the end of its 27-year civil war in 2002. The Government is 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 a plurality of the votes cast in a 1992 election that U.N. observers considered free and fair. The Government was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. The National Assembly was weak; while opposition deputies held about 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. Poor governance, including endemic corruption, continued to limit the provision of basic services to most citizens. The judiciary was subject to executive influence, functioned only in parts of the country, and did not ensure due process.

The most recent period of civil war ended after the Government and UNITA signed the Luena Agreement ceasefire in April 2002; the Luena Agreement provided for disarming and disbanding all UNITA military forces and implementation of the remaining provisions of the 1994 Lusaka Protocol under U.N. supervision. The official peace agreement concluding the war and completing the Lusaka Protocol was signed in November 2002. UNITA has transitioned into an opposition political party. Consultations among the MPLA, opposition parties, and civil society on a new constitution, electoral law, and a timetable for national elections were underway at year's end.

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. Security forces continued to commit serious human rights abuses.

The mixed economy, dominated by oil exports, grew by 4 percent during the year, but most of the country's wealth remained concentrated in a few hands. Corruption, nontransparent contracting practices, and unfair enforcement of regulatory and tax regimes favored the wealthy and politically influential. Although commercial and agricultural activity in urban and rural areas increased with the end of the war, 80 percent of the population of approximately 13 million continued to live in poverty. Annual per capita income was \$865. Approximately 80 percent of the population were employed in agriculture, mostly on a subsistence level. The Government took some steps to improve its management of the economy, including increasing transparency of oil sector accounts and reducing the estimated 50 percent of state expenditures not reflected in the official budget, but its commitment to reform remained uncertain. The Government began to repair infrastructure damaged or destroyed during the war, but the poor state of roads, bridges, schools, hospitals, and other government facilities impeded economic recovery and development. In September, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported that 3.1 million citizens had returned. Although conditions were gradually improving in most parts of the country, OCHA estimated that 2.7 million citizens were still at risk of food insecurity and 10 percent of the population depended on humanitarian aid at year's end.

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, and 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 at times

infringed on citizens' privacy rights. The FAA employed forced movements of rural populations as part of its counterinsurgency operations against FLEC. Unlike in previous years, there were no reports of forced recruitment of military-age males. The Government at times restricted freedom of speech and of the press, and harassed, beat, and detained journalists. The Government restricted freedom of assembly, association, and movement; however, it allowed peaceful public protests and opposition party meetings. The number of persons displaced by the conflict decreased significantly during the year. In some instances, internally displaced persons (IDPs) were forced, or otherwise induced, to return home to unsafe conditions. 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. The Government continued to dominate much of the labor movement and did not always respect worker rights. Child labor was a problem. There were reports of trafficking in persons.

Following the cessation of the war in 2002, there were no reports that UNITA committed human rights abuses.

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 security forces during the year. After the end of the war with UNITA in April 2002, reports of extrajudicial killings by the FAA ceased in most of the country but continued primarily in Cabinda. Police were cited as the primary human rights abusers by local human rights organizations during the year, and were responsible for unlawful killings (see Section 1.c.). Impunity remained a serious problem. Since the April 2002 ceasefire provided for the amnesty of FAA and UNITA forces, there is unlikely to be any further investigation of killings related to the conflict during previous years.

In Cabinda province, periodic reports that security forces executed civilians for supporting FLEC continued.

Citizens widely believed that police resorted regularly to unlawful killings, especially of known criminal gang members, as an alternative to the country's ineffective judicial system. For example, according to independent media reports, on February 28, police killed four individuals stopped for questioning about a car theft.

In April, residents of the Boa Vista neighborhood of Luanda filed a complaint for the shooting death of a 4-year-old child killed when police fired on youths who refused to pay a bribe.

In August, independent media reported the existence of a site on the outskirts of Luanda reportedly used by police for unlawful killings. Residents confirmed reports that bodies were often dumped at the site. Authorities strongly denied the report, while human rights organizations launched investigations. No investigative findings had been reported by year's end.

On November 22, members of the Presidential Guard (UGP), a security unit under the authority of the Office of the Presidency, detained, tortured, and then drowned Arsenio Sebastiao, a car washer the guards overheard singing a popular song with lyrics critical of the Government. After widespread public outcry and coverage in the independent media, an investigation was launched into the killing, but no arrests had been made by year's end.

There were no developments, nor were any likely, in the November 2002 robbery and killing of 17 persons in Malange (or confirmation of alleged police involvement), or in the 2001 police killing of two residents of Boa Vista.

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

With the cessation of hostilities with UNITA in April 2002, the Government intensified its military operations against separatists in Cabinda. Reports of civilians killed in the fighting in Cabinda continued during the year. There were reports that government forces shelled and burned civilian villages and were employing similar counterinsurgency tactics against FLEC-FAC as they used against UNITA. The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties. The Government never responded to the detailed list of nine alleged arbitrary killings by government forces included in a December 2002 report from the Ad-Hoc Commission for Human Rights in Cabinda. The second report by the Commission was released in November and detailed numerous alleged killings by government forces during the year.

Unlike in the previous year, there were no reports that undocumented workers in the diamond fields, including ex-UNITA soldiers and Congolese workers, were targeted in government efforts to retain control of alluvial diamond mining operations. There were no further developments in the September 2002 killing of undocumented diamond miners in Uige.

Eight provinces, which encompass approximately 50 percent of the country's land, 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 nongovernmental organizations (NGOs) conducting landmine clearance operations in the country estimated the number of landmines at 500,000. According to the National Institute for Demining, 44 persons were killed and 182 injured as a result of 95 mine-related incidents during the year. The U.N. Security Office registered 103 landmine incidents during the year, killing at least 36 persons (including 3 children) and injuring at least 142 persons (including 4 children). There were more than 80,000 disabled landmine victims.

Following the April 2002 ceasefire, killings attributed to UNITA ceased, and because the ceasefire provide for an amnesty, there is unlikely to be an investigation into killings from previous years.

FLEC-FAC forces reportedly tortured and killed civilians in Cabinda. For example, FLEC guerrillas executed one person in May for collaboration with the Government. There were no developments in the August 2002 case in which FLEC guerrillas decapitated a woman accused of collaborating with the Government.

b. Disappearance

Persons taken into police custody 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 July, human rights activists reported that two young subsistence farmers in Huambo province disappeared after police took them into custody for protesting seizures of communal lands by large landowners. The status and whereabouts of the two men were unknown at year's end (see Section 1.f.).

There were no developments in the March 2002 disappearance, and subsequent death, of three teenagers in the municipality of Cazenga outside of Luanda; the December 2002 detention by government forces of seven Zambians; or in the 2001 disappearance of civilians abducted from Zambian territory.

There were no reports that UNITA abducted persons after the 2002 ceasefire, and there were no developments in the 2001 cases of kidnappings by UNITA rebels.

There were no developments in the September 2002 abduction by unidentified armed men of a traditional chief in Huambo province.

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.

FAA personnel were responsible for torture and other forms of cruel and degrading treatment, including rape, in Cabinda 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. The Ad-Hoc Commission for Human Rights in Cabinda reported numerous such incidents in Cabinda. In one case reported by independent media, FAA soldiers beat up a family in Cabinda, near Zenze, because they were accused of collaborating with FLEC.

Police also frequently participated in acts of intimidation, robbery, harassment, and killings (see Section 1.a.). For example, in March, the police and Luanda provincial authorities raided a street market in Luanda, where they reportedly assaulted a number of vendors and arbitrarily confiscated large quantities of merchandise. In July, several subsistence farmers in Huambo and Kwanza Sul were illegally detained, beaten, and tortured by landowners with police complicity (see Section 1.f.).

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

Police injured persons while forcibly dispersing demonstrations on at least one occasion (see Section 2.b.).

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 2002 and 2001 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

The November report by the Ad-Hoc Commission on Human Rights in Cabinda alleged that individual government soldiers continued to rape women and girls and practice sexual slavery in areas of counterinsurgency operations. For example, on August 10, four soldiers raped a girl coming out of the Catholic Mission Parish School.

Landmines laid by both sides during the conflict resulted in a continued high number of fatalities and injuries (see Section 1.a.).

No action was taken against UNITA members that attacked a commercial convoy in May 2001 or tortured and mutilated a truck owner in June 2001.

FLEC-FAC forces tortured and killed civilians in the Cabinda region.

Prison conditions were harsh and life threatening. During the year, human rights activists reported that prison officials routinely beat and tortured detainees. The prison system held approximately 5 times the number of prisoners that it was built to hold and in some jails up to 10 inmates were held in cells built for 2 inmates. In August, there were approximately 1,750 inmates in the Luanda prison designed for 800. Warehouses in Bengo, Malange, and Lunda Norte provinces were used as prison facilities during the year. Many prisons, lacking 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, including food. There were credible reports from local NGOs that prisoners died of malnutrition and disease. At the Luanda prison, malnutrition and disease were pervasive problems.

Local human rights organizations reported that conditions were considerably worse outside the Luanda prison system. Many rural prisons, such as Chitato in Lunda Norte, were cited by local human rights organizations for not having toilets, beds, mattresses, water, or medicines.

Unlike in previous years, there were no reports that prisoners were used as laborers.

Prison officials, who chronically were unpaid, 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 that they were entitled to receive. In one case during the year, a prison official reportedly accepted a bribe to give one inmate's release order to another inmate.

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 and 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, the Government did not consistently report the arrest of foreign nationals to the appropriate consular authorities. Local human rights observers were permitted to visit some individual prisoners. There were reports that NGO officials were temporarily denied access or limited access to some prisons.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, security forces did not always respect these provisions in practice. Persons were 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.

Police are responsible for internal security and law enforcement. The National Police are under the Ministry of the Interior. Other than those personnel assigned to elite units, police were poorly paid, and the practice of supplementing their income through the extortion of the civilian population was widespread. Impunity remained a serious problem, but there were reports of security forces removed from their positions for alleged violations, but no reported prosecutions.

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

the National Command of the ANP opened a complaints office for the public to report police conduct. In May, more than 200 police officers were separated from service as part of an administrative restructuring.

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 under detention.

The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, 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 the detainees to trial.

Under the criminal law, 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; however, in practice, these limits were commonly exceeded. Investigative detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence.

The law permits detainees access to legal counsel; however, this right was not always respected in practice. Although bail is permitted under the law, there was no functioning bail system in practice.

Although illegal detention continued to be a problem, government and NGO attention to the problem increased. The Ministry of Justice instituted new case management procedures designed to decrease the delays in bringing detainees to trial; however, in September, the local human rights organization Association for Justice, Peace, and Democracy (AJPD) reported six cases of individuals being held illegally, including one individual who remained in detention 6 months after the completion of his sentence.

According to the independent media, the security forces continued to illegally detain individuals in Cabinda accused of collaborating with FLEC. On October 2, 3 young men were detained and held for 2 weeks, during which time they claimed to have met 17 other detainees at the same site in Necuto. In a separate case, three men, including one Congolese citizen, were detained in the village of Tandu-Macuco. There was no information on their status at year's end.

During the year, the Government temporarily detained human rights activists (see Section 4).

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

An insufficient number of judges and poor communications between various authorities led to prolonged detention. During the year, approximately 300 new cases were added to the caseloads of each of the 5 judges in the Luanda court, in addition to the existing backlog. More than 60 percent of inmates were awaiting trial and inmates who have been awaiting trial for 2 or 3 years were common. In many cases, police beat and then released detainees rather than prepare a formal court case (see Section 1.e.). Local human rights organizations, such as Maos Livres and AJPD, were successful in securing the release of some detainees during the year.

All 35 ex-UNITA gathering areas set up under the April 2002 ceasefire to voluntarily quarter demobilized UNITA troops were closed by June. According to government figures, a total of 377,511 persons were housed in the camps, including 91,693 demobilized soldiers and 285,818 dependents. Unlike in the previous year, there were no reports that camps were forcibly emptied; however, Human Rights Watch (HRW) criticized the demobilization process for not adequately including women and child soldiers.

The Constitution prohibits forced exile, and the Government did not use forced exile as a form of punishment. Several prominent UNITA members returned to the country during the year following the transition of UNITA to solely a political party.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary, where it functions, was subject to executive influence. In practice, the court system lacked means, experience, training, and political backing to assert its independence. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. The International Bar Association reported that only 23 of 168 municipal courts were operational. During the year, the Government continued to rebuild courts;

however, where provincial courts existed, there was often only one judge to cover all cases, civil and criminal, in the province (see Section 1.d.).

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division 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 provided for in the 1991 Constitution is established. There were long delays for trials at the Supreme Court level. Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. The criminal courts, in particular, have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure remained outdated, although some steps toward modernization had begun.

The law provides defendants with the presumption of innocence, the right to a defense; the right to appeal; the right to public trials; a system of bail; and recognizes the accused's right to counsel; however, the Government did not always respect these rights in practice. Trials are open to the public; however, each court has the discretion to close proceedings arbitrarily. 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 lay persons elected by the full court act as the jury.

During the year, the Human Rights Division of the U.N. Mission in Angola (UNMA) continued to support human rights training of municipal magistrates begun in 2002 by the Ministry of Justice. Approximately 100 magistrates to work in municipal police stations and intervene to protect the rights of individuals in police custody.

Government corruption was endemic, and accountability was limited. The Anti-Corruption Tribunal (Tribunal de Contas) was created in 2001 and was headed by a judge who also was a deputy in the National Assembly. The Tribunal claimed to be investigating senior members of the Government; however, it had still not tried any cases by year's end.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, the Government infringed on citizens' privacy rights. Citizens widely believed that the Government maintained surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders and journalists. Legal requirements for search warrants routinely were disregarded, most often in police searches for illegal vendors and period sweeps of public markets.

There were reports by local human rights organizations that army units burned villages, destroyed crops, and terrorized civilians in Cabinda to suppress separatists (see Section 1.a.). 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.

During the year, there continued to be reports that the Government forced or otherwise induced IDPs back to their places of origin before resettlement areas were declared free of mines and accessible to continued food deliveries or otherwise met standards adopted by the Government as preconditions to return (see Section 2.d.).

According to Amnesty International, persons from more than 5,000 households were evicted and their homes demolished in 3 mass evictions in Luanda between 2001 and year's end. Approximately 2 years after the Government evicted 4,200 families from their homes in the Boa Vista neighborhood in Luanda as a part of an urban renewal project, the Government had built only half of the promised replacement houses and replaced none of the demolished public buildings. Many of the houses the Government built lacked plumbing and electricity. Approximately 2,100 residents still were living in temporary shelters at an isolated camp outside Luanda without sanitation or public services. In September, authorities reportedly detained preemptively one community organizer for the displaced Boa Vista families before a high-level delegation, including foreign dignitaries, visited the area. Journalists were able to report on the camp.

During the year, there were reports that the Government continued to demolish housing used by the poor. Independent media reported that police carried out evictions and demolitions in the Luanda neighborhoods of Golfo II, Benfica, and Cambamba II during the year. Approximately 1,100 residents of Soba Kapassa neighborhood of Luanda were evicted from their homes and the buildings demolished between October 2001 and February; the evictions were carried out without due process and the Government offered no compensation to the former residents.

In July, there were reports that subsistence farmers in Huambo, Huila, and Kwanza Sul provinces were forcibly moved from traditional lands by large landowners, including senior government officials and military officers. Local human rights groups and government authorities were investigating allegations that landowners illegally detained at least 17 individuals at year's end (see Sections 1.b. and 1.c.).

Under the law, military service is obligatory. However, unlike in previous years, there were no reports of the armed forces and police conducting forced conscription drives.

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 media cannot be subject to ideological, political, or artistic censorship; however, the Government at times restricted this right in practice. There were fewer restrictions on journalists during the year; however, the Government continued to harass, beat, and detain journalists. There were reports that the Government paid journalists to publish pro-government stories. During the year, there was increasing private media attention to corruption, economic mismanagement, and opposition politics, and there were reports that journalists were placed under investigation for reporting on sensitive issues. There were reports that the Government limited access by independent journalists to certain events and interviews, and journalists acknowledged that they exercised self-censorship when reporting on highly sensitive matters.

The largest media outlets were state-run and carried very little criticism of the Government. While the Government tolerated increasing criticism of its policies and actions in the independent media, prominent government officials sometimes criticized independent outlets for their coverage. Specific harassment of independent media diminished during the year in most areas of the country. There were seven private weekly publications with circulation in the low thousands. The Government owned and operated Jornal de Angola, the only daily newspaper.

There were five commercial radio stations, including the Catholic Radio Ecclesia and Radio Lac Luanda, which openly criticized government policies and highlighted poor socioeconomic conditions. In February, the Minister of Social Communication strongly criticized Radio Ecclesia for airing listeners' criticism of government policies and officials during call-in shows. During the year, the Government refused to approve nationwide FM broadcast authority for Radio Ecclesia despite the station's previous authorization for shortwave broadcasts and publicly criticized the international community's support for the independent media. Government owned and operated Angolan National Radio was the only radio station with the capacity to broadcast throughout the country. The only television station is the state-controlled Angola Public Television (TPA) that is limited to Luanda and a few provincial capitals.

The Government did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and Voice of America (VOA). Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists are required to have work visas issued in their home countries to enter and report on the country. The Government did not restrict the topics foreign journalists could report.

In July, after more than a year of inaction, the Government created a new technical committee to draft a new press law to regulate press activities in the country. The committee included members from the Bar Association of Angola, the Presidency, representatives of the Union of Angolan Journalists, and independent experts on media issues. The committee had not published its findings by year's end.

Government authorities harassed, beat, and detained independent journalists on at least three occasions during the year. In February, police detained and beat a TPA journalist filming an angry crowd of local soccer fans. Also in February, the police beat and detained a journalist from the Angolan New Agency as he was investigating a homicide; despite showing his press credentials, the journalist was detained for 14 hours. In March, after an altercation between police and street vendors, police assaulted a cameraman and reporter on the scene for filming the incident.

There were no developments in the 2001 cases in which government authorities harassed journalists.

The state press often criticized independent journalists and opposition leaders, but limited access for these journalists to respond.

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

Defamation against the President or his representatives is a criminal offense, punishable by imprisonment or fines. Truth 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.

The Government arrested journalists on charges of slander. On February 24, a journalist from Folha 8 was detained in connection with a story on malfeasance in a government ministry and released after 5 weeks in jail.

In February, the police summoned a journalist for questioning and placed him under investigation after publishing an article in the independent weekly *Semanario Angolense* that detailed the fortunes of prominent government officials. In May, a formal complaint was lodged by at least one official identified in the article, and the case was still pending at year's end.

The 2002 Law on State Secrecy provides the executive branch broad authority to classify public information and impose criminal penalties on individuals who publicize information that the Government views as damaging. Under the law, the Government has authority to censor reports from international financial institutions or international press stories that criticize the Government or expose official corruption. The Government also can prosecute international oil companies under the law for releasing data on their transactions with the parastatal oil company; however, the law had not been used by year's end.

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

The Government did not restrict academic freedom, and academics actively criticized government policy and participated in civil society-based advocacy campaigns. Academics did not practice self-censorship and frequently served as commentators for independent media and spoke at public forums in Luanda. Students were permitted to speak and read freely; however, the Government tightly controlled student and other protests or demonstrations (see Section 2.b.).

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. There were fewer reports than in previous years that demonstrations were dispersed or applications for assemblies denied. 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 were granted routinely without delay; however, applications for protest assemblies were sometimes denied. In at least one case, a court subsequently sided with the protesters after they appealed the denial of permission to hold their event. During the year, official tolerance for public protest increased.

Police used excessive force to break up demonstrations during the year. For example, on March 17, police in Zaire province violently broke up a demonstration, in which bystanders were reportedly injured as well.

Opposition supporters were detained after holding demonstrations on at least one occasion. On June 3, five members of the opposition political party Democratic Aid and Progress Party of Angola, including party president Carlos Leitao, were arrested and detained for 3 days after holding a authorized, peaceful rally in a Luanda public area. All five individuals, who were held on charges of disturbing the peace, were released after a Luanda court determined that the demonstration had been legally organized and lawfully carried out.

The Constitution provides for the right of association; however, the Government sometimes restricted this right in practice. During the year, there were fewer reports than in previous years that groups were unable to operate without government interference. 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. 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 this uncertain legal position, AJPD continued to function throughout the year without government interference.

The Government also arbitrarily restricted associations that it considered anti-government, by refusing to grant licenses for organized activities and through other means, such as police or other official harassment. Opposition parties were permitted to organize and hold meetings during the year; however, many reported facing harassment from local authorities outside Luanda (see Section 3). In August, UNITA members complained of a series of beating by thugs in Huambo working in complicity with local authorities.

Independent labor activists reportedly also encountered difficulty with provincial government authorities in registering branch associations; however, vigils and demonstrations took place during 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 all non-Christian religious groups from the country; while those statutes still exist, they no longer were enforced. In 2002, the colonial-era law granting civil registration authority to the churches was put back into effect. In May, the Council of Ministers sent a draft law to the National Assembly to establish stricter criteria for registering as a religious organization. Consideration was still underway at year's end.

A total of 17 religious groups remained banned during the year in Cabinda on charges of practicing medicine on the groups' members. In October, five ministers in Cabinda were sentenced to 35 days in jail for disobeying local authorities' orders to desist from holding services in private residences and places of business.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government sometimes restricted these rights in practice. There were fewer reports than in previous years that 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 or beyond the administrative authority of the Government. During the year, increasing stretches of previously inaccessible areas were opened to transit and a growing number of persons were able to travel around the country. Poor infrastructure and landmines were the principal obstacles to free movement of persons throughout the country.

Extortion at checkpoints was routine in Luanda and pervasive on major commercial routes and served as a principal source of income for many of the country's security service personnel. During the year, independent media reported that ANP officers systematically extorted money from truck and taxi drivers in Bengo province at checkpoints on roads linking surrounding municipalities with the provincial capital.

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

Landmines remaining from the civil war were a major impediment to the freedom of movement (see Section 1.a.). There were no reports of new landmines planted during the year.

Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists must receive a work visa before entry in the country (see Section 2.a.).

The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from travelers. The Ministry of Assistance and Social Re-Insertion (MINARS) reported that as of December, 3.8 million IDPs returned to their areas of origin. At year's end, more than 830,000 IDPs, including some ex-UNITA soldiers and their family members, were still waiting resettlement (see Section 1.d.). Approximately half were expected to remain in their current areas of residence. Many registered IDPs were located in Bie, Huambo, and Malange provinces in the interior of the country. A large number of IDPs remained in Lunda Norte province. There continued to be reports that police officers and soldiers harassed IDPs and stole donated supplies.

MINARS has primary responsibility for IDPs and implemented housing and resettlement programs; however, these efforts remained inadequate. Provincial governments have primary responsibility for IDP resettlement and set forth guidelines to ensure the safe, voluntary resettlement of IDPs to areas cleared of mines and with access to water, arable land, markets, and state administration; however, during the year there were reports of forced relocations of IDPs to resettlement sites that did not meet the published standards. There also were credible reports of government efforts to force IDPs to return home without respect to conditions at their places of origin or even to MINARS' own standards. In August, the U.N. estimated that 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. HRW reported that local authorities

prevented IDPs from settling in Luanda.

During the process, many returnees were brought to provincial transit centers for onward transportation to their areas of origin. Conditions in several of the transit centers were life threatening at times due to overcrowding and inadequate sanitation. In some cases, returnees were sent to provincial transit centers before local authorities were notified. In one case in August, the return of IDPs from Luanda to Malange was not coordinated with local authorities. Some of the returnees reportedly died due to a lack of adequate preparations at the reception site.

In 2002, the U.N. estimated that there were 435,000 Angolan refugees in neighboring countries as a result of the conflict. The largest number of them sought refuge in the Democratic Republic of the Congo (DRC), with smaller numbers in Namibia and Zambia. Spontaneous returns began after the April 2002 ceasefire and continued throughout the year. In March, independent media reported returning refugees were required to pay illegal taxes at border posts and alleged that officials had raped some refugee women. HRW reported that uniformed soldiers beat a man and raped a woman of a refugee couple returning to the country from Zambia. In light of the reports, U.N. High Commissioner for Refugees (UNHCR) officials urged Angolan refugees to delay their return until the initiation of the official repatriation process in June. The Government also took steps to address the problem, including transferring police accused of harassing refugees.

According to the UNHCR, by December more than 43,300 refugees had returned from DRC, Namibia, and Zambia as part of an organized repatriation program. The Government estimated that a total of 75,000 Angolan refugees returned home during the year.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperated with the UNHCR. An eligibility committee to evaluate asylum claims, under the authority of the Ministry of Justice, met once a week to evaluate asylum requests if there were cases to consider, and approved the petitions of 13 asylum-seekers during the year. According to the UNHCR, the country had approximately 12,000 refugees, most of whom were from the DRC.

Refugees in the country were generally well-treated; however, the approximately 300 Congolese refugees resettled in May to the Sungui camp in Bengo province were harassed by local residents during the year. In October, uniformed armed men harassed the refugees and supplies were stolen from a local assistance program. There were two similar incidents between June and October.

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 (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). 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 the country to civil war. The runoff election between Dos Santos and Savimbi never was held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. Upon conclusion of the latest peace agreement in November 2002, all parties, including UNITA, agreed that the primary tasks outlined under the Lusaka Protocol had been completed and a runoff election would not be held.

Active civil society discussions and political party activity for elections were underway during the year. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law, although the draft had not been made available for public consultation by year's end. No steps were taken during the year to prepare for elections. Most opposition parties agreed that elections should be held within the next 2 years, while the ruling MPLA had not adopted a public position by year's end. During the year, several of the final political tasks of the Lusaka Protocol, including the naming of UNITA officials to government ministries, provincial governorships, and ambassadorial posts, were completed.

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 the 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 other members of 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 establishes the position of Prime Minister, it was filled by the President from 1998 to 2002. In December 2002, the President named former Interior Minister Fernando Dias dos Santos "Nando" as Prime Minister. Since its inception, the National Assembly has been subservient to the Council of Ministers. 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 strengthen 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 calculated based on their respective representation in the National Assembly. The majority of opposition parties have limited national coverage. The two historical opposition parties that date back to independence, UNITA and the National Liberation Front of Angola (FNLA), traditionally derived support from the Ovimbundu and Bakongo ethnic groups, respectively. Opposition parties complained of harassment and intimidation by the Government outside Luanda. On January 18, individuals dressed in MPLA shirts attacked and beat five UNITA members in Huambo province. The victims reported the incident to authorities; however, no arrests were made. In August, UNITA members from Huambo presented three cases in which local MPLA members allegedly beat UNITA party members with police complicity. In September, UNITA's national leadership complained of increased harassment by local MPLA members and municipal officials in several other provinces, including Lunda Sul. During the year, Social Renovation Party (PRS) members also complained of harassment by MPLA members and local officials in Lunda Norte, Lunda Sul, and Moxico provinces. In March, traditional leaders in Cuango municipality in Lunda Norte complained about MPLA members, with police support, cutting down PRS flags and threatening violence to those who display the flags.

During the year, UNITA progressed significantly in its internal reunification and transition to a demilitarized political organization and the largest opposition party. UNITA maintained a sporadic dialogue with the Government on the reintegration of its demobilized soldiers and disarmament of the civilian population. In June, the party elected a new president, Isaias Samakuva, to succeed Jonas Savimbi in a secret ballot election conducted by an independent commission and observed by members of the civil society and diplomatic community. The party's splinter wing, UNITA-Renovada, ceased to exist, and the Government transferred the party's official state subsidy to UNITA. In July, UNITA participated in multi-party consultations with the President on establishing a date for national elections. In September, the party announced its proposal for an electoral calendar to prepare the country for elections in 2005.

There are no legal barriers to the participation of women in the political process. There were 35 women in the 220-seat National Assembly, and there were 10 women in the 61-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, investigating and publishing their findings on human rights cases. The Government does not prohibit independent investigations of its human rights abuses; however, it failed to cooperate and often used security conditions as a justification to deny access to Cabinda.

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. The Ad-Hoc Commission on Human Rights in Cabinda helped organize a conference in Cabinda in July to discuss a framework for peace and continued to report on human rights in the province. In November, the Commission released its second report detailing human rights violations in Cabinda; however, some independent observers questioned the objectivity of the Commission's work. The Government did not meet with the Commission during the year or issue an official response to the second report. Local NGOs actively promoted human rights during the year by documenting and exposing prison conditions and providing free legal counsel; however, the Government continued to be suspicious of local NGOs receiving international support. During the year, the Ministry of Justice blocked the registration of AJPD by continuing not to respond to its application (see Section 2.b.).

In May, NGO workers in Bengo province were ordered out of their vehicle and detained while their vehicle and possessions were searched.

In August, police summoned for questioning prominent human rights lawyer and founder of the local NGO

Maos Livres, David Mendes, from overseas medical treatment. When he appeared for questioning in Luanda, authorities refused to interview him or explain any charges against him (see Section 1.d.). Mendes was released after being held for 3 hours at the police station.

In October, there were reports of individuals dressed in FAA uniforms stealing humanitarian supplies from an NGO in Bengo.

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 Division. HRW visited the country in August and released a report on the protection of human rights of the country's IDPs. The Government strongly disagreed with much of the substance of the HRW report.

Human rights organizations had increased access to the country following the April 2002 ceasefire. During the year, U.N. humanitarian activities maintained large-scale operations in response to an acute food security and IDP crisis. In February, the UNMA closed with the final implementation of the Lusaka Protocol, and oversight for U.N. operations was transferred to the UNDP.

The National Assembly has a Committee on Human Rights, which conducted visits to prisons and held hearings on human rights issues during the year.

Section 5 Discrimination Based on Race, Sex, 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, ideology, degree of education, or economic or social condition; however, the Government did not have the ability to enforce these provisions effectively.

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 40 domestic violence cases a month. The Government continued its project to reduce violence against women and improve the status of women. Domestic violence is prosecuted under rape and 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, an increasing number of women engaged in prostitution. Prostitution is illegal under the Constitution; however, the prohibition was not enforced and prostitutes were treated as victims, not offenders. During the year, independent media carried stories on the increasing prevalence of prostitution and complaints by prostitutes of police harassment.

There is no specific legal provision regarding sexual harassment; however, such cases may be prosecuted under assault and battery and defamation statutes. Sexual harassment was a problem, and the official media publicized cases during the year.

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, a portion of 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 mostly were relegated to low-level positions in state-run industries and in the small private sector. Under the law, adult 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.

A series of national conferences on women's rights continued during the year and called for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

In September, the Government submitted its first treaty report under the U.N. Convention to Eliminate Discrimination Against Women.

Children

Approximately 50 percent of the population was believed to be under the age of 15; however, the Government continued to give little attention to children's rights and welfare. The Ministry of Education and Culture (MEC) barely functioned due to a lack of resources and poor administration. Nevertheless, the MEC, together with UNICEF, launched a program to provide informal learning and life skills for vulnerable children outside of the formal education system. The program intended to reach a total of 50,000 children by year's end. In addition, the MEC created a Back-to-School campaign in two of the poorest provinces to increase education access for all school-aged children. The National Institute for Children has daily responsibility for children's affairs, and in June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system.

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. During the year, teachers engaged in strikes throughout the country (see Section 6.b.). Most of the educational infrastructure was damaged either partially or completely and lacked basic equipment and teaching materials. There were not enough schools, and many children had to work to support their families. The net enrollment rate of school-age children was 40 percent; however, while 55 percent of children 5 to 14 years of age were in school, only 30 percent of children remain in school after fifth grade. There was a significant gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school, with no prospect of integrating them into the education system. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

Some children reportedly continued to be recruited into the armed forces as a result of the absence of civil registration and the inability to prove dates of birth. According to Ministry of Justice, 2,182,902 children were registered between August 2001 and July; however, at least 1 million more remained unregistered. HRW criticized the Government for excluding children who served as soldiers and "wives" during the war from the demobilization process, and for not providing children adequate reintegration assistance and other benefits promised to former soldiers. Between January and October, the UNICEF-supported National Family Tracing and Reunification Program successfully reunited 1,479 separated children with their families and trained 539 tracing activists in 10 provinces.

There were reports of trafficking in children (see Section 6.f.).

Child prostitution is prohibited by a general criminal statute; however, an international NGO estimated in June that there were as many as 1,000 underage prostitutes in Luanda. The age of sexual consent is 12 years, and 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. Convicted offenders may be sentenced for up to 8 years in prison.

The Government provides free medical care for children at the pediatric hospital in Luanda, in addition to supporting child immunization programs and general medical care at public hospitals and clinics around the country; however, in practice, such care was limited at many facilities. 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. During 2002, MINARS trained 1,070 child protection monitors who assisted 43,000 children that were separated from their families. Landmine explosions continued to kill and injure children (see Section 1.a.).

According to a government report released in June, there were approximately 3,000 street children in Luanda; other estimates were as high as 5,000. As many as another 30,000 children worked or begged on Luanda's streets and approximately 100,000 children throughout the country have been separated from their families. Some were orphans or abandoned, while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets. Street children shined shoes, washed cars, and carried water, but many resorted to petty crime, begging, and prostitution in order to survive. The government-sponsored National Institute for Children was responsible for child protection, but it lacked the capacity to work adequately with international NGOs. The Government publicized the problems of street and homeless children during the year and held a conference in May on the plight of street children. No program had been implemented by year's end.

There were no active domestic private children's rights advocacy groups; however, several international organizations promoted children's rights in the country.

Persons with Disabilities

The number of persons with physical disabilities included more than 80,000 landmine survivors. Handicap International estimated that up to 10 percent of the population have physical disabilities. While there was

no institutional discrimination against persons with disabilities, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for persons with disabilities in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, 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 linguistically distinct hunter-gatherer tribes. At least 3,400 San people lived in 72 small dispersed communities in Huila, Cunene, and Kuando Kubango provinces. According to a July study commissioned by Trocaire Angola and the Working Group of Indigenous Minorities, many San communities suffered from social exclusion, discrimination, and economic exploitation. Greatly reduced access to land and natural resources and insecure and very limited land rights have eroded the San's former hunter-gatherer livelihoods and exacerbated ethnic tensions with neighboring groups. Hunter-gatherer communities as a whole did not participate actively in the political or economic life of the country, and they 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 indigenous communities in general. While the Government's draft land tenure law was still pending at year's end, reports of illegal land grabs in Huila province by former and current government officials were increasing. In 2002, as part of a government project, 10 leases of 45-year duration were given to pastoral communities in Bengo and Huila provinces.

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 Government dominated the National Union of Angolan Workers (UNTA), which claimed to have more than 400,000 members and was affiliated with the ruling MPLA party; however, 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). There continued to be division and pending legal suits between member unions of CGSILA over accusations of administrative malfeasance. Independent unions did not have a particular political affiliation. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers was the 60 percent formal sector unemployment rate. The Government dominated the economy through state-run enterprises.

The law requires that the Government recognize labor unions. Nevertheless, SIMA has encountered difficulty with provincial government authorities in registering branch associations and organizing dock and rig 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 fired for union activities. In practice, neither the Labor Code nor the judicial system were capable of defending or enforcing these rights. For example, when train drivers from the Luanda Railways Company persuaded colleagues to leave the UNTA for the CGSILA, they were fired.

Unions have the right to affiliate internationally. CGSILA cooperated with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and participated in the International Labor Organization (ILO). Individual trade unions maintained relations with counterpart unions in other countries.

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 respect these rights in practice. The Government did not facilitate a positive environment for 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 strictly 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 strikes. During the year,

numerous strikes over wages took place, including in the health, judicial, and public works sectors. Teachers also engaged in strikes during the year (see Section 5). The number of strikes over wages and working conditions increased during the year, including, for the first time, strikes in the judicial sector and walk-outs in the health sector.

SIMA continued an organized protest begun in 2000 to demand severance compensation from Angonave. Participants in the vigil reportedly were subject to government harassment during the year.

On June 12, the university professors' union, a member union of CGSILA, began a 45-day strike at Agostino Neto University over salaries and lack of compliance with previous agreements on pay and work conditions. After the MEC and university administration refused to agree to the terms set by the professors' union, the strike was called off in July. Union members complained of being threatened with dismissal and receiving physical threats during the strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, the Government was unable to enforce these provisions effectively. In addition, the law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and the ILO has cited it as an example of forced labor in violation of ILO conventions. Unlike in previous years, there were no reports that the FAA forcibly conscripted persons. There were independent media reports that a prison director in Huambo used prisoners as laborers in his house.

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

Child labor was a problem during the year. 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, and children under 16 years of age are prohibited from factory work; however, these provisions generally were not enforced. 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 June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system. Child labor violations are punishable with fines and restitution. 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.

The Ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14; however, many younger 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, as well as runaways, into unregulated urban employment in the informal sector.

e. Acceptable Conditions of Work

In May, the minimum wage was held by the Ministry of Public Administration, Employment, and Social Security at the equivalent of \$50 (4,000 Kwanza) per month despite widespread calls for an increase. Many urban workers earned less than \$20 (1,600 Kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated to be between \$40 and \$150 (3,200 to 12,000 Kwanza) per month, were sufficient to provide 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, corruption, or support from abroad to augment their incomes. The Government pegged the minimum wage to inflation but did not consistently adjust the rate quarterly. 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 or occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

Foreign workers (legal or illegal) 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.

f. Trafficking in Persons

The Constitution prohibits human bondage; however, no laws exist to combat trafficking in persons, and

there were reports of trafficking.

There were limited and conflicting reports that women and children were trafficked during the year, primarily to Europe and South Africa, for labor and sexual exploitation.

The Ministry of Justice continued its campaign to register children, provide them with identity papers, and protect them against potential trafficking. In June, the Ministry of Justice announced that more than 2.1 million children had been registered since August 2001—almost 70 percent of the initial goal. The Government operated facilities throughout the country for abandoned and abducted children. However, the facilities were underfunded, understaffed, and overcrowded in many cases. No special service was provided for victims of trafficking.

Unlike in previous years, there were no reports that the Government or UNITA forcibly recruited persons for military service (see Section 1.f.).