

ANGOLA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Angola is a constitutional republic. The ruling Popular Movement for the Liberation of Angola (MPLA) has been in power since independence in 1975. In August 2012 the government held the first fully constituted presidential and legislative elections in the country's history. The MPLA won 71.8 percent of the vote, and in September 2012 President Jose Eduardo dos Santos began a five-year term as president under the new constitution. Civilian authorities generally maintained effective control over the security forces.

The three most important human rights abuses were cruel, excessive, and degrading punishment, including reported cases of torture and beatings; limits on freedoms of assembly, association, speech, and press; and official corruption and impunity.

Other human rights abuses included arbitrary or unlawful deprivation of life, harsh and potentially life-threatening prison conditions, arbitrary arrest and detention, lengthy pretrial detention, impunity for human rights abusers, lack of due process and judicial inefficiency, forced evictions without compensation, restrictions on nongovernmental organizations (NGOs), trafficking in persons, limits on workers' rights, and forced labor.

The government took some steps to prosecute or punish officials who committed abuses; however, accountability was weak due to a lack of checks and balances, lack of institutional capacity, a culture of impunity, and widespread government corruption.

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

a. Arbitrary or Unlawful Deprivation of Life

In carrying out law enforcement activities, the government or its agents used excessive and sometimes deadly force.

On April 14, a police operation to disband what the government determined was a dangerous religious sect left 13 civilians and nine police officers dead, according to official figures. Light of the World Church, a religious sect in Huambo Province, had allegedly asked its members to sell their worldly possessions, stop sending

their children to school, and disregard government authority. The national police moved to disband the group and arrest its leader, Jose Kalupeteka. According to the government, the group's members attacked the initial police force sent to apprehend Kalupeteka, killing nine officers, and the retaliatory police action resulted in 13 members of the group being killed in a reported firefight.

Opposition parties, however, argued the police operation against a congregation of between 1,000 and 2,000 individuals must have resulted in a higher casualty count. The government denied the allegation, arguing that police acted in a measured and professional manner and viewed the group members as victims to be protected and not targets.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit all forms of torture and cruel, inhuman, or degrading treatment or punishment, but the government did not always enforce these prohibitions. Periodic reports of beatings and other abuses of persons on the way to and in police stations during interrogations continued. The government acknowledged that at times members of the security forces used excessive force when apprehending individuals and stated it was working to reduce such incidents. Police leaders openly condemned some acts of violence or excessive force against individuals and asked that victims report abuses to the national police or the Office of the Public Defender (Ombudsman).

Security forces reacted harshly and sometimes violently to public demonstrations against government policies. Several media and NGO accounts reported police forces around the country beat protesters. The visible presence of security forces was enough to significantly deter what were deemed by the government to be unlawful demonstrations. Authorities claimed many public demonstrations were organized by known agitators who sought only to create social instability.

On September 15, during a demonstration against incarceration policies, youth activist Raul Mandela was severely beaten by members of the Luanda Province police. Mandela said police agents targeted him because of his participation in a September 12 radio debate in which he criticized police violence against peaceful demonstrators. Police claimed the demonstration did not have the necessary

permits and that they were called to restore order. There was no official comment by the national police on allegations of use of force against demonstrators.

Unlike in previous years, there were no confirmed reports of abuses by private security companies in diamond producing regions.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening. Domestic NGOs and the media continued to highlight corruption, overcrowding, and generally poor conditions.

Physical Conditions: Prisons were overcrowded. For example, as of August there were 24,165 inmates in 40 prisons designed to hold 21,800 inmates. There were seven official detention centers for irregular migrants.

Authorities frequently held pretrial detainees with sentenced inmates, and short-term detainees with those serving long-term sentences for violent crimes, especially in provincial prisons.

Prison conditions varied widely between urban and rural areas. Prisons in rural areas were less crowded and reportedly had better rehabilitation, training, and reintegration services. Prisons generally provided some medical care, sanitation, potable water, and food, although it was customary for families to bring food to prisoners. Local NGOs alleged prison services were insufficient.

On August 14, Viana prison inmate Mariana Antonio Joaquim was beaten by three prison guards in the presence and under direct instructions of prison Director Judith Ambrosio Ginge. On August 20, Minister of Interior Angelo Tavares (who was responsible for supervising correctional facilities) dismissed Ginge and three prison guards following graphic media reports of the beating. The Ministry of Interior launched an internal investigation into the incident and recommended that the attorney general start an independent criminal investigation, which was underway at year's end.

Administration: The Ministry of Interior claimed that adequate statistics were available in each facility and that authorities were able to locate every prisoner.

The government investigated and monitored prison and detention center conditions. An independent office of the ombudsman existed to mediate between

an aggrieved public, including prisoners, and an offending public office or institution. The office had no decision-making or adjudicative powers, but it helped citizens obtain access to justice and advised government entities on citizen rights. The office also published reports and educated the public about human rights and the role of the ombudsman.

Some offenders, including violent offenders, reported paying fines and bribes to secure their freedom but it was unclear how prevalent this practice was. Nonviolent offenders were often fined or paroled as alternatives to incarceration.

Independent Monitoring: The government permitted visits to prisons by independent local and international human rights observers and foreign diplomats. Nevertheless, civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons.

Members of opposition parties visited prisons around the country on a regular basis and reported uneven improvements in living conditions and rehabilitation programs. A local NGO that provides pro bono legal services to inmates said prison officials were trying to improve conditions but overcrowding limited results. According to the Ministry of Justice and Human Rights, the ministry made monthly visits to detention centers with representatives of the Office of the Public Defender, the Office of the Attorney General (PGR), and members of the National Assembly to assess prisoners' living conditions.

In June the Ministry of Interior announced it was suspending the construction of 11 prisons across the country because of lack of funds. The new prisons were part of the government's plan to ease inmate overcrowding.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces often did not respect these prohibitions.

On September 18, the government published the Law on Precautionary Measures in Criminal Proceedings (law 25/2015), which limits the ability of security forces to place suspects in preventive detention and reinforces protections of due process and expedient legal decisions for the accused. Most notably the law gives the PGR 48 hours to charge a detainee of the suspected crime. According to the Ministry of Justice and Human Rights, the law addresses concerns over the detention periods

of suspected criminals and clearly defines and limits police authority to detain any individual.

According to several NGO and civil society sources, police arbitrarily arrested individuals without due process and routinely detained individuals who participated, or were about to participate, in antigovernment protests, despite this right being protected by the constitution. Police used preemptive detention to prevent protests from taking place. They often released the detainees after a few hours. For example, on August 8, a group of young activists attempted to hold a demonstration against the detention of 15 political activists arrested in June. Security forces detained three journalists covering the demonstration, confiscated their equipment, and held them for several hours without charge or an explanation. The national police denied the allegation.

Role of the Police and Security Apparatus

The national police, controlled by the Ministry of Interior, are responsible for internal security and law enforcement. The Expatriate and Migration Services (SME), also within the Ministry of Interior, is responsible for migration law enforcement. The state intelligence and security service reports to the presidency and investigates sensitive state security matters. The Angolan Armed Forces (FAA) are responsible for external security but also had domestic security responsibilities, including border security, expulsion of irregular migrants, and small-scale actions against the Front for the Liberation of the Enclave of Cabinda separatists in Cabinda.

Civilian authorities maintained effective control over the FAA and the national police, and the government has mechanisms to investigate and punish abuse and corruption. The security forces generally were effective, although sometimes brutal, at maintaining stability. The national police and FAA have internal mechanisms to investigate security force abuses, and the government provided some training to reform the security forces.

Police presence in neighborhoods and on streets was generally welcomed by the population as enhancing general safety and security. Police officers, however, were believed to routinely extort civilians to supplement their income. Corruption and impunity remained serious problems. The national police handled most complaints internally through opaque disciplinary procedures, which sometimes led to formal punishment including dismissal. During the year the national police participated in a television series designed to show a gamut of interactions between

police and civilians. The goal of the show was to encourage the population to collaborate with police while discouraging security force members' procurement of bribes or their payment. The PGR has an anticorruption unit and is charged with oversight of police wrongdoing. The government disclosed publicly the results of some investigations that led to disciplinary action.

Police participated in professional training with law enforcement officials from several countries in the region.

Arrest Procedures and Treatment of Detainees

The law requires a judge or magistrate to issue a warrant prior to arrest, although a person caught committing a crime may be arrested immediately without a warrant. Security force personnel, however, did not always procure warrants before arresting persons.

Police can legally detain an individual under reasonable suspicion for six hours without evidence of a crime.

The constitution provides the right to prompt judicial determination of the detention's legality, but authorities often did not respect this right.

The law mandates that detainees be informed of charges against them within five days of detention. This provision was generally observed. In certain cases the prosecutor may permit the suspect to return home, in which case the prosecutor may provide a warrant of surveillance to local police.

For misdemeanors the suspect may be detained for 30 days before trial. For felonies the prosecutor may prolong pretrial detention up to 45 days. Pretrial detention may also be prolonged by court order while officials build their case. Requests to prolong pretrial detention are not made public, which made it difficult to determine whether authorities exceeded the limits. The Ministry of Justice and Human Rights explained that, under certain circumstances involving national security, the PGR could extend pretrial detention up to 215 days. Additional time may be authorized by the PGR if it deems the circumstances of the case warrant an extension.

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that prison officials demanded bribes to release prisoners. Detainees have the right to have access to a lawyer, although

this did not always happen. The law states indigent detainees should be provided a lawyer by the state. The Ministry of Justice and Human Rights reported all municipal courts were staffed with licensed lawyers. The ministry recognized access to a lawyer, especially in rural areas, remained a problem and was working with universities to increase the number of qualified lawyers. The law allows family members prompt access to detainees, but prison officials occasionally ignored this right or made it conditional upon payment of a bribe. Detainees may be held incommunicado for up to 48 hours by request of the public prosecutor and the approval of a judge. The law provides provisions for house arrest, but this option was seldom used.

Arbitrary Arrest: Unlawful arrest and detention remained serious problems. In March the Observatory for the Protection of Human Rights Defenders and the Association for Justice, Peace, and Democracy published a report listing the detention and arrest of several NGO leaders over the past nine years. According to the PGR, allegations of government wrongdoing on arrest practices made by local and international NGOs were due to a lack of understanding of national laws.

Pretrial Detention: Excessively long pretrial detention continued to be a serious problem. An inadequate number of judges and poor communication among authorities contributed to the problem. Police beat and then released detainees rather than prepare a formal court case. In some cases authorities held inmates in prison for up to two years before their trials began. The Ministry of Interior reported during the year that 10,500 inmates were pretrial detainees, which represented approximately 45 percent of the total inmate population. The government often did not release detainees who had been held beyond the legal time limit, claiming previous releases of pretrial detainees had resulted in an increase in crime.

On June 20-21, security forces arrested 15 activists in Luanda. On September 30, after 102 days of pretrial detention, they and an additional two individuals (not imprisoned as of December) were charged with engaging in “preparatory acts to incite rebellion and for planning the overthrow of the president and other institutions of the state.” The Ministry of Justice and Human Rights and the PGR claimed the legal process had been conducted within the law.

Amnesty: On September 15, President dos Santos approved amnesty for inmates who had either served at least half of a 12-year sentence or who were convicted women with children younger than 12 years old. The government also reduced by a quarter the sentences of inmates sentenced to more than 12 years in prison. The

amnesty excluded inmates convicted of murder, sex offenses, armed robbery, or military crimes.

e. Denial of Fair Public Trial

The constitution and law provide for an independent and impartial judiciary. Institutional weaknesses in the judicial system, however, such as political influence in the judicial decision-making process, were problems. The Ministry of Justice and Human Rights and the PGR worked to improve the independence of prosecutors and judges. The National Institute for Judicial Studies conducted capacity-building programs on the importance of an independent judicial system.

There were long trial delays at the Supreme Court. Criminal courts also had a large backlog of cases, which resulted in major delays in hearings. There were only 22 municipal courts for 163 municipalities. To increase access to justice, the PGR established offices of legal counsel in most municipalities.

Informal courts remained the principal institutions through which citizens resolved civil conflicts in rural areas, such as disputes over a bartering deal. Each community in which informal courts were located established local rules, creating disparities in how similar cases would be resolved from one community to the next. Traditional leaders (known as “sobas”) also heard and decided local civil cases. Sobas do not have the authority to resolve criminal cases; only municipal courts can hear criminal cases.

Most municipalities did not have prosecutors or judges. Local police often served as investigator, prosecutor, and judge. Both the national police and the FAA have internal court systems that generally remained closed to outside scrutiny. Although members of these organizations can be tried under their internal regulations, cases that include violations of criminal or civil laws can also fall under the jurisdiction of provincial courts. Both the PGR and the Ministry of Justice and Human Rights have civilian oversight responsibilities over military courts.

On November 19, the judge presiding over the case of the 17 activists charged with “preparatory acts to incite rebellion and for planning the overthrow of the president and other institutions of the state” ordered closure of the public trial to independent observers such as members of the diplomatic corps and local NGOs due to the high level of interest in the proceedings and space constraints. Attendance by the public was limited to two family members per defendant. Special accommodations were

made for members of the press to follow the trial in a separate room via closed circuit television. The activists were allowed to leave prison for house arrest during the holiday break on December 18 per a new law on trial detention lengths. Independent observers were present in other high-profile and sensitive trials such as the libel and defamation case of Rafael Marques and the rebellion case against Marcos Mavungo.

Trial Procedures

Although the law provides for the right to a fair trial, the government did not always respect this right. Suspects must be in the presence of a judge and defense attorney when charged. Defendants have the right to be informed of the charges levied against them in detail within five days, although this right was not always respected. It was not known if defendants had the right to language interpretation during legal proceedings. Defendants are presumed innocent until convicted; however, the reverse is true in cases involving accusations of defamation (see section 2.a.). By law trials are usually public, although each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires that an attorney be provided at public expense if an indigent defendant faces serious criminal charges. According to the Ministry of Justice and Human Rights, all public defenders are licensed lawyers. Defendants do not have the right to confront their accusers. They may question witnesses against them and present witnesses and evidence on their own behalf. In general defendants had enough time and facilities to prepare a defense. The government did not always respect all of these rights. The law protects defendants from providing self-incriminating testimony.

Defendants and their attorneys have the right to access government-held evidence relevant to their cases, but authorities did not always uphold this right. For example, on March 14, political activist Marcos Mavungo was arrested on suspicion of plotting an act of violence against the provincial government of Cabinda. On September 14, more than 200 days after his arrest, Mavungo was convicted of charges of rebellion against the state and sentenced to six years in prison. His lawyers complained publicly they did not have access to the evidence the government claimed it had to prove guilt. The Ministry of Justice and Human Rights and the PGR stated that Mavungo's case was conducted within appropriate parameters for a case involving national security and that the sentence reflected the seriousness of the crime. Defendants have the right to appeal, and Mavungo was appealing his sentence.

The law extends to all citizens. A separate court under the Ministry of Justice and Human Rights is designated for children's affairs. It functions as part of Luanda's provincial court system. The juvenile court also hears cases of minors between the ages of 12 and 16 accused of committing a criminal offense. Minors over age 16 accused of committing a criminal offense are tried in regular courts. In many rural provinces, there is no provision for juvenile courts, so offenders as young as 12 can be tried as adults. In many cases traditional leaders have state authority to resolve disputes and determine punishments for civil offenses, including offenses committed by juveniles. Traditional authorities are defined in the constitution as ad hoc units of the state.

The president appoints Supreme Court justices for life terms without confirmation by the National Assembly. The Supreme Court generally hears cases concerning alleged political and security crimes.

Political Prisoners and Detainees

The Ministry of Justice and Human Rights denied there were political prisoners in the country. Opposition political parties, however, often claimed their members were detained because of their political affiliations. Media reports of opposition parties' members being harassed and detained for up to 48 hours were common but difficult to confirm.

Civil Judicial Procedures and Remedies

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

Property Restitution

The constitution recognizes the right to housing and quality of life, and the law states that persons relocated should receive fair compensation. Under the constitution all untitled land belongs to the state. Throughout the year the government used eminent domain laws to raze housing settlements and other buildings to carry out urban redevelopment projects. Some persons forced to move did not receive fair compensation, at times due to lack of clear title or permits for the destroyed property. Relocated persons who received new housing units often complained their units were located inconveniently far from their jobs or places of business, or were of substandard quality. Media reports suggested that the distribution and compensation mechanisms were improving. SOS Habitat, an

NGO dealing with land rights, reported some of its activists were harassed by security forces. The NGO submitted a formal complaint to police and authorities were investigating the case.

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

The constitution and law prohibit such actions, but the government did not always respect these prohibitions. Civil organizations and politically active individuals, including government critics, members of opposition parties, and journalists, complained the government maintained surveillance of their activities and membership. These groups also frequently complained of threats and harassment based on their affiliations to groups that were nominally or explicitly antigovernment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, state dominance of most media outlets and self-censorship by journalists limited the practical application of these rights. Most private media organizations were located in the capital.

Freedom of Speech and Expression: Individuals reported practicing self-censorship but generally were able to criticize government policies without fear of direct reprisal. The government engaged in economic coercion and subtle repression, often in the form of offering bribes or withdrawing business or job opportunities, to discourage criticism. Multiple sources reported citizens often curtailed their support of an opposition political party because they would suffer both direct and indirect reprisals from MPLA supporters. Social media was widely used in the larger cities and provided an open forum for discussion. There are no laws restricting the use or content of social media.

Private radio and print media criticized the government openly and harshly but sometimes faced repercussions for doing so. Authorities occasionally threatened journalists and publishers with harassment and arrest for printing critical stories, especially those that centered on the president or his family. Journalists routinely complained of lack of transparency and communication from government press offices and other government officials. This often led to one-sided reporting, with opposition and civil society figures frequently voicing their opinions in privately

owned media outlets while government officials kept silent even on noncontroversial issues.

Official news outlets, including Angolan Public Television, Radio Nacional, and the *Jornal de Angola* newspaper, favored the ruling party and gave only limited coverage to opposition political parties. During the year, however, official news outlets made a noticeable effort to include opposition party members and other commentators in nationally televised debates on issues such as the rule of law and the economy.

Violence and Harassment: Authorities arrested, harassed, and intimidated journalists. For example, a journalist on his way to cover an August demonstration for an opposition radio station was detained by police and, for several hours, his whereabouts were unknown. On the same day, the radio station was encircled by police in uniform and presumed security service personnel in civilian clothing. The journalist was released 24 hours later, and the radio station resumed normal operations after two days.

Censorship or Content Restrictions: Journalists practiced self-censorship, and government security forces did not allow journalists to digitally record police violence against civilians. Journalists reported receiving anonymous threats related to particular reporting they were conducting or had published.

The minister of social communication, spokesperson of the presidency, and the national director of information maintained significant decision-making authority over the media. It was commonly understood these individuals actively vetted news stories in the state-controlled print, television, and radio media and exercised considerable authority over some privately owned outlets. State-controlled media and private media outlets owned by those close to the government rarely published or broadcast stories critical of the ruling party, government officials, or government policies.

Libel Laws/Slander: Defamation is a crime punishable by imprisonment or a fine, and unlike in most cases in which defendants are presumed innocent until proven guilty (see section 1.e.), defendants in defamation cases have the burden of proving their innocence by providing evidence of the validity of the allegedly damaging material.

Several journalists in print media, radio, and political blogs faced libel and defamation lawsuits. Journalists complained the government used libel laws to

limit their ability to report on corruption and nepotistic practices. According to the PGR, some journalists abused their positions and published inaccurate stories about government officials without verifying the facts or providing the accused the right of reply.

On March 23, the trial of journalist and human rights activists Rafael Marques went forward with two separate but concurrent legal charges of criminal libel and defamation. The criminal libel case was brought by the state because of accusations of human rights violations Marques made in 2011 against members of the Angolan Armed Forces and private security companies in the diamond mining regions. The defamation charges against Marques were dropped on May 21 when the private security companies at issue reached an agreement with Marques. The criminal libel charges, however, were still in effect, and the public prosecutor continued the trial.

On May 25, the judge found Marques guilty of criminal libel and gave him a six-month suspended sentence. The main argument behind the suspended sentence was a statement Marques made on May 21 wherein he acknowledged he had not communicated directly to some of the members of the Angolan Armed Forces or private companies allegedly involved in human rights abuses for comment on his research. Marques' May 21 statement was received by the court as an admission of culpability. Observers from the diplomatic corps and the American Bar Association (ABA) were allowed to attend the trial in its entirety. The ABA published a report on Marques' trial in June, calling into question the judge's decision as well as several other procedural irregularities. The Ministry of Justice and Human Rights stated the majority of cases mentioned in Marques' 2011 accusation had already been tried and sentences imposed on the private citizens and members of the security forces found guilty of human rights violations before Marques published his accusations. Details on the prosecutions and convictions of those cases were not available.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal oversight. According to the International Telecommunication Union, in 2014 approximately 21 percent of residents had access to the internet. In 2014 the government started the program Angola On-line, a free Wi-Fi service.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly, but the government regularly restricted this right.

The law requires written notification to the local administrator and police three days before public assemblies are to be held. For public assemblies during a workday, the law requires the events to start after 7 p.m. The law, however, does not require government permission for such events. The government at times prohibited events based on perceived or claimed security considerations. Police and administrators did not interfere with progovernment gatherings. Nonpartisan groups intending to criticize the government or government leaders, however, often met a heavy police presence and government excuses preventing them from carrying out the event. Usually authorities claimed the timing or venue requested was problematic or that the proper authorities had not received notification.

Activists suffered intimidation, including anonymous death threats, because of their involvement in public demonstrations. For example, on August 8, approximately 35 individuals representing friends and family members of 15 detained activists attempted to hold a public demonstration requesting the detainees' release. The demonstrators submitted documents informing the provincial government of Luanda of their intention to march to the Justice Palace and submit a formal letter to the attorney general requesting the release of the activists. The provincial government denied the request to demonstrate as the proposed route of the march would pass within 100 meters (328 feet) of a government building which, according to the law, is not permitted. The demonstrators attempted to march without the consent of the provincial government but were violently dispersed by police one-half mile from their point of departure.

Freedom of Association

The constitution and law provide for the right of association, but the government did not always respect this right (see also section 7.a.). Extensive delays in the

NGO registration process continued to be a problem. NGOs that had not yet received registration were nevertheless allowed to operate.

The government published a new NGO regulation in March that civil society criticized as potentially restrictive and intrusive. For example, the new regulation requires NGOs to obtain approval from the government before the implementation of any project, imposes local authorities as the supervisors of NGO projects within their municipalities, and requires frequent financial reports of NGO activities to the government. The government stated this new regulation is part of its strategy to combat money-laundering and terrorist financing.

The government at times arbitrarily restricted the activities of associations it considered subversive by refusing to grant permits for organized activities. Opposition parties generally were permitted to organize and hold meetings; nevertheless, opposition officials continued to report obstructions to the free exercise of their parties' right to meet.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government at times restricted these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, or other persons of concern. Nonetheless, several sources claimed security forces frequently abused irregular migrants in the border region shared with the Democratic Republic of the Congo (DRC).

In-country Movement: Police maintained roadside checkpoints throughout the country. Reports by credible local NGOs suggested some police officers extorted money from civilians at checkpoints and during regular traffic stops. Reports from the diamond mining provinces of Lunda Norte and Lunda Sul indicated some government agents restricted the movements of local communities.

The government continued to conduct operations to identify, detain, and expel irregular immigrants. In Luanda border control agents focused on irregular migrants from West Africa and certain Asian countries, including China and Vietnam. They also emphasized operations in the provinces bordering the DRC.

In 2013 the Angolan and DRC governments agreed on a special laissez-passer program for their nationals that allows for increased legal movement of persons and products between Lunda Norte and the DRC province then known as Katanga.

Emigration and Repatriation: In 2009 the government and UNHCR resumed joint efforts to repatriate thousands of Angolan refugees who had remained outside the country since the civil war. These efforts continued even after June 2012, when UNHCR and regional governments agreed to a cessation of prima facie refugee status for Angolans on the grounds that asylum and protection for most Angolans was no longer required. During the year Angolan former refugees returned voluntarily from Zambia and the DRC. The government cooperated with UNHCR on voluntary repatriation and reintegration programs, but operations were significantly delayed due to funding constraints and a lack of reintegration support to returnees. From January to September, an estimated 3,900 Angolan former refugees returned to the country. Government officials and returning Angolan refugees reported that returnees received some assistance from the Ministry of Social Assistance and Reintegration and international organizations. The government had programs to help returnees regularize their legal status. NGOs funded by the government helped returnees with education and language training, agricultural supplies, and housing materials. The government declared an end to assisted repatriation in October. Angolans returning after October were still permitted to do so but did not benefit from UNHCR or government support.

Protection of Refugees

The Committee for the Recognition of the Right of Asylum has the lead on identifying, verifying, and legalizing asylum seekers in the country. The committee works with UNHCR and civil society partners in providing support for the asylum population.

Access to Asylum: The Asylum Law (law 10/2015) entered into force on June 17. The law provides specific procedures for the submission of an asylum application and guidance on the determination of asylum cases. The law also establishes the creation of reception centers for refugees and asylum seekers where they are

supposed to receive assistance until the government makes a decision on their case. There were three reception centers: in Luanda, Lunda Norte, and Zaire provinces.

Refugee Abuse: In diamond-rich Lunda Norte Province, NGOs and the media reported several acts of violence and degrading treatment, including rape and sexual abuse of Congolese migrants. In response to the allegations of sexual violence, President dos Santos created a commission that included UN representatives to improve the situation around the borders. The commission performed regular verification missions to assess progress at the border crossing points.

Employment: There were no formal restrictions on a refugee's ability to seek employment. Refugees sometimes faced difficulty obtaining employment due to a lack of legal documents required to work in the formal sector and difficulty in obtaining such documents. These difficulties were compounded by a general lack of acceptance of the refugee card and a lack of knowledge about the rights it was intended to safeguard.

Access to Basic Services: Persons with recognized refugee status could take advantage of public services, but refugees at times faced difficulty obtaining access to public services such as health care and education due to a lack of legal documents issued by the government. Corruption by officials compounded these difficulties.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised this ability.

According to the 2010 constitution, presidential and legislative elections should be held every five years. In 2012 citizens elected legislative representatives and the president. The constitution calls for the first-ever elections at the municipal and provincial levels to happen according to the principle of "gradualism," whereby local elections are to be held in provinces and municipalities based on a variable timeline. The right to elect local leaders remained restricted, and elections did not occur at the provincial or municipal levels.

Elections and Political Participation

Recent Elections: In 2012 the government held legislative elections and the country's first postwar presidential election. The ruling MPLA won 71.8 percent of the vote in the legislative elections. Domestic and international observers reported polling throughout the country was peaceful and generally credible, although the ruling party enjoyed advantages due to state control of major media and other resources. Opposition parties contested aspects of the electoral process and the results but accepted their seats in the National Assembly. In 2012 the constitutional court rejected opposition appeals and certified the election results as free and fair.

The country has never elected provincial or local government leaders, and the constitution does not specify a timeline for implementing municipal-level elections. By year's end the government and ruling party officials had not announced a target date for municipal elections but stated they were creating the conditions necessary for successful local elections, including holding a national population census in 2014 and incrementally decentralizing administrative and budgetary authorities to local municipalities. Opposition parties and some members of civil society were dissatisfied with the slow pace and claimed the ruling party lacked the political will to organize municipal elections.

Political Parties and Political Participation: The ruling MPLA party dominated all political institutions. Political power was concentrated in the presidency and the Council of Ministers, through which the president exercised executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly consists of 220 deputies elected under a party list proportional representation system. This body has the authority to draft, debate, and pass legislation, but the executive branch often proposed and drafted legislation for the assembly's approval. After the 2012 legislative elections, opposition deputies held 20 percent of parliamentary seats, up from just 13 percent in 2008.

Opposition parties stated their members were subject to harassment, intimidation, and assault by MPLA supporters. The National Union for the Total Independence of Angola (UNITA) continued to argue that the MPLA had not complied with the terms of the 2002 peace accord, and former combatants lacked the social services and assistance needed to reintegrate into society. UNITA, the MPLA's primary military and political opponent during the civil war, is now the largest opposition political party. Former combatants also reported difficulties obtaining pensions due to bureaucratic delays or discrimination. The country has three dominant linguistic groups: the Ovimbundu, Mbundu, and Bakongo, which together

constitute approximately 77 percent of the population. All were represented in government, as were other groups. Political parties must be represented in all 18 provinces, but only the MPLA, UNITA, and the Broad Convergence for the Salvation of Angola, Electoral Coalition (CASA-CE), to a lesser extent, had truly national constituencies. By law no political party could limit party membership based on ethnicity, race, or gender.

Several reports of altercations between MPLA and opposition parties' supporters were published by social and conventional media as well as through opposition party press releases. The main concern by opposition politicians was the apparent lack of interest by the national police, especially in the provinces, to investigate alleged violence against opposition political parties. The Ministry of Justice and Human Rights stated many of the complaints by opposition parties were under investigation.

Participation of Women and Minorities: Of the 220 deputies in the national assembly, 79 were women. Two women served as governors (out of 18 nationwide), and eight women were cabinet ministers (out of 34). In 2013 President dos Santos signed a decree on gender equality in the national police, instructing the national police commander to encourage the enlistment of more women in the police force.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for official corruption, the government did not implement these laws effectively, and local and international NGOs and media sources reported officials engaged in corrupt practices with impunity.

Corruption: Government corruption existed at all levels, although there were some institutions working to improve transparency and accountability within the government. Public prosecutions of corruption cases were rare.

Government corruption was widespread, and accountability was limited due to a lack of checks and balances, lack of institutional capacity, and a culture of impunity. The judiciary was subject to political influence and conflict of interest.

The Ministry of Finance published the national budget on its website. Information on national expenditures and debt obligations was also available on its website.

During the year the Ministry of Finance and the International Monetary Fund collaborated on financial transparency initiatives.

In June the National Assembly passed the Mutual Legal Assistance Law, which allows government agencies and private companies to share information with international law enforcement agencies to combat money laundering and the financing of terrorism. In 2012 the government decided to pursue structural anti-money-laundering (AML) reforms. In support of this strategy, the country joined the International Co-operation Review Group (ICRG) established by the Financial Action Task Force (FATF). The government worked with ICRG as well as the regional FATF group to which it belongs, the Eastern and Southern Africa Anti-Money Laundering Group, to conform its laws, regulations, and organizations to FATF's recommendations.

In contrast with previous years the Central Bank (BNA) took a more aggressive role in combating corruption. The BNA had a trained team to identify and investigate money laundering and terrorist financing.

As in previous years there were credible reports government officials used their political positions to profit from business deals. The business environment continued to favor those connected to the government, including members of the president's family.

Government ministers and other high-level officials commonly and openly owned interests in companies regulated by, or doing business with, their respective ministries. There are laws and regulations regarding conflict of interest, but they were not enforced. Petty corruption among police, teachers, and other government employees was widespread. Police extorted money from citizens and refugees, and prison officials extorted money from family members of inmates.

Financial Disclosure: The law on public probity requires senior government officials to declare their assets to the attorney general. According to the Ministry of Justice and Human Rights, the financial information of government officials was provided to the appropriate government office. The law treats financial information reports of government officials as confidential. The president, vice president, and president of the National Assembly are exempt from these public probity requirements. Nonexempt government officials are to make a new declaration within 30 days of assuming a new post and every two years thereafter. The law does not stipulate a new declaration be made upon leaving office but states that officials must return all government property within 60 days.

Penalties for noncompliance vary depending on which section of the law was violated but include removal from office, a bar from government employment for three to five years, a ban on contracting with the government for three years, repayment of the illicitly gained assets, and a fine of up to 100 times the value of the accepted bribe. The National Office of Economic Police is responsible for investigating violations of this law, as well as other financial and economic crimes, and then referring them to the Financial Court for prosecution. There were no known cases related to this law during the year.

Transparency problems remained in the diamond industry, particularly regarding allocations of exploration, production, and purchasing rights. The country was the chair of the Kimberley Process for the 2014-15 cycle and made considerable efforts to improve the conditions and legal status of artisanal miners in Angola and other diamond producing countries.

Public Access to Information: The law provides for public access to government information. While the amount of information posted on government websites gradually increased, it remained limited. Laws are made public by being published in the official gazette. The gazette can be purchased for a small fee but was not available online in its entirety. In general the government was not responsive to routine requests for information, and it was sometimes unclear what information the government considered public versus private.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups operated throughout the country. Some of those investigating government corruption and human rights abuses alleged government interference in their activities. Civil society organizations faced difficulties in contacting detainees, and prison authorities undermined civil society work in the prisons.

The Law of Associations requires NGOs to specify their mandate and areas of activity. The government used this provision to prevent or discourage established NGOs from engaging in certain activities, especially those that the government deemed politically sensitive. In March a presidential decree meant to regulate NGO operations formalized many of the unenforced requirements of the Law of Associations and restructured the government agency in charge of implementing the law. NGOs cited concern regarding new reporting requirements concerning

their activities, financial accounts, and foreign and domestic employees. They also expressed concern about the burden of proving to the government their activities have a tangible “public benefit.” NGOs doing work on political rights, and human rights defenders (as compared to social service providers), argued the new regulation, and particularly the “public benefit” clause, is specifically meant to limit their work. The Ministry of Justice and Human Rights stated the new regulation was necessary to comply with international financial transparency and anti-money-laundering standards, and that the regulation was not meant to restrict NGO activities.

Even before the new regulation, the government allowed local NGOs to carry out human rights-related work, but many NGOs reported they were forced to limit the scope of their work because they faced problems registering, were subject to subtle forms of intimidation, and risked more serious forms of harassment and closure.

The government arrested and harassed NGO workers. Several NGO leaders reported being followed by security forces and being detained for several hours by police officers without justification.

The government criticized domestic and international NGOs, and there were reports of police or military presence at community meetings with international NGOs, especially in Cabinda.

The United Nations or Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives.

On May 12, the Office of the UN High Commissioner for Human Rights issued a press release urging the government to ensure “a truly meaningful, independent, thorough investigation” into reports of an alleged massacre in the central province of Huambo with “wildly differing” casualty figures being reported by media sources. The government rejected the UN’s suggestion, claiming allegations by NGOs and opposition parties were defamatory and not based on any evidence (see also section 1.a.).

On September 9, the European Parliament passed a resolution that recommended the immediate release of “all human rights defenders... prisoners of conscience, and political opponents” in the country. The resolution was the result of a report written by Parliamentarian Ana Gomes, based on her July visit to the country. The

government “vehemently repudiated” the resolution as biased and based on misinformation.

Government Human Rights Bodies: The state-funded Inter-Ministerial Commission for the Writing of Human Rights Reports includes only representatives from various government ministries. Leading civil society members decided not to participate on the commission because they did not believe it was independent or effective.

The 10th Commission on Human Rights of the National Assembly is charged with investigating citizen complaints of alleged human rights violations.

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status, but the government did not effectively enforce these prohibitions. The constitution does not specifically address sexual orientation or gender identity. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities were problems.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to eight years’ imprisonment. Limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. The government launched a public media campaign highlighting violence against women. The Ministry of Justice and Human Rights worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations.

A joint report published in August by the Ministries of Family and Protection of Women, Interior, and Social Assistance and Reintegration stated that in 2014 there were 16,237 reported cases of domestic violence.

The Zero Tolerance for Gender and Sexual Based Violence campaign continued. The campaign increased awareness of sexual violence and encouraged women to file police reports. The Ministry of Family and Protection of Women held a seminar in October with NGOs and provincial government authorities to discuss sexual violence and preventive best practices.

The law criminalizes domestic violence and penalizes offenders with prison sentences and fines depending on the severity of their crime. The government reported it had 27 domestic violence counseling centers, seven other shelters, and various treatment centers throughout the country. It called for more studies into the causes of domestic violence as well as more shelters to help victims. The ministry maintained a program with the Angolan Bar Association to give free legal assistance to abused women and established counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women were not available.

The Organization of Angolan Women (OMA), a political association affiliated with the ruling MPLA, held a series of seminars across the country to increase awareness of the dangers of domestic violence. For example, during an OMA seminar in May, the OMA compared domestic violence cases that were reported in Cuando Cubango Province in the first trimesters of 2014 and 2015. The OMA found that in 2014 citizens reported eight incidences of domestic violence, compared with only three in 2015. OMA argued the decrease was not a sign that domestic violence was declining but a sign of disinterest by society and urged provincial authorities to educate communities against domestic violence.

Female Genital Mutilation/Cutting (FGM/C): Although the law does not specifically ban FGM/C, it protects the integrity of women and children against bodily harm, and there are special provisions against mutilation. According to local health experts, FGM/C was not a problem. In October, however, one local newspaper featured a story on FGM/C that alleged the practice existed in some African migrant communities.

Other Harmful Traditional Practices: During the year sporadic news reports of children being accused of witchcraft were published. The National Institute for Religious Affairs acknowledged that belief in, and accusations of, witchcraft continued to exist, particularly in Zaire and Uige provinces, but stated that cases of abusive practices diminished significantly due to campaigns and government directives aimed at reducing indigenous religious practices such as shamanism, animal sacrifices, and witchcraft. There were anecdotal reports of women and children being abused by their communities because of accusations they practiced witchcraft. The Ministry of Culture and the National Institute for Children (INAC) had educational initiatives and emergency programs to assist children accused of witchcraft.

Sexual Harassment: Sexual harassment was common and not illegal. Such cases may be prosecuted under assault and battery and defamation statutes.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; manage their reproductive health; have access to the information and means to do so free from discrimination, coercion, or violence. According to the UN Population Division, 12 percent of married women used a modern method of contraception. During the year the government issued its first-ever national family planning strategy. According to the most recent UN reporting, the maternal mortality ratio was 460 deaths per 100,000 live births. High maternal mortality was likely due to inadequate access to health facilities before, during, and after giving birth, and early pregnancy. The government continued to work on reducing the high maternal mortality rate by increasing public access to reproductive and skilled obstetric care.

According to UN sources, 55 percent of women were 18 or younger when they gave birth to their first child. There were no legal barriers that limit access to reproductive health services, but some cultural views, such as the responsibility of women to have children, and religious objections to using contraception, limited access. Comprehensive information on government provisions for reproductive health services or diagnosis and treatment of sexually transmitted infections, including HIV/AIDS, improved with the assistance of international partners.

Discrimination: Under the constitution and law, women enjoy the same rights and legal status as men, but societal discrimination against women remained a problem, particularly in rural areas (see also section 7.d.). There were no effective mechanisms to enforce child support laws, and women generally bore the major responsibility for raising children. There were no known cases of official or private sector discrimination in employment or occupation, credit, pay, owning and/or managing a business, or housing. Gender discrimination was more prevalent in terms of household responsibilities than in access to goods or services.

The law provides for equal pay for equal work (see section 7.d.), although women generally held low-level positions.

In an interministerial effort led by the Ministry of Family and Protection of Women, the government undertook multiple information campaigns on women's rights and domestic abuse and hosted national, provincial, and municipal workshops and training sessions.

Children

Birth Registration: Citizenship is derived by birth within the country or from one's parents. The government does not register all births immediately, and activists reported many urban and rural children remained undocumented. According to the UN Children's Fund, as of mid-2013, as many as 69 percent of children under the age of five did not have birth certificates. The government permitted undocumented children to attend school but only up to the fourth grade. Pursuant to a 2013 plan, the government waived birth registration fees for all persons, including adults, through the end of 2016. In previous years parents could register their children under five for no fee, but parents with older children found the registration costs prohibitive.

Education: Education is tuition-free and compulsory for documented children through the sixth grade, but students often faced significant additional expenses such as books or fees paid to education officials. These fees sometimes were payments to help with school operation and maintenance costs that were not covered by the national budget. At other times, however, the fees were bribes paid by families to ensure their child got a place in a classroom. When parents were unable to pay the fees, their children were often unable to attend school.

Children of any age in an urban area were more likely to attend school than children in a rural area. Children in rural areas generally lacked access to secondary education. Even in provincial capitals, there were not enough classroom spaces for all children. There were reports that parents, especially in more rural areas, were more likely to send boys to school than girls. According to UNESCO, enrollment rates were higher for boys than for girls, especially at the secondary level.

Child Abuse: Child abuse was widespread. Reports of physical abuse within the family were commonplace, and local officials largely tolerated abuse. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be abused by their caretakers. A 2012 law significantly improved the legal framework protecting children, but problems remained in its implementation and enforcement.

Early and Forced Marriage: The legal age for marriage with parental consent is 15 years. The government did not enforce this restriction effectively, and the traditional age of marriage in lower income groups coincided with the onset of

puberty. Data on the rate of marriage for boys and girls under age 18 was not available. Common-law marriage was widely practiced.

Female Genital Mutilation/Cutting: See information on girls under 18 in women's section above.

Sexual Exploitation of Children: All forms of prostitution, including child prostitution, are illegal. Police did not actively enforce laws against prostitution, and local NGOs expressed concern over child prostitution, especially in Luanda, Benguela, and Cunene provinces. Penalties for sexual exploitation of children are defined in a 2014 antitrafficking law that includes protections against child pornography, prostitution, and sexual and labor abuse.

Sexual relations between an adult and a child under the age of 12 are considered rape and carry a potential legal penalty of eight to 12 years' imprisonment. Sexual relations with a child between the ages of 12 and 17 is considered sexual abuse, and convicted offenders may receive sentences from two to eight years in prison. Limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were no known prosecutions during the year. The legal age for consensual sex is 18 years. The law prohibits child pornography.

A 2012 law codified the "11 Commitments to Children" campaign. The law defines priorities and coordinates the government's policies to combat all forms of abuse against children, including unlawful child labor, trafficking, and sexual exploitation.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There is a Jewish community of approximately 350 persons, primarily expatriate Israelis. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, including persons with physical, sensory, intellectual, and mental disabilities, in employment (see also section 7.d.), education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. The constitution grants persons with disabilities full rights without restriction and calls on the government to adopt national policies to prevent, treat, rehabilitate, and integrate persons with disabilities to support their families; remove obstacles to their mobility; educate society about disability; and encourage special learning and training opportunities for the disabled. It does not specifically mention the rights of persons with disabilities with regard to transportation, including air travel.

Persons with disabilities included more than 80,000 victims of land mines and other explosive remnants of war. The NGO Handicap International estimated that as many as 500,000 persons had disabilities. Because of limited government resources and uneven availability, only 30 percent of such persons were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling.

The National Council for Persons with Disabilities is responsible for verifying that all such persons are protected from discrimination and have access to the same rights and privileges as citizens without disabilities. Persons with disabilities, nevertheless, found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the education system (see also section 7.d.). Women with disabilities were reported to be vulnerable to sexual abuse and abandonment when pregnant. The antitrafficking law specifically punishes sexual abuse of vulnerable populations, including persons with disabilities. The Ministry of Assistance and Social Reintegration sought to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by landmine incidents. During the 2012 election, the government provided voting assistance to persons with disabilities. Persons with disabilities were allowed to select someone of their own choosing to accompany them into the voting booth to fill out the ballot and were allowed to move ahead of others waiting in line to vote.

Indigenous People

An estimated 8,000 San persons lived in small dispersed communities in Huila, Cunene, and Cuando Cubango provinces. The San are traditional hunter-gatherers

who are linguistically and ethnically distinct from their Bantu fellow citizens. The constitution does not make specific reference to the rights of indigenous persons. The San's limited participation in political life increased slightly, and Mbakita, a local NGO advocate for the San, worked with provincial governments to increase services to San communities and improve communication between these communities and the government. The government reportedly permitted businesses and well-connected elites to take traditional land from the San, and some San were working as farmers for urban Bantus to earn a living. Those who borrowed land from Bantus lacked equipment to cultivate it, and borrowed lands can be taken back at any time. Many San reportedly turned to begging because other options were not available.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution prohibits all forms of discrimination but does not specifically address sexual orientation or gender identity. According to the Ministry of Justice and Human Rights, the law does not criminalize sexual relationships between persons of the same sex. Sections of the 1886 penal code could be viewed as criminalizing homosexual activity, but they are no longer used by the judicial system. The constitution defines marriage as between a man and a woman, however. Local and international NGOs reported that lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals faced discrimination and harassment, but reports of violence against the LGBTI community based on sexual orientation were rare. The government, through its health agencies, instituted a series of initiatives to decrease discrimination against LGBTI individuals. For example, the National Institute to Fight HIV/AIDS worked with local NGOs and LGBTI activists to promote antidiscriminatory practices by health practitioners and communities across the country.

Discrimination against LGBTI individuals often went unreported. LGBTI individuals asserted that sometimes police refused to register their grievances. A police commander in Luanda stated police have the obligation to record all reports of discrimination and recommended LGBTI persons report improper behavior by police officers to the national police headquarters. In 2014 a group of LGBTI individuals formed the first openly gay association in civil society. The association was created to help LGBTI youth facing harassment or social alienation. During the year the association partnered with the Ministry of Health and the National Institute to Fight HIV/AIDS to improve access to health services and sexual education for the LGBTI community.

On February 2, soap opera *Jikulumesso* showed the first same-sex kiss on national television between two men. The kiss was seen as controversial and elicited discussion in mainstream and social media outlets on homosexuality in the country. No reports of violence against LGBTI individuals were reported as a result of the broadcast or subsequent social debate.

HIV and AIDS Social Stigma

Discrimination against those with HIV/AIDS is illegal, but lack of enforcement allowed employers to discriminate against persons with the condition or disease. There were no news reports of violence against persons with HIV/AIDS. Reports from local and international health NGOs suggested discrimination against individuals with HIV/AIDS was common. The government's National Institute to Fight HIV/AIDS includes sensitivity and antidiscrimination training for its employees when they are testing and counseling HIV patients. Local NGOs worked with the government to combat stigmatization and discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, except members of the armed forces and police, to form and join independent unions. To establish a trade union, at least 30 percent of workers in an economic sector in a province must follow a registration process and obtain authorization from government officials. The law provides for the right to collective bargaining except in the civil service. The law prohibits strikes conducted by members of the armed forces, police, prosecutors and magistrates of the PGR, prison staff, fire fighters, public sector employees providing "essential services," and oil workers.

While the law allows unions to conduct their activities without government interference, it also places some restrictions on their ability to strike. Before engaging in a strike, workers must make a good-faith effort to negotiate their grievances with their employer. Should they fail to negotiate, the government can deny the right to strike. The government may intervene in labor disputes that affect national security and the oil and energy production sectors. Essential services are broadly defined, including the transport sector, communications, waste management and treatment, and fuel distribution. In exceptional circumstances

involving national interests, authorities have the power to requisition workers in the essential services sector. Collective labor disputes are to be settled through compulsory arbitration by the Ministry of Public Administration, Employment, and Social Security. The law does not prohibit employer retribution against strikers, and it permits the government to force workers back to work for “breaches of worker discipline” or participation in unauthorized strikes. Nonetheless, the law prohibits antiunion discrimination and stipulates that worker complaints should be adjudicated in the labor court. Under the law employers are required to reinstate workers who have been dismissed for union activities.

The government generally did not effectively enforce applicable laws. The Ministry of Public Administration, Employment, and Social Security had a hotline for workers who believed their rights had been violated, and the leader of the Confederation of Free and Independent Labor Unions of Angola, an independent labor confederation, explained in 2014 that the labor courts functioned, albeit slowly. Enforcement efforts were hampered by an insufficient number of adequately trained labor inspectors. Some companies were reportedly warned prior to labor inspections, making government efforts ineffective.

Freedom of association and the right to collective bargaining were not generally respected. Government approval is required to form and join unions, which were hampered by membership and legalization issues. Labor unions, independent of those run by the government, worked to increase their influence, but the ruling MPLA continued to dominate the labor movement due to historical connections between the party and labor, and also the superior financial base of the country’s largest labor union (which also constitutes the labor wing of the MPLA). The government is the country’s largest employer, and the Ministry of Public Administration, Employment, and Social Security mandated government worker wages with no negotiation with the unions.

Worker strikes were rare and received limited media coverage. The most visible exception occurred on October 5, when a sizable number of taxi drivers organized a strike in some areas of Luanda Province. Some taxi drivers opted for a peaceful strike to protest their dissatisfaction with a decision by the national police to strictly enforce pick-up and drop-off points throughout the city as a necessary safety measure. An undetermined number of taxi drivers engaged in violent protest, attacking drivers who decided to work and burning tires to impede traffic. At least 200 taxi drivers were arrested. The taxi driver strike was deemed illegal by government authorities, since the drivers’ bargaining units had not first tried to negotiate with the government.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

The government did not effectively enforce the law due in part to an insufficient number of inspectors. Penalties for violations are the same as those for trafficking in persons, ranging from eight to 12 years in prison, and may be insufficient to deter violations.

Forced labor occurred among men and women in agriculture, construction, domestic service, and artisanal diamond-mining sectors, particularly in Lunda Norte and Lunda Sul. Migrant workers were subject to seizure of passports, threats, denial of food, and confinement. The government produced a training video for law enforcement and immigration officials that included a short segment on how to identify victims of trafficking, although this was not the sole objective of the film. INAC continued working to reduce the number of children traveling to agricultural areas in the country's southern regions to work on farms, mostly through community outreach about the importance of an education. A reported 24 women from Zambia, Zimbabwe, and Namibia were identified by authorities as being forced into prostitution. Forced child labor also occurred.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under 14 from working. To obtain an employment contract, the law requires youth to submit evidence they are 14 years of age or older. Children could work from age 14 to 16 with parental permission or without parental consent if they are married and the work did not interfere with schooling. The law also allows orphan children that want to work to get official permission in the form of a letter from "an appropriate institution" but does not specify the type of institution. The Ministries of Public Administration, Employment, and Social Security; Social Assistance and Reintegration; Interior; INAC, and the national police are the entities responsible for enforcement of child labor laws. A new interministerial commission to combat trafficking in persons was created in November 2014 to coordinate enforcement actions. The commission generally effectively enforced child labor standards in the formal sector, but the government had difficulty monitoring the large informal sector, where most children worked.

Reports also indicated employers were often warned before the arrival of labor inspectors, which allowed them to circumvent child labor laws.

Inspectors are authorized to conduct surprise inspections whenever they see fit. Penalties for violations were generally sufficient to deter violations. Penalties for not signing a written contract for children ages 14 and over is a fine of two to five times the median monthly salary offered by the company. Children over age 14 who are employed as part of an apprenticeship are also required to have a written contract. The penalty for not having this contract is three to six times the average monthly salary of the company. For children found to be working in jobs categorized as hazardous (which is illegal under the law), the fines are five to 10 times the average monthly salary of the company. Nonpayment of any of these fines results in the accrual of additional fines.

Child labor, especially in the informal sector, remained a problem. The Ministry of Public Administration, Employment, and Social Security had oversight of formal work sites in all 18 provinces, but it was unknown if inspectors checked on the age of workers or conditions of work sites. If the ministry determined a business was using child labor, it transferred the case to the Ministry of Interior to investigate and possibly press charges. It was not known if the government fined any businesses for using child labor. The Ministry of Public Administration, Employment, and Social Security, other government agencies, and labor unions developed a national plan to limit child labor. During the year authorities interdicted two different buses of children allegedly destined for farm work. The cases were pending at year's end.

Generally, work done by children was in the informal sector. Children engaged in economic activities such as agricultural labor on family farms and commercial plantations, fishing, brick making, charcoal production, domestic labor, and street vending. Exploitive labor practices included activity and involvement in the sale or transport of illegal drugs and the offloading and transport of goods in ports and across border posts. Children were reportedly forced to act as couriers in the illegal cross-border trade with Namibia. Adult criminals sometimes used children for forced criminal activity, since the justice system prohibits youths under 12 from being tried in court. There were no credible reports of the use of child labor and forced child labor in informal diamond mining.

Street work among children was common, especially in the provinces of Luanda, Benguela, Huambo, Huila, and Kwanza Sul. Investigators found children working in the streets of Luanda, but many returned to some form of dwelling during the

evening. Most of these children shined shoes, washed cars, carried water and other goods, or engaged in other informal labor, but some resorted to petty crime and begging. Commercial sexual exploitation of children occurred as well.

The government, through INAC, worked to create, train, and strengthen child protection networks at the provincial and municipal levels in all 18 provinces. No central mechanism existed to track cases or provide statistics. In Benguela, Lunda Sul, and Bengo provinces, a total of 68 cases of child labor were uncovered by local authorities, but there were no reports that the government prosecuted the cases. The government also dedicated resources to the expansion of educational and livelihood opportunities for children and their families.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on race, sex, religion, disability, or language, and the government in general effectively enforced the law in the formal sector. The constitution prohibits all forms of discrimination, although it does not specifically address political opinion, national origin, sexual orientation, or gender identity (see section 6). The law provides for equal pay for equal work, and many women held high-level positions in state-run industries and in the private sector or worked in the informal sector. There were no known cases of official or private sector gender-based discrimination in employment or occupation. For example, the country sends a team from the Ministry of Finance to Washington every year for meetings at the International Monetary Fund and the World Bank and ensures that the delegation includes both men and women. Women have held and continued to hold ministerial posts.

Despite the law, persons with disabilities found it difficult to gain access to public or private facilities, and it was difficult for such persons to participate in the education system and thus find employment. There were no known reports of discrimination in employment or occupation.

Discrimination against migrant workers also occurred.

e. Acceptable Conditions of Work

The minimum wage is 22,495 kwanza (\$155) per month. Workers in informal sectors, such as street vendors, subsistence farmers, and domestic servants, are not covered by the minimum wage law. The country had not established a poverty income level; however, the UN Development Program estimated the poverty level to be 165 kwanzas (\$1.13) per day, or 4,950 kwanzas (\$34) per month.

The standard work week is 44 hours with at least one unbroken period of 24 hours of rest per week. When employees engage in shift work or a variable weekly schedule, they may work up to 54 hours per week before the employer must pay overtime. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. The law also provides for paid annual holidays. The government sets occupational health and safety standards.

By law employers must provide, at a minimum, a 50 percent of monthly salary bonus to employees in December and an annual vacation.

Most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes. Foreign workers with permanent legal status or a temporary work visa were protected under the labor law.

The minimum wage law was effectively enforced only in the formal sector. An estimated 60 percent of the economy derives from the informal sector, where most workers were not covered by wage or occupational safety standards. The workweek standards were not enforced unless employees lodged a formal complaint with the Ministry of Public Administration, Employment, and Social Security.

The labor law guarantees a safe work environment in all sectors of the economy. Employees have the right to remove themselves from hazardous working conditions and may file a formal complaint with the Ministry of Public Administration, Employment, and Social Security if employers insist they perform hazardous tasks. The government enforced occupational safety and health standards and investigated private company operations based on complaints made by NGOs.