



ANGOLA COUNTRY REPORT

April 2005

Country Information & Policy Unit

**IMMIGRATION AND NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of the Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 March 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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Advisory Panel on Country Information

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In

such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.1 As documented in the Europa Regional Surveys of the World: Africa South of the Sahara 2005, the Republic of Angola (República de Angola) is situated in southern Africa on the Atlantic coast. Land borders are shared with Namibia to the south, Zambia to the east and the Democratic Republic of Congo (DRC), formerly Zaire, to the north and east. The separate enclave of Cabinda in the north is bordered by DRC to the south and the Republic of Congo to the north. [1] (p41) Several reports inform that Angola covers an area of 1,246,700 sq. km and is composed of 18 provinces ranging in area from 2,500 sq. km to 223, 000 sq. km. [1] (p57) [17w] [42b] (p3,8) Europa 2005, the UN county map January 2004 and the United Nations Development Programme (UNDP) report accessed August 2004 stated that the provinces comprise of:

Bengo,	Huila,
Benguela,	Luanda,
Bié,	Lunda Norte,
Cabinda,	Lunda Sul,
Cuando Cubango,	Malanje,
Cuanza Norte,	Moxico,
Cuanza Sul,	Namibe,
Cunene,	Uige,
Huambo,	Zaire [1] (p57) [17e] [17w]

2.2 Europa 2005 noted that Luanda is the country's capital city. Other principal cities include Huambo, Lobito, Benguela, Lubango and Malanje. [1] (p41) As documented in the UNDP report, accessed February 2005, the United Nations (UN) officially estimated the population of Angola in 2003 to be 13.8 million, [17w] with an annual growth rate of 1.93 percent, according to the Central Intelligence Agency (CIA) World Factbook January 2005. [10a] (p3)

2.3 The Foreign and Commonwealth Office (FCO) letter dated 26 August 2004, the CIA World Factbook 2004, the UNDP report accessed August 2004 explained that Angola has three main ethnic groups - Ovimbundu (language Umbundu) 37 percent, Mbundu (Language Kimbundu) 25 percent, Bakongo (language Kikongo) 13 percent. Mixed racial (Mestiço) make up 2 percent, European account for 1 percent and others, such as Chokwe, Nganguela, Herero and Ovambo, make up the last 22 percent of the population. [4h] (p1) The United States State Department (USSD) background note January 2005 noted that Portuguese make up the largest non-Angolan population, with at least 30,000 (though many native-born Angolans can claim Portuguese nationality under Portuguese law). [2c] (p2) ([See also section 6B on Ethnic Groups](#) and [Annex D on Tribes and Languages](#)) Several reports documented that the official and predominant language of Angola is Portuguese, but various Bantu languages are also spoken, such as Umbundu, Kimbundu, Kikongo, Chokwe and Nganguela. [2c] (p1,2) [4h] (p1) [17w] [42b] (p3) [58]

2.4 The UNDP report accessed February 2005 stated that in 2001 approximately 68 percent of the population were Roman Catholics, 20 percent adhered to various protestant religions and 12 percent conformed to more traditional indigenous beliefs. ([See also section 6A on Freedom of Religion](#)) [17w]

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3. Economy

3.1 As documented in Europa 2005, the CIA World Factbook January 2005 and the Economy Intelligence Unit (EIU) country profile 2004, Angola is a country rich in mineral wealth and natural resources including diamonds, petroleum, iron ore, gold, extensive forests, Atlantic fisheries, phosphates, copper, feldspar, bauxite and uranium. [1] (p49, 58) [10a] (p6) [42b] (p16, 25-26,) Europa 2005 and the USSD report 2004, published in February 2005 stated that the largest source of income for the country is petroleum mining, production and export. [1] (p49, 59) [2a] (p1) The CIA World Factbook January 2005 noted that the end of the civil war saw commercial and agricultural activity increase. About 85 percent of the population were employed in subsistence farming. [10a] (p5) According to the Action for Southern Africa (ACTSA) report August 2004 "The IMF [International Monetary Fund] reported that GDP [Gross Domestic Product] grew by about 3.5 percent in 2003, and with higher oil prices GDP may grow by over 10 percent in 2004." [37d] (p5) According to the FCO letter dated 26 August 2004 "There are now reasonable indications that Angola will sign a Staff Monitored Programme with the IMF at around the turn of the year [2004]." [4h] (p1)

3.2 According to several sources, the economy has been severely mismanaged and is in disarray, as a direct consequence of the civil war. [1] (p49) [5c] (p2,91) The Human Rights Watch (HRW) report January 2004 explained that it was "For this reason the International Monetary Fund (IMF) has been pushing for greater economic transparency in Angola. [5c] (p2) ([See also section 6C on Corruption](#)) A statement by the IMF dated July 2004 reported that "Recent improvements in transparency, particularly regarding oil revenues, external debt, and transactions involving Sonangol, resulted in some commendable clarification of the government's overall fiscal position in 2003, but major deficiencies remain in fiscal information. Weak monitoring and control of public expenditure is inhibiting assessment of the current fiscal position." [63b]

3.3 The same report observed that "Since 2000, Angola has embarked on a gradual process of economic stabilization that has yielded some positive results." [63a] (p4) The USSD report 2004 stated that "The Government took steps to increase transparency and reduce state expenditures not reflected in the official budget." [2a] (p10) A statement by the IMF dated July 2004 noted that "Angola faces daunting economic challenges during the current decade, following the return of over 4 million refugees and internally displaced persons, the destruction of infrastructure, continuing mine clearance requirements and the decline in human capital." [63b]

3.4 The International Bar Association (IBA) report 2003 advised that extreme poverty exists in Angola despite a wealth of natural resources. [14] (p13) According to the HRW report January 2004, the number of people living below the poverty line in Angola has increased since 1995. [5c] (p40) The USSD report 2004 added that approximately 80 percent of the population lived in poverty during 2004. [2a] (p1) The IBA report 2003 stated that "Angola is one of the poorest countries in the world and is ranked 161 out of 173 countries in the Human Development Index (HDI) value, 2000." [14] (p11) The FCO letter dated 26 August 2004 added that "In the 2004 Human Development Index, Angola

is ranked 166 out of 175 countries plus Hong Kong and the Occupied Territories.” [4h] (p1)

3.5 As documented in Europa 2005, the currency used in Angola is the kwanza, which replaced the readjusted kwanza in December 1999. [1] (p59) The FCO letter dated 26 August 2004 noted that there are 100 centavos to 1 kwanza. [4h] (p1) The exchange rate on 11 February 2005 was 108.750 kwanza to £1 sterling. [20]

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4. History

Post-Independence Background Since 1975

4.1 Europa 2005 stated that Angola gained independence from Portugal on 11 November 1975. This followed an armed struggle against the Portuguese and internecine conflict between the liberation movements, the Movimento Popular de Libertacao de Angola (Popular Movement for the Liberation of Angola, MPLA), its rival Uniao Nacional Para a Independencia Total de Angola (Union for the Total Independence of Angola, UNITA) and the Frente Nacional de Libertacao de Angola (National front for the liberation of Angola, FNLA). With backing from international supporters the MPLA quickly gained control of the capital, Luanda, and established itself as the superior power and governing body of Angola, although UNITA with its own backers (and initially in concert with the FNLA) fought on. Since independence the two main opponents, MPLA and UNITA continued a bitter conflict for control of the country. [1] (p42-43)

Multi-Party Politics and the 1992 Elections

4.2 Europa 2005, the CIA World Factbook 2004 and the EIU country profile 2004 noted that following a nominal multiparty system that emerged in May 1991, the first multi-party presidential and legislative elections were held on 29 and 30 September 1992. [1] (p44) [10a] (p4) [42b] (p5) According to the EIU country profile 2004, the elections passed off peacefully with a 91 percent turnout. [42b] (p5) Europa 2005 reported that only in Cabinda, where the Frente de Libertação do Estado de Cabinda (Front for the Liberation of the Cabinda Enclave, FLEC) had urged its supporters to boycott the election, was the turnout low. [1] (p44) Europa 2005 added that the presidential elections were won by José Eduardo dos Santos (MPLA) with 49.57 percent of the vote. The main challenger, Dr Jonas Malheiro Savimbi (UNITA), received 40.07 percent of the vote. [1] (p45)

4.3 Europa 2005 documented that the MPLA also won the majority of seats in the National Assembly (Assembléia Nacional) with 129. The UNITA gained 70 seats. [1] (p63) ([See also Annex E on Election Results](#)) Europa 2005 and the USSD report 2004 observed that international observers, half of whom were provided by the UN, monitored the voting. They subsequently announced that the conduct of the elections had been 'generally free and fair'. [1] (p44) [2a] (p1,10) However, Europa 2005 noted that the results were not accepted by Savimbi, who demanded an investigation into the alleged electoral irregularities. [1] (p44)

4.4 The same report observed that as a result of the announcement of the official election results intense fighting erupted in Huambo and Luanda, and by October 1992 had extended throughout the whole country. Thousands of people across the country lost their lives, including senior UNITA officials. A second round of the presidential elections was consequently postponed. [1] (p45)

4.5 The Center for International Development and Conflict Management (CIDCM) report 2002 noted that "By early 1993 UNITA forces were in control of over two-thirds of the

country's territory. However, by 1994 the military tide had turned as Government troops captured the UNITA stronghold of Huambo.” [64] (p2)

The Lusaka Peace Accord

4.6 Europa 2005 and the FCO country profile November 2004 documented that the first attempt at a peace process began in 1989 and resulted in the signing of the Bicesse Accords in May 1991 and a ceasefire. [1] (p44) [4a] (p1) As documented in Europa 2005, further talks led to the signing of the Lusaka Protocol of 20 November 1994 by representatives of the MPLA and UNITA. [1] (p45) The FCO country profile November 2004 advised that a formal ceasefire was declared two days later. [4a] (p2) The Lusaka Protocol set out a series of measures designed to bring an end to the civil war. The HRW report September 1999 stated that:

“The Lusaka Protocol provided for a cease-fire, the integration of UNITA generals into the government's armed forces (which were to become nonpartisan and civilian controlled), demobilization (later amended to demilitarization) under U.N. supervision, the repatriation of mercenaries, the incorporation of UNITA troops into the Angolan National Police under the Interior Ministry, and the prohibition of any other police or surveillance organization.” [5a] (p1)

4.7 Europa 2005 explained that in January 1995, the Forças Armadas de Angola (Angolan Armed Forces, FAA) and UNITA agreed to the immediate cessation of hostilities and the disengagement of troops. Despite these endeavours the hostilities continued. [1] (p45)

4.8 Europa 2005 and the FCO country profile November 2004 documented that in February 1995 a UN Security Council (UNSC) resolution authorised the deployment of a 7,000 strong peacekeeping force, United Nations Angola Verification Mission III (UNAVEM III), to oversee implementation of the Lusaka Protocol, in particular the demobilisation of troops on both sides. [1] (p45) [4a] (p2) The UN Department of Peacekeeping Operations (UN DPKO) noted in 1996 that the UNAVEM's mandate included monitoring the process of national reconciliation and the cease-fire; assisting with the establishment of quartering areas; the disengagement of troops and the disarming of civilians. [17b]

4.9 Europa 2005 documented that in late September 1995 the Government signed a four month cease-fire agreement with FLEC-Renovada (FLEC-Renewed, FLEC-R), a breakaway faction of the main FLEC separatists. In mid May 1996, the Government and FLEC-Forças Armadas Cabindesas (FLEC-Cabindan Armed Forces, FLEC-FAC) signed an agreement outlining the terms of a cease-fire. Nevertheless, as a result of further fighting between the government forces and the secessionists, FLEC-FAC announced that a cease-fire would only follow the withdrawal of the FAA from Cabinda. [1] (p45)

4.10 The same report also stated that in April 1997 Savimbi was given the special status of official 'leader of the opposition'. [1] (p45) Europa 2005 and an article by the

Cambridge International Reference on Current Affairs (CIRCA) dated 14 July 2004 informed that the Government of Unity and National Reconciliation (GURN), which was established as part of the Lusaka Protocol, was inaugurated on 11 April 1997. [1] (p45) [9] The same reports, as well as the USSD report 2004 stated that UNITA received four Ministerial posts and seven Vice (Deputy) Ministerial posts. A further ten minor political parties were represented in the GURN. [1] (p45) [2a] (p1) [9] ([See also Annex H on Political Make-up of Government](#))

4.11 As documented in Europa 2005 and the UN DPKO report 1998, in June 1997 the UNSC unanimously approved a recommendation that UNAVEM III be disbanded and replaced by a (MONUA). MONUA was given a mandate to oversee the remaining tasks of the Lusaka Accord. [1] (p45) [17a] (p1) The UN DPKO report and the EIU country profile 2004 stated that following UNITA's failure to comply with its obligations under the Lusaka Protocol, the UNSC imposed a second package of sanctions against UNITA in late October 1997, including restrictions on the travel of UNITA personnel. [17a] (p2) [42b] (p6)

4.12 In its 1998 report the UN DPKO observed that towards the end of January 1998, the UNSC extended MONUA's mandate until 30 April 1998. It was further extended on 29 April 1998 until 30 June 1998. [17a] (p2) The UN DPKO report 1998 informed that in June 1998 Mr Alioune Blondin Beye (the UN Secretary General's Special representative to Angola) was killed in a plane crash in Côte d'Ivoire whilst on an extensive international mission. He had been seeking to persuade influential supporters of Savimbi to convince him to return to the peace process. Despite the efforts by MONUA, the situation in Angola deteriorated. Hostilities between the Government and UNITA subsequently increased. Several more extensions to the MONUA mandate followed. In February 1999, however, the decision was taken to withdraw MONUA as there was no longer a tangible peace process for them to oversee. The human rights element of the mission nevertheless continued to operate. [17a] (p7)

Political Situation and Developments in the Civil War from September 1999 - February 2002

4.13 Europa 2005 reported that in mid 1999 Government forces launched a major offensive against UNITA. [1] (p46) A number of reports noted that by 20 October 1999 the Government formally announced that it had pushed UNITA out of its stronghold in the Central Highlands. Throughout late 1999 the Government continued to make considerable advances into rebel territory. [1] (p46) [17j] (p3) [48a] According to the UNSC report January 2000, in December 1999 the FAA captured UNITA's former headquarters at Jamba and claimed to have gained control of almost the entire southern border. In the south, the Namibian Government closed the border in the Caprivi Strip to prevent UNITA troops from retreating to Namibian soil. [17j] (p3) The UNSC report July 2000 noted that during the first half of 2000, the Government reclaimed territory held by UNITA in the south and east of the country. [17j] (p3) Several documents reported that at this time, UNITA returned to guerrilla attacks and high-profile hit-and-run ambushes, particularly along the border with Zambia. [80] [17e] [17j] (p3) The UNSC report July 2000 added that the FAA and the police protected the diamond rich provinces of

Lunda Norte and Lunda Sul, limiting UNITA to acts of banditry against the civilian population. [17j] (p3)

4.14 Nevertheless, an article in the Angolan Mission Observer, dated November / December 2000, informed that in November 2000, in honour of Angola's 25th anniversary of independence and partly in response to international criticism of abuses of preventive detention, President dos Santos submitted an amnesty bill to legally guarantee clemency and formalise the practice, which the Government of Angola had been following for some time. On 29 November 2000 the Angolan National Assembly passed legislation that grants amnesty to all those who lay down their arms. [48b] (p1-2) The Government of Angola stated in January 2001 that the law covered all military crimes committed up to the date of its introduction, except those of a violent nature and which included death. [3d] The Angolan Mission Observer, dated November / December 2000 advised that "Under the new law, amnesty will be granted to all individuals who have committed crimes against humanity in armed conflict, if they renounce war. The law also grants amnesty to offenders of petty crimes." [48b] (p1) The same report observed that under the law, which came into force on 15 December 2000, those who wanted to be granted an amnesty had 90 days to report voluntarily to the authorities and confirm their willingness to be reintegrated into society. [48b] (p1-2)

4.15 The same report observed that most of the individuals that surrendered to the Government in the first few weeks of the Amnesty were ex-UNITA officials and traditional leaders. [48b] (p1-2) According to a report by the Government of Angola, dated January 2001, the FLEC-FAC rebels in Cabinda also surrendered in response to the amnesty. [3d]

4.16 The UNSC report October 2001 explained that in the first six months of 2001, UNITA continued their guerrilla activities with new outbreaks of violence being reported daily. UNITA had begun to target civilians with greater force. [17k] (p4) Europa 2005 observed that fighting also continued between UNITA and the FAA throughout early and mid 2001. [1] (p47)

4.17 A news article by the Cable News Network (CNN) dated 29 October 2001 reported that, "The Angolan army says it killed 216 rebels and captured light weapons during a month of fighting in an area south of the capital, the Portuguese news agency Lusa reported on Monday. An army spokesman told Lusa that government forces had captured five rebel fighters and freed more than 2,000 civilians from rebel-controlled areas near Sumbe, about 275 km (165 miles) south of the capital Luanda." [51]

4.18 According to Radio Nacional de Angola 9 November 2001, in November 2001, there were increased instances of rebel soldiers defecting from UNITA to the FAA. [50] Europa 2005 added that in early 2002, the FAA nevertheless continued to further weaken UNITA's position by depriving UNITA of its rural support and gaining control of a substantial proportion of Angola. [1] (p47) On 17 February 2002, it was reported by the Angola Press Agency (ANGOP) on 18 February 2002, that five high-ranking UNITA generals were killed or captured in combat in Moxico. [36q]

End of the Civil War and Political Situation since February 2002

4.19 As documented by Europa 2005 and the FCO country profile November 2004, on 22 February 2002 UNITA's leader Jonas Savimbi was killed in a remote part of the eastern province of Moxico. [1] (p47) [4a] (p2) [7j] Europa 2005 reported that "In addition, in early March Savimbi's successor, António Dembo, was either killed by the FAA or died as a result of a shortage of medical supplies." On 13 March 2002, the FAA announced that it had halted all military operations against UNITA and had entered into negotiations with the remaining UNITA forces. [1] (p47) UNITA ultimately agreed to a ceasefire on 30 March 2002, and an official agreement was ratified in Luanda on 4 April 2002. [1] (p47) [44b] [42b] (p6)

4.20 The HRW report August 2003 observed that the Luena Accords (also known as the Memorandum of Understanding (MOU)), which were signed by the FAA and the UNITA military forces, ended the fighting between the Angolan Government, led by the ruling party MPLA and UNITA. [5d] (p5) The report stated that "The Luena Accords provide for the implementation of a cease-fire through the demilitarization, quartering and demobilization of UNITA's military forces, integration of UNITA officers into the government army and national police, and a general amnesty law for all crimes committed during the conflict." [5d] (p5)

4.21 The HRW World report 2003 stated that "As an incentive, on April 2 [2002] the National Assembly approved a general amnesty law for all infractions of military discipline and crimes against the state security forces committed during the conflict." [5f] (p2) A British Broadcasting Corporation (BBC) report dated 2 April 2002 noted that it also covered crimes against the security of the state and low level crimes such as theft. [7i]

4.22 Europa 2005 noted that "According to the terms of the cease-fire, within nine months 50,000 UNITA fighters and 300,000 family members were to be cantoned in 38 quartering centres; only some 5,000 UNITA fighters were to be integrated into the FAA, all UNITA weapons were to be handed over to the FAA. [1] (p47) Europa 2005 and the FCO letter dated 26 August 2004 advised that UNITA officials were to remain in four ministerial positions allocated under the Lusaka accord. The process was to be supervised by a Joint Commission, with a minor role for the UN, US, Russia and Portugal. [1] (p47) [4h] (p1) On 15 July 2002 the FAA began recruiting 5,000 former rebels to join the military and police in the final stage of the demobilisation process. [4a] (p2) [44c] [44d]

4.23 The FCO country profile November 2004 noted that on 21 November 2002, a ceremony in the Angolan National Assembly declared the Lusaka Process, including the role of the Joint Commission, to have ended. On 9 December 2002, the UN Security Council voted unanimously to lift all remaining sanctions against UNITA. [4a] (p2)

4.24 Europa 2005 observed that a total of 400,000 UNITA soldiers and their dependants were moved to Family Reception Areas by November 2002. By June 2003, 81,000 UNITA soldiers and their dependants had been demobilised. By that time, the

Government had closed the 35 Family Reception Areas and removed the remaining UNITA members and their families to quartering areas. [1] (p47-48)

4.25 According to the HRW report August 2003, “A year after the signing of the peace accord, more than two million internally displaced persons and approximately 25 percent of refugees living abroad have already returned to their places of origin.” [5d] (p1) The FCO letter dated 26 August 2004 added that “By mid-2004, the process of return of IDPs was effectively completed.” [4h] (p1)

4.26 As stated in the FCO country profile November 2004, “At UNITA’s ninth Congress in June 2003 Isaías Samakuva was elected President of UNITA after coming ahead of two other candidates in a secret ballot of members. The MPLA held its fifth Congress in December 2003 with António Pitra Neto appointed Vice-President and Julião Mateus Paulo (‘Dino Matross’) as Secretary-General. President José Eduardo dos Santos continues as MPLA President.” [4a] (p2)

4.27 As noted in the ACTSA report September 2004, “Angola’s ruling party, the MPLA, has put forward a detailed timetable culminating in presidential and parliamentary elections in September 2006.” [37g] (p1) The ACTSA report January 2005 added that President dos Santos announced the date of the parliamentary elections to be at some point before the end of September 2006, and has suggested that the presidential election could take place in 2007. [37e] (p3) ([See section 5 on Presidential and Legislative Election Plans](#))

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5. State Structures

The Constitution

5.1 As documented in Europa 2005, the Republic of Angola is governed by a Constitution adopted in November 1975. The Constitution was amended in October 1976, September 1980, March 1991, April and August 1992, and November 1996. [1] (p61)

5.2 Article 18 of the Constitution stipulates that, "All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status." [3a] Article 32 of the Constitution stipulates that "Freedom of expression, assembly, demonstration and all other forms of expression shall be guaranteed." At the same time, groupings whose aims and activities are contrary to the Constitutional order and penal laws, or that, even indirectly, pursue political objectives through organisations of a military, paramilitary or militarised nature, shall be forbidden. [3a] Europa 2005 also reported the same information [1] (p61)

5.3 The Action for Southern Africa (ACTSA) report dated February 2004 stated that "A draft of the new Angolan constitution has been drawn up by a technical commission, and on 27 January [2004] it was presented to the Constitutional [Affairs] Commission of the Angolan Parliament, the National Assembly." [37a] (p1) An article by the Angola Press Agency (ANGOP) dated 19 June 2004 informed that the Constitutional Committee comprised 44 MPs, 25 from the MPLA, 15 from UNITA and four representing the minor parties in parliament. [36y] As stated in a news report by IRIN news dated 12 February 2004, "[Isaias] Samakuva [the President of UNITA] claimed the government of President Eduardo Dos Santos was deliberately delaying the approval of a new constitution, a pre-condition for scheduling presidential and legislative elections." [8c]

5.4 The FCO letter dated 26 August 2004 stated that "On 12 May 2004 the Angolan opposition parties suspended their participation in the Constitutional Affairs Commission until such time as President dos Santos agreed to consult the country's political forces with a view to approving an electoral timetable. The Council of the Republic, the highest consultative body in Angola, met on 2 July [2004] and recommended to the President that he call elections by September 2006." [4h] (p1)

5.5 The ACTSA report dated November 2004 stated that:

"The ruling party, the MPLA, argued that a new constitution was necessary before elections, whilst the largest opposition party, UNITA, argued the opposite, that elections could take place first, with any new constitution being adopted after elections.

One of the key elements to be determined by the new constitution is the power of the President. Currently power is centralised around the President, with the Prime Minister and the Parliamentary Speaker playing important, but junior roles.

There is also little decentralisation, with provincial governors being appointed by the President. In part this reflects the colonial history of the country, but it also reflects the impossibility of running local democracy under conditions of war. The new constitution would visit these issues in detail, and a draft has already been written by the Constitutional Commission.

In response to this ongoing impasse President dos Santos recently suggested that the parliamentary elections take place in September 2006 under the present constitution, with presidential elections taking place a year later under a new constitution determined by the new parliament.” [37f] (p1) ([See section 5 on Presidential and Legislative Election Plans](#))

Citizenship and Nationality

5.6 Under Article 19 of the Constitution, “Angolan nationality may be by origin or acquired. ... The requirements for the attribution, acquisition, loss, or re-acquisition of Angolan nationality be determined by law.” [3a] As stated in the United States Office of Personal Management (OPM) report 2001 “Citizenship laws are based upon Law #13/91 dated May 13, 1991.” Citizenship can be obtained by birth, descent, marriage or naturalisation. Dual citizenship is not recognised in Angola, with the exception of children up to the age of eighteen born abroad to Angolan parents, that obtain the nationality of the country of birth. [59]

5.7 The CEDAW report dated June 2004 explained that article 12 of the Nationality Law allows a foreign citizen married to an Angolan national citizen to acquire the Angolan nationality provided s/he applies for it. The declaration of nullity or cancellation of the marriage does not prejudice the nationality acquired by the spouse who contracted it in good faith. [17v] (p27, 48-49)

5.8 The same report explained that “All laws on nationality which have come into force since independence always gave privilege to the nationality based on the rule of *jus sanguini*, being considered as angolan citizen of full rights the child to an angolan citizen (man or woman) either born in Angola or abroad.” [17v] (p27)

5.9 The Nationality Law provides that nationality by origin is awarded to children who have an Angolan mother or father, who were born in Angola, or to the children of an Angolan mother or father born abroad (Article 9), and that nationality by acquisition results from adoption, marriage, naturalization, or a declaration of will (Articles 10, 11, and 12). [17x] (p9)

5.10 The OPM report 2001 stated that “The following is grounds for involuntary loss of Angolan citizenship:

- Person voluntarily acquires foreign citizenship.
- Naturalized citizen is convicted of crimes against the State.
- Naturalized citizen serves in the military of a foreign State.
- Naturalized citizenship was obtained by fraud or false statements.” [59]

Political System

5.11 Articles 1 and 5 of the Constitution state that Angola shall be an independent and sovereign state that is democratic, unitary and indivisible. [1] (p61) [3a] Article 3 of the Constitution stipulates that “Sovereignty shall be vested in the people, who shall exercise it in the manner provided for in the present Law.... The Angolan people shall exercise political power through periodic universal suffrage to choose their representatives, by means of referendums and other forms of democratic participation in national life.” [3a] Europa 2005 stated that the Constitution provides for the right to vote by a universal, equal, direct, secret and periodic suffrage to all citizens over the age of eighteen years, other than those legally deprived of political and civil rights. [1] (p61) Article 28 of the Constitution adds “It shall be the right and duty of all citizens aged over 18, other than those legally deprived of political and civil rights, to take an active part in public life, to vote and stand for election to any State body, and to fulfill their offices with full dedication to the cause of the Angolan nation.” [3a] The USSD report 2004 and the IBA report 2003 noted that the Constitution also provides citizens with the right to change their government peacefully. [2a] (p10) [14] (p43) However, according to the USSD report 2004, in practice this right was restricted. [2a] (p10) The IBA report 2003 observed that the last elections took place on 29 and 30 September 1992. [14] (p43)

5.12 Europa 2005 explained that the executive is personified in the President, elected for a five-year term, which is renewable up to three times. The President is the Head of State, Head of Government and Commander in Chief of the FAA. The current president is José Eduardo dos Santos, who assumed office on 21 September 1979. The President has the power to appoint and dismiss the Prime Minister, the Council of Ministers and other government officials determined by law. ([See also Annex H on Political Makeup of Government](#)) [1] (p62)

5.13 Several reports noted that on 5 December 2002, President dos Santos appointed the Minister of Interior, Fernando da Piedade Dias dos Santos ‘Nando’, as the new Prime Minister. [7k] [9] [17f] (p2) The FCO letter dated 26 August 2004 added “Aguinaldo Jaime was appointed to the new post of Deputy Prime Minister with particular responsibility for overseeing economic issues.” [4h] (p1-2) Several documents also reported that new cabinet ministers were subsequently appointed for the interior, finance, petroleum and energy and water portfolios; the Ministers of Defence, Foreign Affairs, Justice, Planning and Public Administration were re-appointed. [17f] (p2) [36f] [36s] The UNSC report February 2003 stated that “In accordance with an understanding reached between the Government and UNITA, all former UNITA-Renovada Cabinet ministers were reappointed as representatives of the reunified UNITA.” [17f] (p2) The report added, “Some opposition parties and members of civil society felt, however, that the new cabinet did not represent sufficient change. Members of civil society also criticised the re-appointment of some senior Government officials who they alleged had embezzled and misappropriated funds.” [17f] (p2)

5.14 A report by CIRCA dated 14 July 2004 explained that under the Constitution adopted at independence, the sole legal party was the MPLA. [9] Europa 2005 documented that in December 1990, the MPLA announced that the Constitution would be revised to permit opposition parties and in March 1991 legislative approval was granted for the formation of political parties. [1] (p44) Nevertheless, Europa continued to state that the MPLA has retained the presidency since independence in 1979. [1] (p43, 62) In the 1992 presidential elections President dos Santos won 49.57 percent of the votes. The MPLA also holds majority of the seats in the National Assembly (Assembléia Nacional). In the legislative elections, held in September 1992, the MPLA obtained 129 of the seats in the National Assembly. [1] (p62-63) The FCO country profile November 2004 stated that “The Uniao Nacional Para a Independencia Total de Angola (UNITA) is the largest opposition party, with 70 seats in the National Assembly. Seven minor parties share the balance of 21 seats in the National Assembly.” ([See also Annex B on Political Organisation](#) and [Annex E on Election Results](#)) [4a] (p1)

5.15 Europa 2005 stated that “The Assembléia Nacional [National Assembly] is the supreme state legislative body, to which the Government is responsible.” According to the Constitution the National Assembly should be composed of 223 deputies elected for a four-year term. However, three of the seats have never been filled. ([See also Annex E on Election Results](#)) [1] (p62-63) Article 82 of the Constitution restricts members of the National Assembly from holding ministerial posts, paid employment ‘by foreign companies or international organisations’, and other commercial activities on the board of limited companies, and prohibiting judicial or military candidates from standing for election to the National Assembly. [3a] The IBA report 2003 noted the same information. [14] (p18)

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Presidential and Legislative Election Plans

5.16 As stated in the ACTSA report dated 26 January 2005:

“The Angolan president, Jose Eduardo dos Santos, has set the date for the parliamentary elections to be at some point before the end of September 2006, and has suggested that the presidential election could take place in 2007.

The main opposition party, UNITA, has now dropped its demand that elections take place September 2006, and has suggested that the presidential election could take place this year, and is now warning that it will take at least 24 months to arrange elections. It has thus switched its demand from bringing forward the elections to one that will require a delay.” [37e] (p3)

5.17 The ACTSA report August 2004 noted that:

“The ruling party however appears to be winning part of the diplomatic battle. The European Union on 4 August [2004] welcomed the findings of the Council of the Republic and the President's subsequent letter asking for parliament to ‘take the

necessary steps to implement the legal framework to prepare the next elections'. According to a declaration from the Presidency of the European Union 'this statement reflects the Angolan commitment to the democratic and electoral process'." [37d] (p1) ([See also section 5 on the Constitution](#))

5.18 The FCO letter dated 26 August 2004 stated that "On 06 February 2004 the MPLA introduced a list of 14 tasks which it considered 'essential to prepare for and hold the next general elections.' These included the approval of legislation, registration of voters and the drawing up of electoral rolls, along with infrastructure improvements and approval of a national consensus agenda to allow for Angola's economic development over the next 25 years." [4h] (p2)

5.19 The IRIN report of 13 May 2004 added that "Passing a new electoral register law, creating an electoral council and establishing basic administrative functions in remote areas are among other tasks that need to be accomplished before an election can be held, the government has argued." [8af]

5.20 However, a report in IRIN news dated 7 December 2004 stated that:

"The country's main opposition party, UNITA, this week reiterated its call for the creation of an independent national electoral body, saying it should be an 'immediate task' for lawmakers, who were preparing to debate electoral reforms.

UNITA has long complained that current electoral legislation was outdated and favoured the ruling MPLA party. The former rebel group has in the past warned that it would not participate in a ballot without an independent commission. In UNITA's view, the national body should include representatives from all parties, as well as civil society and the church." [8as]

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Judiciary

5.21 Article 142 of the Constitution states that "The Judicial Proctorate shall be an independent public body the purpose of which shall be to defend the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of the public administration." [3a] The USSD report 2004 noted that "The Constitution provides for an independent judiciary; however, the judiciary was subject to executive influence." [2a] (p5) For example, according to the IBA report 2003, "There have reportedly been attempts by the Government to influence Angola's judges [particularly in the provinces, and that this may include financial inducements]." [14] (p5, 35) The USSD report 2004 added that "In practice, the court system lacked the means and political support to assure its independence." [2a] (p5) Nevertheless, the IBA report 2003 stated that the "Angolan courts have ruled against the Government in cases involving free press and political demonstrations. International pressure is thought to have been a factor in these rulings." [14] (p34)

Court Structure

5.22 The USSD report 2004 advised that “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.” [2a] (p5) The IBA report 2003 also made the same observations. [14] (p29) Although the Supreme Court has 16 seats, the IBA report 2003 noted that only nine were filled. In exceptional cases, the Supreme Court sits as a court of first instance, where it considers cases based on fact and law. When the Supreme Court sits as an appeals court, it decides cases based only on law. [14] (p29-30)

5.23 The Freedom House report 2004 noted that “Local courts rule on civil matters and petty crime in some areas, but an overall lack of training and infrastructure inhibit judicial proceedings, which are also heavily influenced by the government.” [35]

5.24 The IBA report 2003 stated that the Constitution provides for a court above the Supreme Court, the Constitutional Court. [14] (p30) However, as noted in the IBA report 2003, the court had not functioned and the seven seats in the Constitutional court had not been filled. [14] (p30) The Freedom House report 2004 added that “The government has yet to establish a Constitutional Court, as mandated by the constitution.” [35]

5.25 The IBA report 2003 informed that the Accounting Court or ‘Anti-Corruption Court’ (Tribunal de Contas) was established in 1996 but did not begin operating until 2001. It was headed by a judge who was also a deputy in the National Assembly. [14] (p31) As noted in the IBA report 2003 “The Accounting Court is supposed to operate with seven judges, but currently only five including the court’s President, have been appointed.” [14] (p31) The report added that although 88 cases have been presented to the Accounting Court since January 2003, the Court only issued its first written opinion on 26 March 2003. [14] (p31)

Traditional Law

5.26 The IBA report 2003 stated that community-based courts and judges practise traditional law, outside the jurisdiction of the Constitution and the official legal system. Community-based courts and judges are not a substitute for those that the Constitution provides for. The report explained that “The reason is that traditional notions of justice often violate the Angolan Constitution and international legal norms that Angola adheres to.” [14] (p35)

5.27 The USSD report 2004 noted that “Due to the lack of judicial infrastructure in many provinces and municipalities, traditional or informal courts still were utilized. Traditional leaders, ‘sobas,’ were called upon to hear and decide local cases. These courts were expected to continue until the formal legal system is rebuilt. They did not provide citizens with the same rights to a fair trial as the formal legal system; instead their rules were established by the community in which they were located.” [2a] (p5)

Juvenile Courts

5.28 As documented in a report by the Angolan embassy in the UK dated June 2003:

“A juvenile court was opened in Luanda on 16 June [2003]. An initiative of the Ministry of Justice, it is to ensure specialised treatment for children and adolescents in situations of social danger or delinquency that cannot be properly dealt with by ordinary courts. ...

The court will initially operate with a judge, a prosecutor, educators and social workers, and will work in partnership with social centres in the Kilamba Kiaxi, Sambizanga, Ingombota and Cazenga neighbourhoods in Luanda.

Regulated by a law passed in 1996, the Juvenile Court will provide specialised treatment for children.” [66e] (p6-7)

5.29 The USSD Trafficking in Persons (TIP) report June 2004 noted that “To date, 354 cases have been tried in the court covering a wide variety of crimes against children, such as child abuse and kidnapping.” The court could also be used to prosecute traffickers. [2e] (p1)

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The effect of the Civil War on the Judiciary

5.30 An IRIN news report mentioned that as a result of the civil war, the judicial system was significantly hampered. [8e] The IBA report 2003 noted that “Only 23 of the 168 municipal courts were operational. All 19 provincial courts are functioning [Benguela Province has two] and in areas without municipal courts, cases are sent to the provincial courts. The situation has created delays and a large backlog of cases. Many courts are in a poor state of repair.” [14] (p4) The USSD report 2004 explained that “During the year [2004], the Government continued to rebuild courts and train new magistrates and prosecutors; however, in civil and criminal provincial courts, there was often only one judge to cover all cases in the province.” [2a] (p5)

5.31 The IBA stated in its 2003 report that “Angola needs more lawyers and there are very few lawyers practising in the provinces, which means there is little access to justice for many Angolans.” [14] (p4) The report stated that the provinces of Moxico, Kuando Kubango, Luanda Norte and Bié had no lawyers and a further five provinces only had one lawyer. [14e] (p23)

5.32 The Amnesty International (AI) report 2004 covering the events of 2003, reported that “A commission was set up to study the criminal justice system and propose reforms, and a project to revise the penal code was initiated. Several municipal and provincial courts were rehabilitated and judges appointed. Juvenile courts were established in Luanda and other provinces. However, in many areas, access to justice was severely limited, including by the lack of human and material resources.” [11h] (p2)

5.33 The USSD report 2004 observed that “During the year [2004], the Human Rights Division of the U.N. Mission in Angola (UNMA) [United Nations Human Rights Office] continued to support human rights training of municipal magistrates by the Ministry of Justice. The office trained 53 judges and 23 prosecutors during the year.” [2a] (p5)

Corruption in the Judicial System

5.34 The HRW report January 2004 stated that “It [the Government of Angola] has failed to establish hundreds of courts and allowed the judiciary to become dysfunctional, undermining Angolan’s ability to hold government officials and others accountable.” [5c] (p1) The FCO country profile November 2004 stated that “Corruption and lack of investment have almost completely destroyed the judicial system, leaving all but the wealthiest unable to access any form of justice.” [4a] (p4) The HRW report January 2004 added, “The underfunding of the judiciary has prevented Angolans from having adequate recourse when their rights are violated, impeding another mechanism of government accountability”. [5c] (p59) The same report also noted that “The lack of a functioning judiciary also has a serious impact on detainees and defendants. In the absence of functioning municipal courts, cases are transferred to provincial courts. This creates a high backlog of cases. Prolonged pretrial detentions are common and often last two to three years.” [5c] (p64)

5.35 As stated in the HRW report January 2004, “U.N. representatives have repeatedly stressed that chronic underfunding of the judiciary has had a negative impact on human rights. For example, Angolans displaced by the war - many of whom suffered rape, sexual harassment, killings, beatings, or extortion - do not have adequate judicial redress and lack of judicial resources is one important cause. [5c] (p62)

5.36 The USSD report 2004 observed that “Police resorted regularly to unlawful killings, especially of known criminal gang members, as an alternative to relying on the country’s ineffective judicial system.” [2a] (p2)

Legal Documents

5.37 As documented in the USSD report 2004, “Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate; however, security forces did not always procure an arrest warrant before placing individuals in detention.” [2a] (p4)

5.38 The British Embassy in Luanda stated in a letter dated 8 February 2005 that:

“The following observations are based on information provided by an Angolan NGO working in the justice and prison sectors.

Arrest warrants (Mandatos de Captura) are issued by Police Commanders (Comandantes da Policia). The warrants require the named person to report to a police station to respond to a complaint against them. Normal police procedures apply: for example, the individual can be held at a police station for up to 72 hours but must then be charged or released.

Warrants should be served personally, but can be left with relatives or neighbours if the named person is not present. Copies are not generally available to others. In the past, warrants were sometimes broadcast on the radio or published in the newspaper.

Crimes reported to the police are supposed to be noted on a crime report form (Auto de Queixa) but this does not always happen. The crime report form is written by the police on the basis of the statement taken from the complainant. The complainant then signs to say that the report is accurate.” [68b]

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Legal Rights/Detention

5.39 Article 36 of the Constitution states that “No citizen may be arrested or put on trial except in accordance with the law, and all accused shall be guaranteed the right to defense and the right to legal aid and counsel.” [3a]

5.40 The IBA report 2003 stated that the cost of legal representation varied considerably from one lawyer to another. It was therefore often difficult for members of the public to afford legal costs. [14] (p24) The report goes on to say that one of the Angolan Bar Association functions is to provide lawyers to clients who cannot afford the legal fees, providing the client can demonstrate the financial need to the Government. However, as noted in the same report “One NGO [Non-Governmental Organisation] criticised this process for taking three months.” [14e] (p27) The IBA report 2003 observed that the Angolan Bar Association was able to provide criminal defence lawyers to 122 defendants during 2002. [14] (p37)

5.41 Articles 37 and 38 respectively, stipulate that “Preventive detention shall be permitted only in cases provided for by the law, which shall establish the limits and periods thereof” and “Any citizen subject to preventive detention shall be taken before a competent judge to legalize the detention and be tried within the period provided for by law or released.” [3a]

5.42 The IBA report 2003 explained that “Angolan law allows: people suspected of crimes punishable for up to two years in prison to be detained for a maximum of 120 days; people suspected of crimes punishable for over two years in prison to be detained for a maximum of 135 days; and people suspected of crimes against state security to be detained for a maximum of 215 days.” [14] (p37-38) The HRW report December 2004 explained that:

“During military operations, armed forces may be justified in briefly detaining persons who they believe are security risks. Persons apprehended while directly participating in hostilities or otherwise engaged in criminal offenses may be charged and prosecuted. However, the FAA has detained persons for periods of over a month on mere suspicion of their being FLEC combatants or supporters, or with supplying FLEC with food, weapons or information. The FAA apprehended unarmed persons while in their homes, and others whom their forces come across in the forest.

Those apprehended were often brought to the military bases where they were detained, or the detention was affected in situ in the forest. The majority of persons were taken into custody in the presence of or with the knowledge of officers, including at times high-ranking officers. The FAA commander in Cabinda said that some former FLEC combatants who joined the FAA have supplied lists of FLEC combatants to the FAA. However, most of the cases of detention investigated by Human Rights Watch involved civilians with no connection to the conflict that remained in military custody long after their identity and civilian status had been established, in violation of Angolan and international law. In many such cases, Angolan soldiers tortured or otherwise mistreated detainees to obtain information from them about FLEC.” [5j] (p14) ([See also section 6A on Political Activists – FLEC](#))

5.43 The USSD report 2004, nevertheless, stated that “The National Security Law provides for a maximum of 180 days of investigative detention when an individual is caught in the act of committing a crime punishable by a prison sentence; however, in practice these limits were exceeded commonly.” [2a] (p4)

5.44 The same report added that “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.” [2a] (p4)

5.45 Article 7 of the African Charter on Human and Peoples’ Rights, to which Angola has acceded, states that everyone has “The right to be tried within a reasonable time by an impartial court or tribunal”. [11d] (p19) However, the IBA report 2003 stated that prolonged detention was largely as a result of the lack of resources in the justice system as well as the lack of personnel. [14] (p39)

5.46 A report by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) dated 15 June 2004 noted that “Pre-trial detention periods are now being tracked through a computerised database, which has resulted in a significant reduction in the number of illegal detainees.” [17s]

5.47 Article 40 of the Constitution provides prisoners with the right to receive visits by family members and friends without prejudice. [3a] The USSD report 2004 explained that “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.” [2a] (p5)

5.48 The USSD report 2004 observed that the Constitution provides defendants with the presumption of innocence until a judicial decision is taken by the court and the right to appeal the decision. [2a] (p6) [3a] The same report stated, by law, there is a functioning system of bail and the defendant has the right to counsel; however, the Government did not always respect these rights in practice. [2a] (p6) The same report added that “Trials are public; however, each court has the right to close proceedings. Defendants do not have the right to confront their accusers. Judges were often not licensed lawyers; however, the Ministry of Justice increased efforts during the year [2004] to recruit and train lawyers to serve as magistrates. The judge and two laypersons adjudicate.” [2a] (p6)

5.49 The USSD report added that “Although the Ministry of Justice was nominally in charge of the prison system, the police continued to arrest and detain persons without bringing detainees to trial.” [2a] (p4)

Legal Rights of Children

5.50 As documented in the UN Committee on Rights of Child Considers report September 2004:

“Concerning questions on the age of criminal responsibility, the delegation said that children up to 16 years of age incurred no criminal responsibility. There was civil responsibility which could fall on the parents or the guardians. From the age of 17 to 21, Angolan legislation provided that these persons were not fully criminally responsible for their actions. They only had partial criminal responsibility, and any punishment had to take this into account. The Juvenile Court, which started functioning in 2003, decreed socio-educational measures for persons within this age group, and compliance with them was overseen by this court.” [17aa] (p5)

Death Penalty

5.51 As documented in the AI reports dated 4 March 2004 and 1 September 1999, Angola abolished the death penalty for all crimes in 1992. [11a] [11b] (p2) Article 22 of the Constitution stipulates that “The State shall respect and protect the life of the human person.” It also states that the death penalty is prohibited. [3a] [11b] (p2,7) However, according to the AI report 2004, “There were reports of extrajudicial executions by the security forces.” [11h] (p3) ([See also section 6 on Human Rights](#))

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Internal Security

5.52 The USSD report 2004 noted “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 civilian authorities maintained effective control of the security forces.” [2a] (p1) According to the same source “Members of the security forces committed human rights abuses.” [2a] (p1)

Angolan National Police (ANP)

5.53 The USSD report 2004 stated that “The National Police are under the Ministry of the Interior and are responsible for internal security and law enforcement. Other than those personnel assigned to elite units, police were poorly paid, and the practice of supplementing their income through the extortion of the civilian population was widespread.” [2a] (p4)

5.54 As noted in the AI report November 2003 “There are police stations in all municipalities, and a project to restructure and reform the police has been initiated. However, the lack of adequate training and resources and low salaries have contributed to the incidence of unnecessary and excessive use of force and acts of corruption. Furthermore, not enough has been done in the past to prevent abuse or to bring to justice those suspected of carrying out human rights violations.” [11f] The International Crisis Group (ICG) report April 2003 noted that “In many locations, police are feared for aggressive shakedowns rather than sought after for protection.” [16] (p4) However the same report stated that police abuses were declining. [16] (p3)

5.55 The OCHA monthly analysis July 2004 reported that “In Huíla, a 24-hour office opened by provincial authorities to handle complaints and allegations of police abuse is having a positive effect. According to the Provincial Police Chief, the office is a useful tool to enhance the democratisation process and is a main source of information on police performance. Since the office opened in the beginning of 2004, 15 policemen have been arrested or suspended in connection to robberies or corruption.” [17z] (p5)

Armed Forces of Angola (Forças Armadas de Angola, FAA)

5.56 As documented in Europa 2005, in agreement with the Bicesse Accords, signed in May 1991, a new Armed Forces of Angola (FAA) was established comprising of an equal proportion of Government forces, Forças Armadas Populares de Libertação de Angola (FAPLA) and UNITA soldiers, Forças Armadas de Libertação de Angola (Armed Forces for the Liberation of Angola, FALA). [1] (p69)

5.57 The EIU country profile 2004 stated that “Angola has a large, battle-hardened army and is a regional superpower. The Angolan armed forces comprise roughly 120,000 personnel and have strong active capability, including mobile forces and airlift. [42b] (p13)

5.58 As stated in the FCO letter dated 26 August 2004, “The FAA is currently estimated to consist of between 120,000 and 140,000 personnel, including 110,000 to 128,000 strong army, 3,000 to 4,000 navy and 6,000 to 8,000 air force.” [4h] (p2) The report added that “Overall strength of the FAA is due to reduce to about 90,000 over the next 10 years as military structures adapt to peace-time requirements.” [4h] (p2) The ICG

report April 2003 noted that “The military is slowly turning into a peacetime entity, with appropriate reductions-in-force.” [16] (p4)

5.59 The EIU country profile 2004 stated that:

“UNITA forces are estimated at 20,000-30,000 soldiers. Although up to 80,000 have entered demobilisation areas since the April 2002 ceasefire, many are thought to be former soldiers, or those loosely aligned to the army, who are seeking relief from the current drought and food insecurity in the countryside. A low-level war is continuing in the oil enclave of Cabinda, led by the Frente Para a Libertação do Enclave de Cabinda (FLEC). The movement is heavily fragmented, but continues to mount small, sporadic attacks, although these have declined over the last year [mid 2003 to mid 2004].” [42] (p13)

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Prisons and Prison Conditions

5.60 The USSD report 2004 observed that “Prison conditions were harsh and life threatening.” [2a] (p1,3) The Freedom House report 2004 noted that “Prisoners are commonly detained for long periods in life threatening conditions while awaiting trial, and overcrowding and unsanitary conditions prevail.” [35] (p2) The USSD report 2004 added that “The national prison system continued to hold approximately five times the number of prisoners for which it was designed.” [2a] (p4) The USSD report 2004 added that “Overcrowding in Luanda prisons diminished after the completion in November [2004] of the rehabilitation and expansion of the Viana prison; however, local human rights organizations reported that conditions were considerably worse outside the Luanda prison system.” [2a] (p3-4) The same report added that “In Bengo, Malange, and Lunda Norte Provinces, warehouses were used as prison facilities during the year [2004]. In Huila Province, the provincial penitentiary held 350 prisoners in a facility designed for 150.” [2a] (p4)

5.61 The USSD report 2004 stated that “On December 6, local media reported that between 8 to 16 prisoners died due to asphyxiation in an overcrowded police station cell in Mussendi, Lunda-Norte. The detainees, some of whom were from the DRC, were being held as part of Operacao Brilhante. In protests following these deaths, police reportedly killed two individuals. The National Police Commander publicly admitted wrongdoing, ordered the arrest of the local commander and several officers, and stated that an investigation was underway.” [2a] (p4)

5.62 The USSD report 2004 noted that “Many prisons, lacking adequate financial support from the Government, were unable to supply prisoners with basic sanitary facilities, adequate food, and health care.” [2a] (p4) The USSD report 2004 stated “There were reports that prisoners died of malnutrition and disease.” [2a] (p4) The Freedom House report 2004 noted that “Often prisoners have to rely on relatives or outsiders for food.” [35] (p2) The USSD report 2004 noted that “Prison officials, who were chronically underpaid, supported themselves by stealing from their prisoners and extorting money

from family members. There were reports of prison officials operating an informal bail system, releasing prisoners until their trial date for fees ranging from \$300 to \$1,500 (25,000 to 127,500 kwanza).” [2a] (p4)

5.63 The USSD report 2004 added that “The Constitution and the Penal Code prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. Local and international human rights organizations reported that these abuses were widespread. Government spokespersons acknowledged problems, ascribing them to poor training and individual misdoings.” [2a] (p3)

5.64 The USSD report 2004 noted that “Female prisoners were held separately from male prisoners; however, there were reports that prison guards sexually abused female prisoners.” [2a] (p4) The report added that “Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates.” The report also stated that “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.” [2a] (p4) The USSD report 2004 observed that there were no reports of political prisoners held in Angola. [2a] (p6)

5.65 As stated the USSD report 2004, “The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year [2004]; however, NGO officials were denied access or given limited access to prisons in the provinces.” [2a] (p4)

FAA Prisons in Cabinda

5.66 The HRW report December 2004 observed that:

“Conditions of detention varied, but the FAA frequently detains persons without regard to minimal international standards for the treatment of prisoners. Some detainees were held in basic shelters, where they received minimal food and water. The most egregious conditions of detention were pits dug in the ground. An FAA commander did not deny the existence of such pits, but maintained they were used only to detain FAA soldiers as an internal disciplinary measure. Detention in these pits, in which detainees often had to defecate and urinate where they were held, constitutes cruel, inhuman or degrading treatment in violation of international law. During the rainy season, detainees remained in the pits which partially filled up with water. The water took a day or two to drain away.” [5j] (p16)

5.67 The same report noted that:

“The FAA also subjected several male detainees to other forms of torture including: tying a detainees’ elbows together behind their backs and by their hands, causing loss of circulation and short-term damage; tying two pieces of steel against their heads and then squeezing the two pieces tightly; tying a rope

around a detainee's chest followed by five soldiers pulling the rope at each end. Detainees were also subjected to humiliating and degrading treatment, including threatening to rape and cut off one detainee's genitalia. [5j] (p17)

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Military Service

5.68 Laws on conscription have been extant since 26 March 1993. Article 152 of the Constitution stipulates that "The defence of the country shall be the right and the highest indeclinable duty of every citizen." [3a] The Constitution also specifies that "Military service shall be compulsory." [3a] [23] (p1) The Child Soldiers Global report 2004 stated that "Under Law 1/93, military service is compulsory for all men and women aged between 20 and 45, although in practice women were not recruited." [15a] (p1) The report also noted that "In March 2003, the government gave a commitment not to conduct new recruitments to the armed forces in 2002 and 2003, and declared that those who had been child soldiers during the war were exempt from compulsory military service, although they could still be recruited on a voluntary basis." [15a] (p1) The War Resisters' International report 1998 observed that "Those over the age of 30 only serve in the Reserve Force." [23] (p1) Military Service in the army is for a period of two years including training time. [4b] In the navy and air force service is for three years. For those in higher ranks service is for four years, and some may be reserved longer. [23] (p1)

5.69 An FCO letter of advice dated 21 July 2004, however, stated that:

"Officially, young men must register with the Department of Recruitment and Mobilisation (DRM) in the Ministry of Defence at the age of 18 and they could expect to be called up for military service between the ages of 20 and 21. If abroad, they are expected to register at their nearest embassy or consulate. In practice, because the armed forces are now much bigger than they need to be, conscription has been effectively suspended while new systems are worked out. However, registration remains necessary and is enforced. The option of applying for community service, as opposed to military service, does not currently exist in Angola." [4g]

5.70 As documented in a letter from the FCO dated 1998, "Service can be postponed if the person is still in full-time education. The same applies to teachers, both with formal and without formal qualifications, who are in full-time teaching posts. Additionally, the Council of Ministers approve annually a list of technicians and specialists who are exempt from conscription. In practice, compulsory service is only applied during times of crisis or shortage." [4b]

Forced Conscription

5.71 The HRW report August 2003 stated that "During the civil war, both the government and UNITA committed widespread abuses against the civilian population." The abuses included forced conscription. [5d] (p6)

5.72 As noted in a news report by Angola Press Agency (briefly referred to as ANGOP) dated 6 January 2004, “the national citizens that for unjustified reason failed to turn up in the registration offices, will be considered as in fault and will be subject to punishment according to the law on the military service.” [36b]

5.73 An article by ANGOP dated 23 January 2005 reported that “The conscription is the yearly registration of all national male citizens before turning 18 years of age. Enabling the Angolan Armed Forces (FAA) to determine and keep control of acceptable reserves for the regular and quantitative (sic) renewal of its ranks.” [36d]

Draft Evasion and Desertion

5.74 Draft evasion and desertion is punishable under the 28 January 1994 Military penal code 4/94. Desertion in peacetime carries a prison sentence of between two and eight years. If carried out during a time of war or on military operations, the penalty increases to between eight and twelve years. Those who fail to report for compulsory service and are subsequently apprehended face between three days and two years after which new call-up papers may be issued. [23] (p3) The FCO letter dated 26 August 2004 noted that “In current (Aug 04) practice, however, because the FAA is so much larger than it needs to be following the end of the civil war, most conscription appears to have been unofficially temporarily suspended while new requirements are worked out. Registration remains necessary and is enforced.” [4h] (p2)

5.75 An FCO Letter of 21 July 2004 noted that those who have returned to Angola having never previously registered for military service, would be expected to register without delay. However, the FCO judge that they would be most unlikely to face any punishment or penalty. [4g]

Child Soldiers

5.76 The HRW report April 2003 stated that:

“It is Human Rights Watch’s position that no one under the age of eighteen should be recruited, either voluntarily or involuntarily, into any armed forces whether governmental or non-governmental in nature. During the war, both UNITA and the government forcibly recruited children into the conflict in violation of treaties and conventions to which they were bound. Armed forces on both sides subjected them to torture and ill treatment, hazardous duty, and in the case of girls, sexual violence.” [5g] (p8)

5.77 The report added that:

“No official figures exist for how many children fought with UNITA and the government in the last resumption of the war from the period 1998 to 2002. The Coalition to Stop the Use of Child Soldiers estimates that 7,000 children served with UNITA and government forces, Angolan Armed Forces (Forças Armadas Angolanas, FAA). Child

protection workers in Angola have suggested that as many as 11,000 from the two sides may have lived and worked in combat conditions. Some children received weapons and arms training and were active in the fighting. Many others acted as porters, cooks, spies, and wives to UNITA soldiers. Whatever their duties, the work they performed was hazardous and has had an emotional impact on many of them.” [5g] (p2)

5.78 However, the report added that “In 2003, children were reportedly still being recruited because of the difficulties in proving dates of birth.” [25c] ([See also section 6B on Children Affected by War](#))

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Medical Services

5.79 A number of reports noted that although much of the medical care was provided free of charge, its availability was limited by the lack of resources. [2d] (p8) [3g] [30b] Under-investment in health, coupled with three decades of conflict, has caused an almost complete break down in health services. [5c] (p64-66) [30b] The EIU country profile 2004 observed that “Health received 5.6% of spending in the 2004 budget. A few private health clinics cater for wealthy Angolans and expatriate foreigners.” [42b] (p15)

5.80 As stated in the HRW report January 2004 and an IRIN news report dated 1 July 2004, an estimated 60-70 percent of Angola’s health infrastructure was destroyed. [5c] (p66) [8ag] An IRIN news report dated 20 February 2004 also reported that “Most infrastructure in the interior is still destroyed, and there is no basic health care in 60 or 70 percent of the country.” [8f] However, a report by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) June 2004 stated that “In the country, there are 1,032 health units working, divided into 8 national hospitals, 64 provincial hospitals, 201 health centres, 759 medical posts and 70 family planning rooms.” [17v] (p39)

5.81 As documented by the World Health Organisation (WHO) country briefing September 2003, Médecins Sans Frontières (MSF) report 27 February 2004 and an ANGOP report dated 2 April 2004, many diseases including tuberculosis, acute diarrhoea and acute respiratory diseases were endemic in many parts of the country and preventative services were very limited. [18a] [34b] [36x] As noted in a report by the World Bank Group dated 21 December 2004 “Malaria is cited as one of the leading causes of death in Angola with 8,756 deaths per year out [of] an average 2.1 million cases of infection in a population of 12.8 million.” [6]

5.82 Several reports observed that figures show that Angola has the world’s third-highest child mortality rate with 25 percent of children likely to die before reaching the age of five. [17b] (p105) [30b] [37f] (p7) [38a] (p4) The US Committee for Refugees (USCR) report 2003 stated that childbirth mortality was extremely high and nearly two percent of all births resulted in maternal deaths. [31a] A report by the Government of Angola dated 27 September 2004 added that “Child death rate in Angola continues on the rise with

250 deaths out of every 1000 children that are born alive every years (sic) in the country.” [3k]

5.83 The International Federation of Red Cross and Red Crescent Societies (IFRCRC) country profile accessed 26 March 2004 stated that the Ministry of Health's National Health Plan, initiated in 2000, focused on improving treatment to control epidemic diseases, malnutrition, malaria, STD including HIV/AIDS and reproductive health. [32] Several sources documented that in some remote regions all basic health services were provided by humanitarian agencies such as the International Federation of Red Cross and Red Crescent Society, United Nations Children's Fund (UNICEF), UNDP, Médecins Sans Frontières (MSF) and the World Health Organisation (WHO). [17c] [17d] (p2-3) [18c] [32] [33a] [34a] A news report by IRIN dated 1 July 2004 stated that “Since mid-March [2003], the Angolan Ministry of Health in Miunha has benefited from the extra expertise and drug supplies of a mobile team from MSF. For many Angolans this is the only access to health care for kilometres, and it is not uncommon for them to walk for hours or even days to reach it.” [8ag]

5.84 The Embassy of Angola in the UK report dated September 2004 stated that “The number of doctors in the country has increased from 708 in 2002 to 1,179.” [66f] (p5) Even so, according to various reports, Angola has few qualified medical personnel. [8f] [8ag] [30b] An IRIN news report dated 1 July 2004 stated that “The government said recently that there was one doctor for every 13,000 Angolans, but that average figure is boosted by better coverage in the more prosperous coastal cities.” [8ag] An IRIN news article dated 20 February 2004 [8f] and a Reuters news report dated 26 February 2004 [30b] also made the same observations. The Reuters news report added that the vast majority of doctors were in Luanda. [30b] The IRIN report dated 1 July 2004 noted that in some provinces the situation is much worse. “In the central province of Bié, which was at the heart of the fighting, there are only four Angolan doctors to look after one million people.” In another report by IRIN dated 20 February 2004, it stated that in Moxico in the east, where hundreds of thousands of displaced people have returned since the end of the war, there are two doctors for half a million people. [8f] The report added that there was also a poor supply of medicines and equipment in Angolan hospitals, with drugs often failing to arrive at the hospitals at the right time or in the right quantities. [8f]

5.85 As stated in a report by WHO dated 29 August 2003, “Since the 4 April 2002 ceasefire in Angola, WHO, UNICEF, NGOs and the other partners have been supporting the country by providing a minimum health care package including vaccinations, HIV, malaria, TB, leprosy, trypanosomiasis and other disease control activities. Other health partners include the European Union, USAID, Italy, the Centers for Disease Control and Prevention and Japan among others which have provided primary health care services for hundreds of thousands of Angolans as they returned home.” [18c] An IRIN report dated 1 July 2004 noted that “A pharmacy attached to the consultation room [in a hospital in Camacupa] dispenses drugs in plastic bags with picture instructions to make sure the largely illiterate population take the right amount of medicine at the right time.” [8ag] According to the Reuters news report dated 26 February 2004 and the USAID report dated 7 January 2004, the country's infrastructure

was not restored to a level that would enable any significant improvement in the state provision of healthcare and medical treatment. [30b] [38a] (p4)

5.86 Despite significant challenges, an article by the WHO dated 29 August 2003 stated that “The success of national immunization campaigns against polio and measles in reaching every corner of Angola shows that it is possible to provide health care to all Angolans.” [18c] The Government of Angola 22 August 2003, [3b] Government of Angola 10 June 2004 [3m] and Afrol news dated 17 May 2003 [25f] all make the same observations. As documented in the WHO report and an article by the UN Children’s Fund (UNICEF), during the period September 2002 to August 2003 7.3 million children under 15 were inoculated against measles as part of the National Measles ‘catch-up’ Campaign. [18c] [33b] The WHO report added that two hundred suspected measles cases were recorded between June and July 2003, compared with an estimated 2,781 during the same period the year before. [18c] no cases of polio have been found in Angola since September 2001 in comparison to 1999 when Angola had the largest outbreak of polio in Africa. [18c]

5.87 The OCHA monthly analysis July 2004 reported that:

“More than 20,000 immunisation teams went house-to-house in a countrywide campaign to administer the polio vaccine and vitamin A to children during the eighth round of National Immunization Days from 23-25 July [2004]. Preliminary results indicate that more than 90 percent of the 5 million children targeted were vaccinated. The nationwide effort, a result of extensive coordination between the GoA, UN agencies, NGOs and sectors of civil society including churches, traditional authorities, nurses and students, aims to vaccinate all children under five in Angola against polio and is part of the world-wide effort to eradicate polio.” [17z] (p5)

5.88 The OCHA monthly analysis dated 31 November 2004 reported that “National vaccination coverage rates for children under 1 year of age increased from 43 percent in 2003 to 60 percent in the period January to June 2004 as a result of longstanding efforts to improve routine immunization services with capacity building, outreach, logistical support and supervision.” [17ac] (p5)

5.89 The WHO report dated 29 August 2003 observed that no cases of polio have been found in Angola since September 2001 in comparison to 1999 when Angola had the largest out break of polio in Africa. [18c]

5.90 The OCHA monthly analysis May 2004 stated that:

“Although the nutritional situation has stabilised, a monthly admittance rate of roughly 1,000 children with severe acute malnutrition continues to be recorded countrywide. As planned, many international NGOs have gradually withdrawn assistance in the area of feeding centres over the past year and have been handing over responsibility to the Ministry of Health in conjunction with capacity building programmes in management of nutrition programmes. Currently, there

are 20 therapeutic feeding centres and 33 supplementary feeding centres being run by the Ministry of Health and an additional four therapeutic feeding centres and 10 supplementary feeding centres still under NGO management.” [17t] (p3)

5.91 The World Bank Group report dated 21 December 2004 stated that “The World Bank’s Board of Executive Directors today approved an International Development Association (IDA) grant of US\$21 million to the government of Angola to implement the HIV/AIDS, Malaria and Tuberculosis (TB) Control Project.” [6]

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HIV/AIDS

5.92 An article by ANGOP dated 3 March 2004 advised that the first case of AIDS in Angola was reported in 1985. The article stated that “In Angola, over 500,000 people are infected with the HIV/AIDS virus, which is equal to 5.5 per cent of the adult population. Of this number, 53 per cent of the cases were women.” [36a] A study conducted by the Joint United Nations Programme on HIV/AIDS (UNAIDS) in conjunction with the WHO in September 2002, revealed that total recorded cases of HIV/AIDS increased threefold between 1999 and 2001. [18d] (p2)

5.93 An article by IRIN news date 3 December 2004 reported that:

“The rate of HIV infection among pregnant women in Angola is 2.8 percent, half earlier estimates, according to a new national study. A health ministry report covering all of Angola’s 18 provinces found that the highest HIV rates were in southern Cunene (9 percent) and Cuando Cubango (4 percent), which border Namibia. ... At the other end of the scale were the coastal province of Kuanza Sul and central Bie, both with 0.7 percent prevalence, and Benguela with 0.9 percent. In Luanda province, which takes in the capital of Angola, the prevalence rate was an estimated 3.2 percent.” [8at]

5.94 A World Vision report dated 20 February 2004 noted that the prevalence rate of HIV/AIDS among commercial sex workers was 33 percent. [39] The USAID country profile May 2003 [38b] and Refugees International (RI) report dated 25 April 2003 [40a] also reported the same figure.

5.95 The USAIDS country profile May 2003 stated that according to the Ministry of Health 1999 estimations, approximately 30 to 40 percent of infants born to infected mothers became infected with HIV. Mother-to-child transmission accounted for about 14 percent of all HIV infections. [38b] The USAID report noted that the most common mode of HIV transmission in Angola was multiple partner heterosexual activity. [38b]

5.96 As noted in a UNICEF report, 32 percent of women between the ages of 15 and 49 years had never heard of HIV/AIDS. The report added that only eight percent of Angolan women, of the same age, had adequate knowledge of HIV/AIDS transmission and prevention. [33c] (p3)

5.97 An IRIN news report dated 7 August 2003 observed that in August 2003, the first of four youth centres, which aimed to promote safe sex and HIV prevention, was opened in Luanda. [8q] In 2002, the Angolan Government formed the National Commission in the Fight Against AIDS. The Commission involved the civil society and NGOs, and was led by President dos Santos, according to an ANGOP report dated 3 March 2004. [36a] An ANGOP article dated 2 March 2004 and an RTP Internacional TV news report dated 3 March 2004 both noted that the country's first hospital for HIV/AIDS patients was inaugurated in Luanda on 3 March 2004. [36f] [41a] As stated in the Portuguese RTP Internacional TV news report dated 3 March 2004, the hospital, which is called 'Esperança' (Hope), was a pilot project with the capacity to cater for 200,000 patients per year. [41a]

5.98 An article by IRIN news dated 14 December 2004 stated that "The United States has been assisting the Angolan military in designing and implementing an HIV/AIDS strategy that focuses on prevention, testing and treatment." [8p]

5.99 A report by the Government of Angola dated 6 July 2004 noted that "The institution does not face any shortage of anti-retrovirals, since they have enough stock to assist the patients." [3i]

5.100 An article by IRIN news dated 3 December 2004 reported that free antiretroviral therapy was available from the government. [8at] The same report added that "Although HIV-positive people seeking treatment currently had to come to Luanda, plans were afoot to open three new centres: in Huila province for southern Angola, Huambo for the centre and Malanje for the north and east of the country." [8at]

5.101 However, an IRIN news article dated 26 October 2004 reported that although the province of Cabinda had started to provide antiretroviral drugs to prevent mother-to-child transmission of the virus, a regular supply of the drug was a problem as transport access was restricted to Cabinda. [8au] (p3)

5.102 As stated in an article by the Embassy of Angola in the UK dated June 2004:

"The National Assembly passed a law on HIV/Aids on 24 June [2004] with 158 votes in favour, none against and no abstentions. The law, which was discussed at length by deputies after it was tabled by Minister of Health Albertina Hamukwaya, is aimed at protecting and promoting full health through the adoption of measures needed to prevent, control, treat and investigate HIV/Aids. It sets out the rights and duties of sufferers, health personnel and others at risk of contagion and of the population as a whole. Those affected have, among others, the right to free public health care, employment and confidentiality in respect of information on their state of health. Their duties include practising safe sex and informing their spouses, partners or others with whom they have or intend to have sexual relations of their HIV status. The new legislation makes it an offence punishable by law to transmit HIV intentionally or through negligence." [66a] (p5-6)

People with Disabilities

5.103 As documented in an IRIN report dated 28 October 2003, Angola had a large proportion of persons with physical disabilities essentially as a result of landmines, polio, war and poverty. [8g] According to an ANGOP news report dated 3 December 2002, the Angolan Government estimated the number of people with a disability to be 150,000. [36g] The USSD report 2004 noted that this figure included more than 80,000 landmine victims. Handicap International estimated that up to 10 percent of the population had a physical disability. [2a] (p13)

5.104 Article 47 of the Constitution stipulates that “The State shall promote the measures needed to ensure the right of citizens to medical and health care, as well as child, maternity, disability and old-age care, and care in any situation causing incapacity to work.” [3a]

5.105 The USSD report 2004 added:

“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 it was difficult for persons with disabilities to find employment or participate in the education system.” [2a] (p13)

5.106 A report by IRIN news dated 28 October 2003 noted that in 2001, the Government drafted a new law, with the assistance of the international community, to increase the rights of disabled persons. [8g] A news article by ANGOP dated 25 July 2004 added “The former war combatants and disabled are, from now on, exempted from employment revenue taxes, and can benefit from exemption on fiscal and customs taxes, according to resolution of the Cabinet Council, published on the July 13th [2004] edition of the State Gazette. ... Thus, the decree number 43/04 attributes Christmas subsidy, the decree 44/04 regulates the attribution of subsidy of death, whereas the decree 45/04 stipulates the granting of funeral subsidy, all destined to the former war combatants and disabled.” [36c]

5.107 An ANGOP report dated 8 September 2003 observed that the National Association of Handicapped (ANDA) has resettled 183 people disabled persons and their families in 14 of the country’s provinces during the period September 2002 to September 2003. [36h]

5.108 As noted in its report dated May 2004, the International Committee of the Red Cross (ICRC) provided support to the Ministry of Health rehabilitation centres in Luanda, Huambo and Kuito. It also assisted over 3,000 disabled people from seven provinces. Patients were provided with artificial limbs, crutches and wheelchairs, free of charge. [19]

5.109 A news report by IRIN dated 21 May 2004 stated that “In Luena, the provincial capital of Moxico in eastern Angola, the Vietnam Veterans of America Foundation (VVAFA) runs one of eight orthopaedic centres that help amputees get prosthetic limbs, while the Angolan NGO, Centro de Apoio a Promocao e Desenvolvimento de Comunidades (CAPDC), provides psychosocial support. About 85 percent of the patients are landmine victims.” [8ah]

5.110 As noted in a USAID report date 10 August 2004 “With the support of USAID, Vietnam Veterans of America Foundation (VVAFA) has run a regional rehabilitation center in the capital of Moxico Province since 1996. The Center produces and distributes prosthetic limbs, crutches, and wheelchairs to landmine survivors and other persons with physical disabilities. VVAFA also works with local partner organizations to provide psychosocial supports to landmine survivors.” [38d]

5.111 An article by the Embassy of Angola in the UK dated June 2004 noted that:

“Forty teachers in Ndalatando, Kwanza Norte Province, took a ten-day course in mid-June on teaching people with visual, speech, hearing and mental handicaps how to read and write. ... Marcelina Manuel [one of the monitors on the course] said that similar courses had already been given in the provinces of Bengo, Lunda Sul, Namibe, Cunene, Uíje, Benguela, Huíla and Kwanza Sul, and that the provinces of Kuando Kubango and Malanje were next on the list.” [66a] (p7)

5.112 An article by ANGOP dated 27 January 2005 reported that “Lessons for students living with disabilities in Angola's northern Kwanza-Norte province will start in the 2005 academic year with 338 people, all in Kazengo district.” [36e]

Mental Health Treatment

As stated in the WHO report 2001, “Mental health is not a part of the primary healthcare system. Actual treatment of severe mental disorders is not available at the primary level. ... There are no community care facilities for patients with mental conditions. ... NGOs are involved with mental health in the country. They are mainly involved in advocacy and rehabilitation.” [18b] The report added, “The country has specific programmes for mental health for disaster affected population and children.” [18b]

5.114 A letter from the British Embassy in Luanda, Angola dated 21 October 2004 stated that according to a doctor at the Luanda Psychiatric Hospital in October 2004:

“The Luanda Psychiatric Hospital is the only one of its type in Angola. It handles referral cases, with facilities for out-patients and in-patients (currently 140 in-patients, long and short stay). There are 2 specialist doctors, 5 interns (fully-qualified doctors but not yet specialised for example by obtaining a Masters in Psychiatry), several nurses, and several psychologists/therapists. It is a state-run hospital and treatment is free.

There are no General Practitioners in Angola. Local health posts do exist, but whilst they may have medicines and a nurse they often do not have a doctor.

Some Non-Governmental Organisations provide medical care especially in the provinces outside Luanda. Provincial or local doctors will attempt to alleviate the symptoms of those suffering from psychiatric illnesses. If these attempts are insufficient, they may refer the patient to the Luanda Psychiatric Hospital. There is no mental health policy as such.

Psychiatric cases are often badly-treated in Angolan general society. Family support can help to some degree. But the stress and frustration of coping with poverty and its effects can itself contribute to psychiatric illness. Patients are often suspicious of hospitals and will only go if their condition becomes very bad. Some are subjected to traditional treatments which can result in further trauma in psychiatric cases.” [68a]

5.115 The letter also noted that:

“For treatment of Schizophrenia, the Luanda Psychiatric Hospital prefers established medicines over latest generation medicines. The established medicines are easier to find, are cheaper, and have fewer side-effects. Specifically it advises Haloperidol in tablet form combined with Haloperidol injections. It prefers these over Resperidona or Olanzapina tablets. All result in degrees of dependency.” [68a]

5.116 The same source added that:

“Treatment of Post-Traumatic Stress Disorder (PTSD) depends on the symptoms exhibited and should be specific to the individual (eg. patients with depression would be treated differently to nervous/agitated patients). The main form of treatment is regular and continued observation/consultancy. This should be provided even where no symptoms currently exist, since symptoms might only manifest themselves at a later date. It was noted that there is a high incidence of PTSD in Angola mainly due to the long civil war.” [68a]

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Educational System

5.117 The USSD report 2004 observed that “Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses, including for books and supplies.” [2a] (p12) Europa 2005 stated that primary education began at the age of six and lasted for four years. It was compulsory, but there were not enough schools, and many children had to work to support their families. Secondary education began at the age of 10 and lasted up to seven years. [1] (p69) According to the USSD report 2004 40 percent of children in the relevant age group enrolled into school. [2a] (p12)

5.118 An IRIN news report dated 14 January 2004 stated that primary school attendance was just over 50 percent. [8k] As noted in the USSD report 2004, “UNICEF

reported that 56 percent of 6- to 9-year-olds attended school, but only 6 percent of 10- to 11-year-olds did.” [2a] (p12) Europa 2005 and the USSD report 2004 observed that there was a significant gender gap in the enrolment rate, favouring boys over girls. [1] (p69) [2a] (p12) According to a report by the Women’s Commission for Refugee Women and Children in December 2003, two million children did not have access to the education system. [47] The HRW world report 2005 added that “Only 54 percent of women and girls over fifteen years are literate compared to 82 percent of men in the same age group. This gender disparity is compounded in older age groups and in rural areas.” [51] (p2)

5.119 As documented in several reports, the educational infrastructure was severely damaged during the civil war. [2a] (p12) [8k] [8r] [8t] An article by the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development dated 16 June 2004 observed that “The education sector has been seriously affected, with a shortage of schools, properly trained teachers and educational materials. As a result, an estimated one million children are denied a basic education. One of the hardest hit areas is the Huambo Province, where only around 12% of children are enrolled in primary school. Schools are overcrowded, necessitating double/triple shift systems, learning materials are scarce, and there is a chronic need for qualified teachers.” [60]

5.120 As stated in the HRW report January 2004, about 5,000 schools were destroyed during the war. [5c] (p67) As a result there was a lack of schools and many children were forced to work instead of attending school. [8k] [8t] An IRIN news report dated 27 October 2003 observed that “The war destroyed at least 4,000 classrooms in Angola.” [8r] The USSD report 2004 noted that “Teachers were chronically unpaid and allegedly often demanded unofficial payment or bribes from students.” [2a] (p12) An ANGOP news article dated 27 July 2003 noted that during 2003, several strikes over pay and work conditions took place, involving the teaching profession. [36m]

5.121 As documented in several reports, since the end of the civil war in April 2002 there have been notable developments in terms of pupil and teacher intakes and the provision for new schools and facilities. [8r] [8s] [8t] [33e] [33f] [36t] A news article by ANGOP dated 6 February 2003 noted that in February 2003, the Government announced that 661,440 new pupils had been registered for the forthcoming academic year, this included 40,000 in Luanda. [36t] In light of the increase in pupil intake, an article by UNICEF accessed 2 April 2004 stated that the Government initiated regional campaigns to enlist more teachers, as well as construction projects to expand the number of schools and classrooms nation-wide. [33e] The article added that during 2003, UNICEF initiated a ‘back to school’ campaign in the two central highland provinces of Bié and Melanje province in the north. [33e] According to the UNICEF report, about 250,000 children went back to school under the programme. [33e] Several documents noted that in addition, the Angolan Government announced funding for a further 29,000 teachers across the country with the aim of increasing the number of children in the first four grades by 90 percent during 2004. [8r] [8s] [8t] [av] [33e] [33f]

5.123 An IRIN news article dated 20 October 2004 reported that “In the last quarter, UNICEF trained 10,500 teachers, 44 provincial trainers and 466 municipal trainers

across 11 provinces.” [8av]

5.124 The OCHA monthly analysis February 2004 noted that “February marked the official start of the academic year with a massive increase in both the number of children enrolled and teachers posted at schools. School systems remain very weak (sic) and the rainy season put a hold on construction of classrooms and rehabilitation projects, but now that populations are more settled, there are signs of improvement in the educational system in most provincial capitals and semi-rural locations.” [17m] (p1)

5.125 Despite several developments in the education sector, the OCHA Quarterly Analysis dated April to June 2004 advised that “More than 57,000 children are not in school in Malanje province, due to contractual delays for newly trained teachers. Although 5,000 teachers have been contracted in Benguela, it is estimated that at least 3,000 more teachers were needed to meet just 75 percent of the needs in the education sector. In Bocoio in Benguela, teachers are refusing to take up posts in the municipalities due to lack of housing, delays in salary payments and other lack of facilities.” [17u]

5.126 Europa 2005 observed that the Government approved legislation allowing the establishment of private education institutions in 1991. [1] (p69) As documented in the United Nations Educational, Scientific and Cultural Organization (UNESCO) report 2003, there were two Universities in Luanda; one was state funded and the other was supported by the Catholic Church. [17j] An ANGOP report dated March 2004 explained that there was also a University in Huila, which offered a limited range of courses and had a lack of lecturers. [36u] As noted in the USSD report 2004, “The Government did not restrict academic freedom.” [2a] (p7)

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6. Human Rights

6.A Human Rights Issues

General

6.1 Article 23 of the Angolan Constitution stipulates that “No citizen may be subjected to torture or any other cruel, inhuman or degrading treatment or punishment.” [3a]

6.2 Since the end of the cessation of hostilities in April 2002 substantial improvements have been made in much of the country. The HRW world report 2004 observed that:

“The government’s announcement that national elections will be held in late 2006 is a positive step towards Angola’s reconstruction after twenty-seven years of civil war. Serious human rights abuses, however, continue to be committed. Deepening poverty combined with the government’s lack of transparency and commitment to human rights could undermine Angola’s hard-won peace enjoyed in all provinces, except Cabinda. The most pressing human rights concerns are: high levels of government corruption; the armed conflict in Cabinda; lack of respect for women’s human rights; the return and resettlement process; violations of freedoms of expression, association, and assembly; and expulsions of foreign migrant workers.” [5i] (p1)

6.3 The UNSC report dated February 2003 also mentioned that:

“Although war-related violations of human rights have virtually disappeared since the cessation of hostilities, other human rights abuses continue to occur. Violations against war-affected populations, including harassment, looting, extortion, intimidation, physical abuse, rape and arbitrary detention have continued, particularly in areas where State administration is weak or has been extended only recently and where mechanisms for redress remain inadequate. Many of those violations have affected internally displaced persons and have included forced resettlement and return as well as exclusion from social services and humanitarian assistance. A number of violations have also been reported in reception areas, where populations have only limited access to the formal judicial system.” [17f] (p6)

6.4 An article by IRIN news dated 23 August 2004 reported that “After almost three decades of civil war, the Angolan government faces an enormous challenge to rebuild the country’s shattered health and education systems and infrastructure. Persistent poverty, landmines and the return of millions of refugees and internally displaced people mean its task is far from easy.” [8am]

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Freedom of Speech and the Media

6.5 Article 32 and 35 of the Constitution provides for freedom of expression and the freedom of the press respectively. The Constitution states that “Freedom of press shall be guaranteed and may not be subject to any censorship, especially political, ideological or artistic.” [3a] Article 19 of the International Covenant on Civil and Political Rights, to which Angola ratified in 1992, stipulates that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” [17q] As stated in the HRW report July 2004, “The Angolan Press Law (Lei de Imprensa) [of June 1991] provides that the right of expression, and the right to teach and learn, can be exercised in all forms: by written and spoken means, and through intellectual, scientific, and cultural discourse.” [5h] (p15)

6.6 However, several reports stated that press freedom was restricted in practice. [2a] (p6) [14] (p45) [25a] [26] The Committee to Protect Journalists (CPJ) report 2003 noted that “Journalists say the climate has improved, but problems remain. State media are still dominant, and the independent press is limited almost exclusively to the capital, Luanda.” [26] Nevertheless, Reporters Sans Frontières (RSF) explained in their 2004 annual report that:

“This was the calmest year [2003] for Angola's journalists since the civil war began in 1975. The April 2002 peace accord between the Angolan armed forces and the National Union for the Total Independence of Angola (UNITA) had an immediate impact on press freedom. Overnight, taboos were lifted, there was room to breathe and journalists could work without constant fear of a crackdown.” [24]

6.7 The USSD report 2004 noted that “There were fewer restrictions on journalists during the year [2004]. Both radio and print media criticized the Government openly, and at times harshly.” [2a] (p6)

6.8 The HRW report July 2004 observed that:

“The end of the conflict has encouraged Angolans to start exercising again their right to debate the future of their country. In 2003 alone, four new weekly newspapers were established and the detention of journalists became less common. ... The occurrence of positive changes has been confined mainly to Luanda and other coastal regions. Even in Luanda, however, a journalist was detained without trial for a month in February 2003 while working on a story that was potentially embarrassing to government officials.” [5h] (p3)

6.9 The RSF report 2004 noted that “Hitherto preoccupied with press freedom violations, press unions began to look at work conditions. There were demands for more pay, especially in the state-owned media, and unions talked of the right to strike

for the first time since Angola became independent.” [24]

6.10 As documented in the USSD report 2004, “Defamation of the President or his representatives is a criminal offense, punishable by imprisonment or fines. Factuality is not a defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual material alleged to have caused harm.” [2a] (p7) The report continued “The Law on State Secrecy permits the Government to classify information. Following the classification of material the Government then has the ability to demand information regarding the source of the materials and persecute those that published the classified information. There were unconfirmed reports that the Government used this law to classify information unnecessarily, shielding the public from information of government decision-making.” [2a] (p7)

6.11 The HRW world report 2005 noted that “The state-owned media as well as national radio and television stations routinely exclude critical voices from their reports and are tightly controlled by the government. The latter also continue to prevent Rádio Ecclésia, the Catholic broadcasting station, from extending its signal outside of Luanda and place excessive administrative and bureaucratic burdens on civil society, which interfere with their work.” [5i] (p2)

Newspapers

6.12 The USSD report 2004 observed that “The largest media sources were state run and carried little criticism of government officials, though they often highlighted government program deficiencies.” [2a] (p7) The HRW report July 2004 stated that:

“The private press, often viewed as the only section of the media to reflect a range of political views, is growing slowly. As of 2004, there were seven private newspapers in Angola: Folha 8, established in 1994; Agora, established in 1996; O Angolense, established in 1997; and Semanário Angolense, Actual, A Capital, and A Palavra, all established in 2003. These run weekly. ... Newspaper distribution is limited almost exclusively to Luanda and the papers cost on average 120 Kwanzas (approximately \$1.50 (U.S.)) each. Therefore, they reach just a few thousand Angolans.” [5h] (p10)

6.13 The USSD report noted that “The Government owned and operated Jornal de Angola, the only daily newspaper.” [2a] (p7) A report by the Government of Angola, accessed March 2004, noted that the Jornal de Angola had an estimated circulation of 41,000. [3c] Europa 2005 and the BBC country profile dated 10 July 2004 explained that Angola’s only news agency was ANGOP. [1] (p66) [7a]

Radio and Television

6.14 The HRW report July 2004 stated that “Angola’s public television station (Televisão Pública de Angola, TPA) and its National Radio of Angola (Rádio Nacional de Angola, RNA) rule the national airwaves. TPA operates two television channels and

RNA operates five radio stations in Luanda. RNA is also the only broadcaster to offer programs in indigenous African languages.” [5h] (p9)

6.15 As stated in the HRW report July 2004, “The Angolan capital also has four private radio stations operating under government license: LAC (Luanda Antena Comercial, since 1992); Rádio Ecclésia, a Catholic-owned radio station; Radio Escola, designed to train new professionals; and, since March 2003, Radio CEFOJOR [Centro de Formação de Jornalistas de Angola], a commercial radio station also designed to train young radio journalists.” [5h] (p9)

6.16 In a letter dated 26 August 2004 the FCO advised that “The independent Catholic radio station Radio Ecclesia, has been seeking to extend its FM broadcasts to the rest of Angola outside Luanda. It is receiving financial support from the international community to enable it to do so. So far it has been unable to secure licensing permission to do so.” [4h] (p2)

6.17 The HRW report July 2004 added:

“The Angolan government has continued in its efforts to prevent the Catholic broadcaster, Rádio Ecclésia (RE), from extending its signal outside of Luanda. RE is known in Luanda as a station which gives space to a wide range of opinions from politicians and civil society, and which reports on controversial actions by the government such as police violence or housing evictions. ... The continuing absence of RE from the provinces means that the government enjoys a near-monopoly over the media outside of Luanda. The only exceptions are private radio stations in Cabinda, Benguela, and Lubango, which, according to journalists, seldom broadcast material critical of the government.” [5h] (p22-23)

6.18 As documented in several reports the only television channel in Angola, Televisão Pública de Angola (Public Television of Angola, TPA) was state owned. [1] (p67) [2a] (p7) [5h] (p9) [25a] The HRW report July 2004 noted that “According to a 2003 study by the United Nations Children’s Fund (UNICEF), 38 percent of households in Angola own radios; only 14 percent own televisions.” [5h] (p4) An Afrol news report dated 13 June 2003 stated that “The media legislation now in force stipulates that radio and television broadcasting is the domain of the state.” [25a] The FCO letter of 26 August 2004 stated that “In his speech to the MPLA Congress on 6 December 2003, President dos Santos emphasised that the media is seen as a ‘key element of a democratic regime’ and that ‘a media law more adequate to the changes already registered in the country will be approved at the right time, and could end the state monopoly over television, with the possible opening up of this sector to private operators’.” [4h] (p2)

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Journalists

6.19 The USSD report 2004 claimed that there were fewer restrictions for journalists during 2004. [2a] (p6) However, the HRW world report 2005 noted that “Journalists

criticizing the government have been physically abused, threatened, sued, and had defamation campaigns brought against them.” [5i] (p6) The USSD report 2004 added that “The state press often criticized independent journalists and opposition leaders; however, unlike in previous years, independent journalists were able to respond to these criticisms.” [2a] (p7)

6.20 As mentioned in the USSD report 2004, “During the year [2004], there was increasing media attention on corruption, economic mismanagement, and opposition politics; however, there were reports that journalists were investigated for reporting on sensitive issues and that the Government limited access by independent journalists to certain events and interviews. Journalists exercised self censorship when reporting on highly sensitive matters.” [2a] (p7) The report added, “There were reports that police, especially outside Luanda, harassed, beat, and detained journalists. There were also reports that the Government paid journalists to publish pro government stories.” [2a] (p6-7) The CPJ report 2003 noted that corruption was a particularly sensitive subject for the media. [2g]

6.21 The HRW report July 2004 observed that “Although the private press is now generally free to scrutinize government policies, it can still be dangerous for journalists to investigate certain high-ranking government, MPLA, and UNITA officials. In some provinces, such as in Cabinda, journalists have reported that they still find MPLA membership application forms in media offices.” [5h] (p10)

6.22 The HRW report July 2004 documented that, “In January and February 2003, the newspaper O Angolense published a series of high-profile reports, criticizing Angola’s new millionaires and speculating on the murky origins of their fortunes. The reports on the ‘largest secret fortunes of Angola that exceed \$50 million’ sparked fury among some of those named. The two editors of O Angolense were threatened, followed by unknown persons, and publicly accused by the political bureau of the MPLA of being anti-patriotic.” [5h] (p19)

6.23 The RSF report 2004 explained that “Angolense stopped publishing in early March [2003], giving serious financial problems as its reason. Immediately afterwards, a new weekly called Semanário Angolense appeared, with almost the same staff.” [24] An article by RTP Internacional TV news report dated 25 March 2004 reported that Felisberto de Graça Campos, the director and editor of Semanário Angolense, was sentenced to 45 days imprisonment in March 2004 and the payment of compensation for the article that claimed to list Angola’s richest men. [41b] The HRW report July 2004 explained that “The charges invoked Article 43 of the Press Law, which concerns ‘abuse of the press,’ and Article 407 of the Penal Code.” [5h] (p20)

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Freedom of Religion

6.24 The USSD report 2004 stated that “The Constitution provides for freedom of religion , and the Government generally respected this right in practice.” [2a] (p8) Article

45 of the Constitution stipulates that “Freedom of conscience and belief shall be inviolable. The Angolan State shall recognize freedom of worship and guarantee its exercise, provided it does not conflict with public order and the national interest.” [3a] As documented in the USSD International Religious Freedom report 2004, this right was respected by the state and Government policy continued to contribute to the generally free practice of religion. [2b] (p1)

6.25 The USSD International Religious Freedom report 2004 stated that “The Government requires religious groups to register with the Ministries of Justice and Culture; groups must provide general background information to register.” [2b] (p1) The same report added, “Colonial-era statutes banned all non-Christian religious groups from the country; while those statutes have not been repealed, they no longer are enforced. In early 2002, the colonial-era law granting civil registration authority to the religious groups was reinstated.” [2b] (p2)

6.25 An ANGOP report dated 2 March 2004 explained that “According to the Minister [of Justice, Paulo Tjipilica], his sector has officially recorded 83 churches or religious congregations, in Angola, till the year 2002, whereas 880 others await legalization.” [36i]

6.26 The USSD report 2004 noted that “total of 17 religious groups in Cabinda remained banned during the year on charges of practicing traditional medicine on the groups' members.” [2a] (p8)

6.27 An ANGOP news article dated 2 March 2004 observed that in early 2004, the Angolan Parliament approved the draft law on the exercise of freedom of conscience of cult and religion. [36i] Another ANGOP news article dated 3 March 2004 noted that in May 2004, the National Assembly approved a law on freedom of conscience, worship and religion. [36aa] As documented in a news article by ANGOP dated 7 July 2004:

“The legal precept stresses the State's laity, equal treatment to religious confessions, and stipulates the mechanisms for their recognition and registration. It also sets that any citizen is free to confess or not a religious faith, to change or quit the religion he or she belongs to. The document warns that no citizen can be compelled into declaring his religious confession if any, except out of confidential initiative or in response to statistic enquiry demanded by law.” [36z]

Religious Groups

6.28 Europa 2005 and the USSD International Religious Freedom report 2004 advised that the vast majority of the country's population adhere to Christianity, with Roman Catholicism as the largest denomination. [1] (p65) [2b] (p1) The USSD International Religious Freedom report 2004 stated that “The Roman Catholic Church claims 5 million adherents, but such figures could not be verified.” [2b] (p1) The same report noted that “A small portion of the country's rural population practices animism or traditional indigenous religions. There is a small Islamic community, less than 1 percent of the population, comprising mainly migrants from West Africa. There are few declared atheists in the country. [2b] (p1)

Freedom of Association and Assembly

6.29 Article 32 of the Constitution and article 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Angola in 1992, provide for the right of association. [3a] [14] (p46) [17q] (p8) The HRW report July 2004 noted that the African Charter on Human and Peoples' Rights, to which Angola is also party to, provides for the right to free association and the right not to be compelled to join an association. [5h] (p12) Article 32 of the Constitution stipulates that "Groupings whose aims or activities are contrary to the fundamental principles set out in Article 158 of the Constitutional Law and penal laws, and those that, even indirectly, pursue political objectives through organizations of a military, paramilitary or militarized character, secret organizations and those with racist, fascist or tribalist ideologies shall be prohibited." [3a]

6.30 The USSD report 2004 emphasised that "The Constitution provides for the right of association; however, the Government sometimes restricted this right in practice." [2a] (p8) The HRW report July 2004 explained that:

"Associations are required to submit their request for registration and founding statute to the Ministry of Justice. If the ministry is satisfied with the documentation, it will publish the association's statute in the official government paper, *Diário da República*. After this publication, the association should send a copy of the *Diário da República* to the Attorney General (Procurador Geral da República) to register the association's statute. The association should then be sent an official registration number, proof of its registration as a legal recognized entity." [5h] (p17)

6.31 Although the USSD report 2004 observed that the Government approved most applications, including those for political parties, [2a] (p8) the HRW report July 2004 noted that, "Requests for registration are often denied, even when these organizations comply with all the official registration requirements." [5h] (p30) The USSD report 2004 noted that the Ministry of Justice failed to grant the registration of the Association for Justice, Peace, and Democracy (AJPD) the application originally filed in 2000. [2a] (p8) The HRW report July 2004 [5h] (p30) and the IBA report 2003 also reported the same information [14] (p46) However, the USSD report 2004 noted that the AJPD continued to function throughout 2004 without government interference. [2a] (p11)

6.32 The HRW report July 2004 observed that:

"There are some 126 political parties registered in Angola, though only a few are active in organizing public protests against the government, adopting public policies, and calling for new elections. Among them, the small opposition party, Party for the Democratic Support and Progress of Angola (Partido de Apóio Democrático e Progresso de Angola, PADEPA, also known as PADPA), which was created in June 1995, has suffered repressive reactions to its public

protests. National legislation was recently changed and the state no longer subsidizes the creation of new parties; however, state funds are still available to parties with seats in the National Assembly.” [5h] (p11)

6.33 The same report added that “The situation of opposition political parties and civil society groups remains precarious outside of Luanda. In particular, the former rebel movement UNITA has faced difficulties in its attempts to establish civilian political structures in the provinces, following the demobilization of its military forces.” [5h] (p26)

6.34 An article by IRIN news dated 16 July 2004 noted that “As Angola moves towards its first post-war general election, opposition parties have expressed their concern over what they believe is a rising level of political violence. Two weeks ago an opposition parliamentarian was killed in the capital, Luanda. State media said he had been murdered by thugs, but his party, the Democratic Party for Progress-Angolan National Alliance, alleged the MPLA had ordered his killing.” [8an]

6.35 Article 32 of the Constitution and article 21 of ICCPR provides for the right of assembly. [3a] [11c] (p12) However, according to the USSD report 2004 and the International Confederation of Free Trade Unions (ICFTU) report 2004, the Government at times restricted this right in practise. [2a] (p7) [61] The USSD report 2004 stated that “At times police used excessive force to break up demonstrations” [2a] (p8) However, “Unlike previous years, there were no reports that opposition supporters were detained after holding demonstrations.” [2a] (p8)

6.36 The HRW report July 2004 noted that:

“According to the Law on the Right of Assembly and Demonstration (Lei Sobre o Direito de Reunião e de Manifestação), organizers of protests must inform authorities in writing of the intended protest three days before it is to happen, identifying at least five organizers, including their personal information such as address and occupation. ... In practice, however, the Angolan authorities use these requirements to prevent legitimate protest; organizers who go to inform the authorities of their intention to protest are frequently informed that the demonstration will be illegal. The Law on the Right of Assembly and Demonstration also establishes conditions that justify police intervention to terminate an authorized protest. Among these conditions are acts or statements that affect the ‘honor’ of the Angolan government or public officials.” [5h] (p17)

6.37 The IBA report 2003 added, “Under Angolan law, the Government must respond within 48 hours to applications for permits to hold demonstrations.” [14] (p46) The ICFTU report 2004 stated that “While the authorities routinely grant applications for pro-government assembly without delay, those for protest assemblies, including trade union demonstrations, are rarely granted.” [61] The USSD report 2004 also noted that “Applications for pro-government assemblies routinely were granted without delay; however, applications for protest assemblies were sometimes denied, usually based on the restriction of venue.” [2a] (p8)

6.38 Although, according to the USSD report 2004, official tolerance for public protest increased during 2004, [2a] (p8) the HRW overview 2003 noted that “Angolan police continue to break up demonstrations violently.” [5e] (p1) For example, the HRW report July 2004 noted that “On April 22, 2004, armed men believed to be police and/or private security operatives opened fire on a crowd in Cafunfo, Lunda Norte province, north-eastern Angola. Those present had gathered to protest attempts by a diamond company operating in the area to remove generators that had been used to supply electricity to the neighborhood.” [5h] (p31)

6.39 The AI report 2004 also documented that “Riot police arrested six members of the Partido de Apoio Democrático e Progresso de Angola (PADEPA), Democratic Support and Progress Party, during a peaceful demonstration in Luanda in June [2003]. Three days later the six were tried on charges of holding an illegal demonstration and acquitted. The judges ruled that their detention was unlawful as they had not been brought promptly before a magistrate, and that the provincial authorities’ decision to ban the demonstration was illegal.” [11h] (p2-3)

3.40 Nevertheless, the HRW report July 2004 stated that “On October 3, 2003, more than 1,000 Angolans protested in the streets of Luanda, in a call for elections in 2004. This was the country’s first authorized anti-government demonstration since the end of civil war. The event, organized by a coalition of eighty-seven small opposition parties, proceeded without any major incidents.” [5h] (p33-34)

3.41 The HRW world report 2005 observed that “Opposition activists in the provinces were the target of violence by the police, army, the Civil Defense Organization, and supporters of the government. Angolan police broke up some demonstrations violently but allowed a peace march to go ahead in Cabinda in July 2004.” [5i] (p2)

6.42 The OCHA monthly analysis July 2004 reported that:

“Invited by the civic association Mpalabanda, 15,000 Cabindans marched peacefully through the main roads of Cabinda town demanding peace and dialogue in an unprecedented event on Sunday, 18 July [2004]. At the final point of the march, the Cultural Centre Chiloango, the organizers read out a petition to be sent to the government, the Liberation Front of the Enclave of Cabinda, the United Nations, and the African Union. The provincial government did not forbid the demonstration and the police ensured order and security. This march was the first public event of Mpalabanda, which was set up earlier this year [2004], after a march planned in February [2004] to celebrate the group’s formation was prohibited by the authorities.” [17z] (p4-5)

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Political Activists - UNITA

6.43 Europa 2005 reported that between the declaration of independence in November 1975, and April 2002, the Uniao Nacional Para á Independencia Total de Angola

(UNITA) and the MPLA continued a bitter conflict for control of the country. [1] (p42-47) Europa 2005 observed that during the conflict, UNITA comprised at least two major groups; in addition to which they were also known sympathisers. The main distinction was between the military wing, led by Jonas Savimbi, and those who formed the parliamentary wing UNITA-Renovada (UNITA-R). [1] (p46) The USSD report 2003 advised that during 2003, UNITA-R ceased to exist. [2a] (p11)

6.44 Several sources noted that until its dissolution UNITA's military wing or army was known as the Forças Armadas de Libertação de Angola (Armed Forces for the Liberation of Angola, FALA). [7b] [12] [42a] (p11) Like many other liberation movements UNITA also had both women's and youth sections. The women's section was known as the Liga da Mulher Angolana (LIMA) [4d] [5d] (p2,23) [5h] (p27) whilst the youth section was known as the Angolan Youth Movement, known as Jura. [4d]

6.45 A BBC report accessed 21 August 2002 and an ANGOP report dated 16 April 2002 observed that in April 2002 UNITA began the process of redefining itself as the main political opposition to the MPLA by establishing a Reconciliation and Reunification Commission to support and monitor the peace process, and encourage a move toward unifying the movement. [7d] [36j] Another article by the BBC dated 30 June 2003 reported that in June 2003, Isaias Samakuva became the new leader of UNITA. Samakuva was elected with 78 percent of the vote, beating his rival Paulo Lukamba 'Gato', UNITA's interim head since the death of founder president Jonas Savimbi in 2002. [7c] [8i]

6.46 An article by the Portuguese Lusa News Agency dated 13 March 2003 reported that in February 2003, UNITA continued to emphasise its political rehabilitation by highlighting to the public the role it had played in the successful completion of the Lusaka Protocol, pointing out that the international community recognised that role by lifting all sanctions against it. [46] Several reports noted that the party took a further step towards national reconciliation when, in early January 2003, several of its representatives publicly apologised for the role of UNITA in the atrocities committed during the protracted conflict. [7e] [25d] [36i]

6.47 An FCO letter dated 26 August 2004 stated that:

"In May 2004 UNITA and the other opposition parties, suspended their participation in the Constitutional Affairs Commission of the National Assembly until such time as President dos Santos agreed to consult the country's political forces with a view to approving an electoral timetable. Their demands appeared to have been largely met when the President convened a meeting of the Council of the Republic, at which opposition leaders are represented, in July [2004] and subsequently accepted the Council's recommendation to call for elections before the end of September 2006, asking the National Assembly to define the legal framework for them to be held. However, as at 12 August [2004], when the Constitutional Commission reconvened, the opposition parties had not resumed their participation." [4h] (p2-3)

6.48 As documented in a number of sources the demobilisation, resettlement and reintegration of UNITA ex-combatants since June 2002 have comprised one of the areas of continued and acute concern, and was considered one of the Government's main priorities in order to ensure stability in the country. [43a] (p6,7,25-26) [55a] (p2) As mentioned in the HRW World report 2003, the demobilisation of UNITA ex-combatants was successfully completed on 30 July 2002. [5f] (p2) The Global IDP Project report March 2004 stated that the Government prioritised the reintegration of demobilised UNITA soldiers in January 2004. [55a] (p2-3)

6.49 The USSD report 2004 stated "Following the cessation of the war in 2002, there were no reports that UNITA committed human rights abuses." [2a] (p2)

6.50 An IRIN news article dated 29 October 2004 reported that "During the now-completed disarmament and re-integration of more than 97,000 former UNITA rebel fighters, most ex-combatants received five months' salary, demobilisation kits and discretionary payments." [8b] The Embassy of Angola report October 2004 noted that:

"The World Bank delegation said on 15 October that the programme was going well, since approximately 45,000 of the 97,138 demobilised Unita soldiers were receiving agricultural and subsistence support, and 4,700 were benefiting from economic stability assistance. According to the Irsem report, another 4,450 had been given vocational training through the Ministry of Public Administration, Employment and Social Security, while 1,100 had been employed by the Ministry of Health and 2,360 by the Ministry of Education." [66c] (p6)

6.51 As documented in a news article by ANGOP dated 22 July 2004, "Five thousand former soldiers have been reintegrated in society as part of a 'Special Project' under the General Demobilisation and Reintegration Programme (PGDR)." [36p]

6.52 As documented in the Global IDP Project report dated 1 October 2004:

"The return of demobilised UNITA soldiers to their place of origin has in some cases resulted in violence directed against them. Such violence reportedly prompted around 2,000 former UNITA soldiers to leave a municipality in Moxico province in mid-July 2004 when local residents protested against the return of a former UNITA general who had been involved in war atrocities. Smaller incidents targeting UNITA followers have also been reported in other provinces, and the UN has decided to monitor the situation closely." [55c] (p3)

6.53 According to an article by IRIN news dated 16 July 2004, "UNITA has raised concerns since last year over increased incidents of intimidation of its members by individuals allegedly belonging to MPLA militia groups. In August 2003 opposition party members claimed they were prevented from establishing offices in the central province of Huambo." [8an] This is also noted in an IRIN news report dated 4 August 2004. [8aa]

6.54 Furthermore, an FCO letter dated 26 August 2004 noted that "During 2003-2004, UNITA complained repeatedly about persecutions, intimidations and violence

perpetrated against its officials in various provinces and municipalities in the interior of the country. During a meeting on 15 July 2004, MPLA and UNITA agreed to coordinate efforts to curb such acts. A common mission from both parties would visit affected areas in order to investigate alleged incidents.” [4h] (p3)

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Political Activists – FLEC

6.55 The Political Parties of the World publication 2002 explained that Frente de Libertação do Estado de Cabinda (FLEC) was formed in 1963 as a nationalist movement seeking separate independence for Cabinda. [45] (p13) As stated in the Ad-Hoc Commission for Human Rights in Cabinda report 2002, “Right from the independence of Angola, in 1975, separatist guerrillas, from the Front for Liberation of the Enclave of Cabinda (FLEC), have militarily opposed government forces. The separatists argue that Cabinda is not Angola, and in their defense they counter that the territory was occupied and annexed by the Angolan Government, without any legitimate grounds, and now they are fighting for recognition of their right to self-determination. [62b] (p3) The HRW report December 2004 noted that FLEC’s attempt to seize power in Cabinda was backed by Mobutu Seso’s Zaire (now the DRC). [5j] (p5)

6.56 Europa 2005 noted that FLEC split into a number of factions ([See also Annex B on Political Organisations](#)); some of which engaged in rebel activity in their attempt to achieve their aim of an independent Cabinda. The main FLEC factions, FLEC-Renovada (FLEC-R) and FLEC-Forças Armadas Cabindes as (FLEC-FAC) were deeply divided. [1] (p45) This is also noted in an IRIN news article dated 7 August 2003 [8j] However, an article by AFP dated 15 September 2004 and an IRIN report dated 8 September 2004 observed that during September 2004, the separatist factions FLEC-FAC and FLEC merged to form one organisation, known as FLEC. [8ar] [44j]

6.57 The Institute for Security Studies (ISS) report August 2003 noted that throughout its existence FLEC has been marginalised. FLEC did not enter the political process with the introduction of multi-party politics, arguing that the September 1992 elections were for Angolans not Cabindans. The Angolan law on political parties’ dictates that, in order to register, a party must possess support in at least 10 of the 18 provinces, this effectively disqualified FLEC. Following the election results FLEC-FAC escalated its activities prompting the Government to deploy approximately 15,000 troops in the Cabinda province at the beginning of 1993. [43c] (p4)

6.58 As noted in an Agence France-Presse (AFP) report dated 19 September 2003 “Clashes in the tiny enclave, where armed groups have been fighting for independence from Angola, have left some 30,000 people dead over the last 25 years.” [44f] A number of sources reported that unaffected by the April 2002 peace declaration, FLEC-FAC resumed their campaign attacking Government forces in Cabinda and reportedly killing 12 members of the FAA. [7g] [43c] The ISS report August 2003 noted that any possibilities of an immediate reconciliation over the status of the province was brought to an abrupt halt following a major offensive launched by the FAA in mid September 2002. [43c] (p8)

6.59 As documented in several sources there were reports that members of the security forces mistreated persons believed to support FLEC. [2a] (p3.5) [11g] [43c] (p5) The USSD report 2004 added that “There were no political killings by the Government or its agents; however, security forces killed an unknown number of persons.” [2a] (p2) The same report also noted that “There were reports that military forces in Cabinda, including insurgency forces, executed civilians.” [2a] (p2)

6.60 The USSD report 2004 mentioned that:

“FAA personnel were responsible for torture and other forms of cruel and degrading treatment, including rape, in Cabinda during the year [2004]. ... 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. [2a] (p3)

6.61 As documented in the HRW report December 2004, “During the military operations against FLEC rebels in 2003, Angolan forces frequently detained civilians. Since the general cessation of fighting in 2004, the number of cases of arbitrary detention of civilians has dropped considerably.” [5j] (p14)

6.62 The HRW report December 2004 explained that “However, the FAA has detained persons for periods of over a month on mere suspicion of their being FLEC combatants or supporters, or with supplying FLEC with food, weapons or information. The FAA apprehended unarmed persons while in their homes, and others whom their forces come across in the forest. [5j] (p14) The USSD report 2004 added that in March 2004, Cabindan authorities reportedly detained a man for downloading FLEC information from the Internet. [2a] (p4)

6.63 The HRW report December 2004 noted that:

“The FAA also arbitrarily detained women on the suspicion of being the wives of FLEC combatants. In early 2003, a large group of women married to FLEC combatants were detained by the FAA at a military base in Loma after the FAA had attacked their FLEC base in the bush. The women and their children were detained on the base for about a month and were interrogated by the FAA about FLEC and were subsequently made to live in an old warehouse under constant guard by the FAA for about another two months. During this time, they had limited freedom of movement in that they could go to the market but the FAA threatened to cut off their heads if they went to the fields.” [5j] (p22)

6.64 The AI report 2004 stated that “Government forces said they had released thousands of civilian FLEC captives.” [11h] The report added that “In March [2003], state-controlled radio called on soldiers and members of the paramilitary Rapid Intervention Police to ‘mercilessly annihilate’ FLEC fighters, claiming that they had murdered,

maimed and tortured civilians, and 'press-ganged' and 'used them as slaves'." [11h] (p2)[2a] (p3)

6.65 The USSD report 2004 observed that "Local human rights organizations in Cabinda reported several disappearances of persons detained by government forces during the year for alleged ties to FLEC insurgents." [2a] (p2)

6.66 An IRIN news article dated 2 July 2003 reported that in July 2003 seven top FLEC-FAC military officials, including the groups' chief general staff, Francisco Luemba, handed themselves over to government authorities. The defectors claimed that the separatist group lacked morale and was under-resourced following a government offensive in the area in October 2002. Despite the defections, the various factions of FLEC continue their commitment to an independent Cabinda. [8w] The HRW report December 2004 noted that "The government's social assistance priorities seem to be concentrated on the demobilization and reintegration of former FLEC combatants. As of August 2004, 2,032 FLEC former combatants were reportedly involved in a demobilization and reintegration program and the FAA hopes that an estimated 2,500 former FLEC combatants will undergo the demobilization and reintegration program." [5j] (p10) ([See also section 6A on Cabindians](#))

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Employment Rights

6.67 Article 28 of the Constitution stipulates that "No citizen shall suffer discrimination in respect of employment, education, placement, professional career or social benefits to which he or she is entitled owing to political posts held or to the exercise of political rights." [3a] Article 46 of the Constitution states that:

1. Work shall be the right and duty of all citizens.
2. Every worker shall have the right to fair pay, rest, holidays, protection, health and security at work, in accordance with the law.
3. Citizens shall have the right freely to choose and exercise an occupation, apart from requirements established by law." [3a]

6.68 The ICFTU report 2004 noted that "Collective bargaining is restricted in practice. The government is the country's biggest employer and through the Ministry of Public Administration, Employment and Social Security sets wages and benefits on an annual basis. This involves consultation with the unions, but no negotiation." [61]

6.69 As stated in the USSD report 2004:

"The Ministry of Public Administration, Employment, and Social Security kept the minimum wage at the equivalent of \$50 (4,250 kwanza) per month. Many urban workers earned less than \$20 (1,700 kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated to be between \$40 and \$150 (3,400 to 12,500 Kwanza) per month, provided a decent standard of

living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.” [2a] (p15)

6.70 The same report added that “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.” [2a] (p15)

6.71 The USSD report 2004 also noted “Foreign workers are not protected under the labor law. They receive legal protection only if they work under contract; otherwise, they receive protection only against criminal acts.” [2a] (p15)

Position of Trade Unions

6.72 Article 33, paragraph 2, of the Constitution stipulates that “All citizens shall have the right to organize and take part in trade union activity, which shall include the right to constitute and freely join trade unions.” It added, “Adequate protection for the elected representatives of workers against any form of restriction, constraint or limitation on the performance of their duties shall be established by law.” [3a] This information was also noted in the USSD report 2004 [2a] (p14) However, according to the USSD report 2004, the Government did not always respect these rights in practice. [2a] (p14) The ICFTU Report 2004 noted that “In practice, the emerging process of democratisation and restrictions on civil liberties still in place after the recently ended civil war make it difficult for unions to enforce their rights or to carry out any activities not approved by the government.” [61]

6.73 The USSD report 2004 and the ICFTU Report 2004 observed that the National Union of Angolan Workers (UNTA), was affiliated with the ruling MPLA party and was dominated by the Government. [2a] (p14) [61] The USSD report 2004 also noted that there were two main 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). [2a] (p14) The ICFTU Report 2004 commented that “The two independent organisations, the CGSILA national centre and the SIMA union, are discriminated against.” [61]

6.74 The USSD report 2004 stated that:

“Restrictions on civil liberties, such as freedom of speech and freedom of assembly, prevented labor activities not approved by the Government. ...The law requires the Government to recognize the right of labor unions: however, SIMA continued to encounter difficulties with provincial government authorities in registering branch associations and organizing dock and oil platform workers.” [2a] (p14)

6.75 The USSD report 2004 noted that “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 defended or enforced these rights.” [2a] (p14)

6.76 The USSD report 2004 observed that “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” [2a] (p14)

The Right to Strike

6.77 Article 34 of the Constitution provided all workers the right to strike. It further states that “A specific law shall regulate the exercise of the right to strike and limitations thereto in essential services and activities, in the pressing public interest.” [3a] The HRW report September 1991 noted that legislation passed in May 1991 provides the legal framework for strikes [5b] (p1-2) and, according to the USSD report 2004, regulates them. [2a] (p14)

6.78 The USSD report 2004 stated that “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.” [2a] (p14)

6.79 The ICFTU report 2004 observed that “Despite the restrictions, there are frequent work stoppages.” [61] As documented in several sources, during 2003, several strikes and threats of strike over pay and work conditions took place, involving the teaching profession, the health sector and the judicial sector. [36m] [36n] [36o] [38c] [61] The AI report 2004 added, “Various professional and workers’ groups protested or took strike action against poor pay and conditions. Students demonstrated in April [2003] against high public transport costs. In June [2003] state university staff went on strike over pay and conditions, resuming work 45 days later after the government agreed a salary increase.” [11h] (p1)

Child Labour

6.80 Several sources explained that the law in Angola states that the legal minimum age for employment is 14 years. However, many younger children work on family farms, as domestic servants, and in the informal sector. [2a] (p15) [8k] The USSD report 2004 noted that “Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort. The Government prohibits children younger than 16-years-old from factory work. These provisions rarely were enforced, and UNICEF believes that a high percentage of children between 5- and 14-

years-old worked.” [2a] (p15) An IRIN news report dated 14 January 2004 stated that an estimated 30 percent of children between the age of five and 14 were forced to work. [8k]

6.81 The USSD report 2004 noted that “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.” [2a] (p15) The USSD report 2004 and the United Nations Department of Public Information (UNDPI) report June 2003 stated that on 16 June 2003, a Juvenile Court under the Ministry of Justice, was established as part of Luanda’s provincial court system. [2a] (p15) [17g] The USSD report 2004 explained that “Child labor violations are punishable with fines. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws.” [2a] (p15)

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People Trafficking

6.82 As documented in the USSD report 2004 “The Constitution prohibits slavery; however, no specific laws exist to combat trafficking in persons, and there were reports of trafficking.” [2a] (p13) The USSD Trafficking in Persons report June 2004 stated that “Angola is a source country for women and children trafficked primarily within the country for the purposes of sexual exploitation and domestic and commercial labor.” [2e] (p1)

6.83 The USSD Trafficking in Persons report June 2004 noted that “Angolan children are trafficked internally into forced labor situations, including work in commercial agriculture, as porters, and as street vendors; some children are reportedly trafficked to Namibia and South Africa to work as domestic servants and for sexual exploitation.” [2e] (p1) The USSD report 2004 also reported that children were trafficked to Europe during 2004. [2a] (p13)

6.84 The OCHA monthly analysis February 2004 observed that “The small village of Santa Clara, on the Angola-Namibia border in Cunene Province, has for many years been a centre of child trafficking. Children have been recruited from neighbouring provinces, particularly Huíla, and used in exploitative labour such as carrying good (sic) across the border, prostitution, illegal money exchange and hawking goods.” [17m] (p4)

6.85 The USSD Trafficking in Persons report June 2004 noted that “There are anecdotal reports of Angolan women being trafficked to Europe and South Africa for sexual exploitation.” [2e] (p1)

6.86 An article by IRIN news dated 9 April 2004 reported that child trafficking was likely to be a problem. “With less than a third of children registered at birth, monitoring the extent of trafficking was almost impossible.” [8ai]

6.87 The same report added that “The Government of Angola does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.” [2e] (p1) The same report mentioned that “The government, in cooperation with the international community, is actively involved in initiatives to protect trafficking victims, particularly those resulting from the country’s three decade-long civil war.” [2e] (p1)

6.88 The OCHA monthly analysis February 2004 observed that the 'Cunene Initiative' was introduced following support and training by UNICEF in January 2004 on child labour, sexual exploitation and the prevention of trafficking. The initiative aimed to control child exploitation, assist children involved, and prevent more children from getting involved. [17m] (p4)

6.89 The USSD Trafficking in Persons report June 2004 stated that “The Government of Angola has failed to bring traffickers to justice. ... The government did not arrest or prosecute any traffickers during the year. In March 2004, government authorities opened their first trafficking investigation into the case of six girls who were lured to farms in Huila province with promises of employment and then sexually abused.” [2e] (p1)

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Freedom of Movement

6.90 Article 25 of the Constitution stipulates that “Any citizen may move freely and reside in any part of the national territory, and shall not be impeded from so doing for political or any other reasons, except in cases provided for under Article 50 of the present Law, and where for the protection of the economic interests of the nation the law determines restrictions on citizens having access to or residing in reserve or mining areas.” It also states that “All citizens shall be free to leave and enter the national territory, without prejudice to limitations stemming from the fulfillment of legal duties.” [3a]

6.91 The USSD report 2004, however, noted that the Government occasionally restricted these rights in practice. [2a] (p9) The same report stated 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. During the year [2004], previously inaccessible areas were open to travel.” [2a] (p9)

6.92 The UN News Service report dated 9 August 2004 added, “Circulation within the country has become easier but people must still cope daily with landmines, and removing them is one of Angola's top priorities.” [17y]

8.93 The HRW report December 2004, when describing the situation in Cabinda, stated that “The most widespread abuse by the FAA is the ongoing denial of freedom of movement to civilians in the rural areas, which has resulted in their inability to cultivate their crops in agricultural areas. In addition, the FAA continues to prohibit civilians from

going into the forest to hunt or fish in many rural areas and has confiscated hunting rifles.” [5j] (p23)

8.94 The same report noted that “Villagers who venture into areas declared off-limits by the FAA are routinely arbitrarily detained on the suspicion of being FLEC supporters.” [5j] (p23)

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6.B Human Rights – Specific Groups

Ethnic Groups

6.95 Article 18 of the Constitution stipulates that:

- “1. All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status.
2. All acts aimed at jeopardizing social harmony or creating discrimination or privileges based on those factors shall be severely punishable by law.” [3a]

6.96 As documented in the MSF report December 2003, “The population of Angola is made up of more than 90 ethnic groups.” [34c] Several sources noted that despite Angola’s considerable ethnic diversity [30a] the main ethnic groups are Ovimbundu, language Umbundu (37 percent), Mbundu, language Kimbundu (25 percent), Bakongo language Kikongo (13 percent), Mestiço (the term for people of mixed European and Native African) (two percent), European (mainly Portuguese) (one percent) and other smaller ethnic groups, including Chokwe, Lunda, Ganguela, Nhaneca-Humbe, Ambo, Herero, and Xindunga, make up the remaining 22 percent. [2c] (p1,2) [10a] (p3) [17w] A Government of Angola report accessed March 2004 explained that “They in turn are sub-divided into about 100 sub-groups traditionally called ‘tribes’.” [3e] A joint report by the Irish Catholic Agency for World Development (TROCAIRE/Angola), the Working Group of Indigenous Minorities in Southern Africa (WIMSA) and Organizacao Crista de Apoio ao Desenvolvimento (OCADEC) dated August 2003 estimated the hunter-gatherer San population in Angola to be 3,400 in 2003. [29] (p5)

Ovimbundu (language Umbundu)

6.97 Several sources noted that the Ovimbundu are the largest ethnic group in Angola, consisting some 37 percent of the population. [2c] (p1,2) [10a] (p3) [17w] The EIU country profile 2004 observed that the Ovimbundu ethnic group are concentrated in the central and northern highlands and mostly supported UNITA. [42b] (p9, 14)

6.98 An article by IRIN news dated 20 July 2004 noted that “Aid workers operating in eastern Angola’s Moxico province confirmed on Tuesday [20 July 2004] that up to 80 homes were burned down in two attacks, which the opposition UNITA party has alleged

were politically motivated.” [8aj] Another article by IRIN news dated 21 July 2004 reported that “UNITA alleged that the group had targeted members of their party and people from the Ovimbundu ethnic group, which has traditionally supported UNITA.” [8ak] The AFP report dated 30 July 2004 also observed that the houses of the Ovimbundu ethnic group were burnt. [44i] The Action for South Africa report August 2004, nevertheless, noted that the MPLA stated that it was not responsible for the attacks in Cazombo. [37d] (p3)

Mbundu (language Kimbundu)

6.99 As documented in the EIU country profile 2004, the Kimbundu are the second largest ethnic group in Angola. They live largely in the north and north-west, particularly in Luanda, and came under the strongest Portuguese influence.” [42b] (p14) The report also noted that the MPLA had strong links with the Kimbundu. [42b] (p4)

Bakongo (language Kikongo)

6.100 The Minorities at Risk (MAR) report January 2002 stated that “The Kikongo-speaking Bakongo are the third largest ethnic group in Angola, and they populate mainly the northern regions of Cabinda, Zaire, and Uige.” [53a] A report by the Government of Angola, accessed 15 March 2004, observed that the Bakongo live in Cabinda and the northeastern part of Angola between the Atlantic Ocean and the river Cuango. [3f] (p1) The MAR report advised that the Bakongo was spread over three countries: DRC, Congo and Angola. [53a] Although the main language spoken by the Bakongo was Kikongo, the FCO noted in a report dated January 1998, that they traditionally also spoke French. [4e] The USSD report 2004 noted that the National Liberation Front of Angola (FNLA) traditionally derived support from the Bakongo ethnic group. [2a] (p10)

Hunter-Gatherer Tribes / San People

6.101 The joint report by TROCAIRE/Angola, WIMSA and OCADEC August 2003 observed that “The San of Angola are a small ethnic minority living dispersed in small groups in the south of the country.” [29] (p1) An article by IRIN news dated 2 February 2004 noted that “The hunter-gatherer San are the original inhabitants of Southern Africa.” [8d] The USSD report 2004 stated that “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. [2a] (p14) An IRIN news report dated 2 February 2004 wrote “All poor Angolans have suffered from war and government neglect, but the San are at the bottom of the pile.” [8d]

6.102 The joint report by TROCAIRE/Angola, WIMSA and OCADEC August 2003 observed that “San communities throughout Southern Angola experience social exclusion, discrimination and social exploitation. Their human rights are routinely disrespected and violated.” [29] (p1) The report noted that many San said that they are not

regarded as human beings and had fewer rights. “San of all ages reported being abused, insulted and treated disrespectfully by non-San.” [29] (p28)

6.103 The USSD report 2004 stated that “Hunter-gatherer communities generally did not participate actively in the political or economic life of the country, and had no ability to influence government decisions concerning their interests.” [2a] (p14) The report added that “There continued to be a lack of adequate protection for the property rights of traditional pastoral communities. ... On August 10 [2004], the National Assembly passed a new land tenure law. International NGOs expressed concern that this law further excludes indigenous communities from access to land they had formerly cultivated or occupied, thereby increasing their vulnerability. The immediate effects of the law on indigenous communities were unknown.” [2a] (p14)

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Cabindans

6.104 The MAR report January 2002 observed that in Cabinda there are two main ethnic groups; the Bakongo and the Mayombe. The Bakongo are the majority ethnic group in Cabinda, while the Mayombe has a small minority in the province and usually live in the mountain forests of eastern Cabinda. [53b] (p1) As stated in the IRIN web Special on Cabinda October 2003, Cabindan separatists claim the enclave has its own distinct and separate identity. [8z] However, as mentioned in the same report, the deputy governor of Cabinda Province, João Santos de Carvalho Mesquita, told IRIN “There is so much mixing and intermarriage in Cabinda that it is really very difficult to tell who is a true Cabindan.” [8z]

6.105 The HRW world report January 2005 explained that “The armed conflict in Cabinda, an oil-rich enclave separated from the rest of Angola by the Democratic Republic of the Congo (DRC), is one of the world’s longest but least reported conflicts. For more than forty years, Cabindans have been subjected to low intensity guerilla warfare, as factions of the Front for the Liberation of the Cabinda Enclave (FLEC) have fought for independence.” [51] (p1)

6.106 An article by IRIN news dated 23 August 2004 observed that “Although Angola’s civil war ended in April 2002, a low-intensity conflict continues in the province, where Cabindans have called for self-determination for decades.” [8am]

6.107 The Ad-hoc Commission for Human Rights in Cabinda report 2002 observed that “One characteristic of the Cabinda conflict is its extent, in spite of being assumed as low intensity in purely military terms. Likewise, it is a fact that the population of Cabinda, almost unanimously, is sympathetic towards the movement for self-determination.” [62b] (p3)

6.108 The HRW world report January 2005 added that “The conflict escalated in late 2002 when the government deployed some 30,000 soldiers to Cabinda, which led to an increase in violations of international humanitarian law and human rights abuses against

the civilian population by the Angolan Armed Forces (FAA) and to the virtual destruction of FLEC's military forces by mid-2003." [5j] (p1)

6.109 The Ad-hoc Commission for Human Rights report 2002 also noted that "However, an intensification of the military action in Cabinda has been seen, since the start of the major FAA military operation, on October 10, 2002. Especially noteworthy are the excesses of rage, revenge and violations against civilians, since the guerrilla fighters (numbered in less than 2,000) are widely dispersed in small groups throughout the territory." [62b] (p3) The USSD report 2004 noted that "There were fewer reports of abuses in Cabinda, but serious incidents were reported." [2a] (p6) Several reports have observed that human rights abuses, such as summary executions, murders, disappearances, arbitrary detention, torture and rape occurred in Cabinda. [2a] (p2-6,12) [5j] (p19) [8z] [43c] (p1-2) [62a] (p9)

6.110 As reported in several sources, the abuses were committed by members of the Government security forces and FLEC. [2a] (p2-6,12) [5j] (p19) [8z] [43c] (p1-2) [62a] (p9) The AI report 2004 noted that "AI received some reports of FLEC abuses, but many more of human rights violations by government forces. [11h] (p2) The HRW report December 2004 also stated that "Human Rights Watch found little evidence of recent abuses committed by FLEC factions." [5j] (p24)

6.111 The USSD report 2004 stated that "There were reports that military forces in Cabinda, including insurgency forces, executed civilians. The Human Rights Report on Cabinda, published by the civic association Mpalabanda, alleged that there were 19 civilians killed by military forces from September 2003 to December [2004]. [2a] (p2) The HRW report December 2004 stated that "Human Rights Watch documented extrajudicial killings by the FAA, including a killing in July 2004. Those killed are suspected by the FAA of being FLEC combatants or civilian supporters; the killings, and typically occur on military bases or during military operations in villages and in the forest." [5j] (p11)

6.112 The AI report 2004 noted that "In a report in November [2003], local non-governmental organizations (NGOs) detailed over 100 cases of arbitrary arrest, torture, rape, extrajudicial execution and 'disappearance' in 2003. The provincial civilian authorities investigated some of the allegations, but there was no adequate response from military or civilian authorities in central government to the reports of violations of human rights and international humanitarian law by military personnel." [11h] (p2)

6.113 The HRW report December 2004 added that "During the military operations against FLEC rebels in 2003, Angolan forces frequently detained civilians. Since the general cessation of fighting in 2004, the number of cases of arbitrary detention of civilians has dropped considerably. [5j] (p14)

6.114 The USSD report 2004 stated that women in particular were victims of abuses. [2a] (p6) The Ad-hoc Commission for Human Rights in Cabinda report November 2003 added that "Children are among those who have been subjected to physical and sexual abuse by soldiers. Villagers have been harassed by FAA soldiers while working in their

fields, hunting in the forests or fishing in rivers. As a result, some Cabindans, especially those in rural areas, are afraid to pursue the livelihoods that ensure their existence. Growing numbers of villagers are suffering from hunger in a region that is rich in natural resources.” [62a] (p9)

6.115 The AI report 2003 observed that “Government soldiers reportedly destroyed at least 15 villages in the Buco Zau, Necuto and Belize areas, displacing and killing villagers. Soldiers posted in villages formerly under FLEC control allegedly accompanied villagers to their fields, impeding their work and increasing food shortage.” [11h] (p2)

6.116 The Ad-hoc Commission for Human Rights in Cabinda report 2003 observed that:

“As a consequence of military actions throughout the year, various villages have been totally destroyed or left empty, as happened at Khoyi, Miconje commune, municipality of Belize, where most of the villagers – about 40 people – were killed. In other cases, villagers abandoned their homes en masse to seek refuge in the bush, more secure areas further away, and even neighbouring Congo states. Even in the worst affected areas of Cabinda, the evidence can be hard to see. This is because there are very few solid buildings in these villages; huts are built of wood, thatch, and mud, and the traces which they leave are soon washed away by the rain.” [62a] (p40-41)

6.117 The same report also stated that:

“Another troubling issue elicited by these testimonies is the FAA's use of civilians as ‘guides.’ These individuals are typically held captive and ordered to show FAA soldiers where FLEC bases are located. In addition to violating the rights of civilians who deny having any links to FLEC, this tactic sows division among local communities by creating the impression that the individuals forced to be ‘guides’ are FAA collaborators.” [62a] (p9)

6.118 The USSD report 2004 explained that “During the year [2004], a visit by the U.N. Special Representative for Human Rights Defenders, Hina Jilani, and a report by Human Rights Watch (HRW) brought further attention to the problems in Cabinda. The large number of FAA troops deployed within the Cabindan population was identified as a major contributor to the human rights abuses.” [2a] (p3)

6.119 In a letter dated 29 April 2004 the FCO advised:

“In March 2004 a joint UN/Angolan Government team visited Cabinda. It concluded that reported human rights violations were mostly accurate, but also noted that since the arrival of General Marques in late 2003, the situation had improved considerably: FAA had adopted a new policy to refrain from abuses and to punish the guilty. In April 2004 the Deputy Chief of Staff of the Angolan Armed Forces, General Geraldo Sachipengo Nunda, paid a brief visit to

Cabinda reportedly to investigate alleged human rights violations by FAA units. He acknowledged that a 'low-intensity war' was going on in Cabinda and said that there had been incidents of indiscipline, but he pledged to take measures with a view to improving relations between Angolan soldiers and local residents." [4f]

6.120 As documented in the IRIN web special of Cabinda, the Government are aware of Human rights violations in Cabinda but insist that they are committed by 'individual soldiers' and they were not 'institutional behaviour'. [8z] The Africa Research Bulletin dated November 2003 reported the same information. [52] (p15530) An article by IRIN news dated 17 May 2004 reported that "Speaking to journalists in the United States on Friday, Dos Santos reportedly said there 'is no war in Cabinda', and that the authorities remained committed to dialogue." [8ap] Nevertheless the same report noted that "Father Raul Tati, a leading cleric and civil rights activist in the province, told IRIN that sporadic clashes between government troops and the rebel FLEC-FAC fighters were continuing. ... Tati added that efforts to initiate negotiations between the authorities and civil rights groups over the status of the province had stalled." [8ap] An article by IRIN news dated 3 February 2004 also reported that civil rights activists have complained of ongoing harassment by the authorities in Cabinda. [8y] The HRW report December 2004 noted that "Violations brought to the attention of the civil authorities have largely been ignored by civil authorities." [5] (p24)

6.121 An article by IRIN news dated 23 August 2004 and an article by AFP dated 24 August 2004, nevertheless, stated that although problems do still occur in Cabinda, there are suggestions that the extent of violations have reduced and the situation has improved in recent months. [8am] [44g]

6.122 An article by IRIN news dated 22 March 2004 explained that "Amid allegations of human rights abuses by government troops against civilians, and with many people living in shocking poverty despite vast oil wealth on their doorstep [approximately 60 percent of Angola's oil supply], secessionist leaders want to see a marked improvement in people's lives before tackling the issue of self-determination." [8aq]

6.123 An article by IRIN news dated 17 May 2004 stated that "Responding to further comments by Dos Santos that the government had implemented an economic recovery plan to improve living conditions in the province, Tati noted that 'poverty had actually worsened in the last two years'." [8ap] The HRW report December 2004 observed that "There are only a few national and international non-governmental organizations (NGOs) operating in Cabinda and until recently, the government was reluctant to allow international NGOs to operate in Cabinda. The Catholic and evangelical churches provide food and clothing to groups of people who are in particular need. [5] (p10

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Women

Legal Provisions

6.124 As documented in several sources, article 18 of the Constitution and Family Code, through Law 1/88, provide for equal rights without regard to gender. Article 18 of the Constitution also stipulates that discrimination against women shall be severely punishable. [2a] (p12) [3a] [14] (p41) [17v] (p9) Article 29 of the Constitution states that “Men and women shall be equal within the family, enjoying the same rights and having the same duties.” [3a] The IBA report 2003 stated that Angola has also acceded to a number of international agreements that protect the equal rights of women, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples’ Rights. [14] (p41-42)

6.125 The USSD report 2004 confirmed that “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.” [2a] (p12) The report stated that “In addition, the Civil Code includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children.” [2a] (p12) An article by IRIN news dated 31 July 2004 reported that “There were concerns that despite increased opportunities, ‘differences existed’, particularly in ‘decision-making, education, health, employment and governance’.” [8a1]

6.126 An article by IRIN news dated 31 July 2004 reported that “Filomena Delgado, Angola's vice-minister for Family and Promotion of Women, said despite adverse conditions, steps had been taken to improve women's rights in the war-affected country: a state secretariat established in 1991 had been upgraded to a ministry in 1997 and the government had also taken ‘other initiatives to address the socioeconomic, legal and political aspects of gender parity’.” [8a1]

Women’s Rights in Political and Public Life

6.127 The CEDAW report November 2002 stated that “As to political rights and rights to association, the law does not discriminate among citizens. Sex discrimination is not mentioned. The Elections Law (Law 5 of April 16, 1992) provides in Article 10 that every Angolan citizen who has reached the age of 18 may vote, and compete for elected office, and Article 5 provides that this vote is personal, secret, and inalienable.” [17x] (p19)

6.128 An IRIN news article dated 12 November 2004 reported that “Less than 15 percent of parliamentarians are women, and this decreased with the recent death of two female MPs.” [8az] The USSD added that “There were 35 women in the 220 seat National Assembly, and 10 women in the 41 member Cabinet including 3 ministers.” [2a] (p11)

Employment

6.129 The CEDAW report June 2004 noted that “Equality of rights at work and employment, established by Law 2/2000 - General Labour Law, approved on 11 February 2000 by the National Assembly. Article 3 paragraph 1 establishes that: ‘All citizens have the right to a freely chosen work, with equality of opportunity and without any discrimination based on race, sex, origin, colour, ethnic group, civil status, social condition, religious or political ideals, union membership or language’.” [17v] (p11)

6.130 The CEDAW report 2004 noted that:

“Although there is this guarantee both in the Constitution Law and in the Labour Legislation, the reality experiences situations of discrimination with regard to women both by the national and foreign companies, mainly due to two factors: There is an imbalance in the participation of women in the gender relationship at the level decision making organs; There is a systematic violation of the rights of working women by the employers; particularly with regard to the maternity right, some of them preferring to ‘get rid’ of the women during maternity leave on a variety of pretexts. ... However, the working women are normally the most exposed to the violation of the Labour Legislation by the employers for the latter knowing that it is the women who know the least about their rights and the ones in most need of salary, thus becoming the target of blackmails risking to lose the job.” [17v] (p10)

Domestic Violence

6.131 The USSD report 2004 and the IBA report 2003 observed that violence against women was widespread in Angola. [2a] (p12) [14] (p41) The USSD noted in its 2004 report, that Ministry of Women and Family who dealt with violence against women, reported receiving an average of 20 domestic violence cases a month. [2a] (p12) However, the HRW world report 2005 stated that many cases of domestic violence cases go unreported. [5i] (p1) The same report added that “Women are reluctant to report cases to the police given their attitude towards domestic and sexual violence, and the judiciary is virtually non-existent in the provinces.” [5i] (p1) The IBA report 2003 explained that domestic violence cases were more commonly reported in Luanda than any other area in Angola. [14] (p41) The report continued to suggest that women who report domestic violence were treated poorly by the police and urged by family members not to pursue the case. [14] (p41)

6.132 The HRW world report 2005 stated that “Angola has no specific laws for domestic violence or marital rape. Its outdated Penal Code imposes only lenient sanctions for crimes of a sexual nature.” [5i] (p1) Nevertheless, as documented in the USSD report 2004, “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 an inadequate judicial system prevented prosecution of most cases.” [2a] (p12) The HRW report August 2003 explained that Angolan police and judicial authorities were required by articles of the ICCPR to

investigate and prosecute those responsible for grave abuses of women's right to physical and sexual integrity. [5d] (p20)

6.133 The HRW report December 2004 noted that "The low status of women and girls in Angola and the structural discrimination to which they are subjected is reflected in the stigma attached to women who have been raped. One response to rape in Angolan society is for the rapist to marry the victim who might otherwise no longer be considered eligible for marriage." [5j] (p19-20)

6.134 The AI report 2003 noted that "The authorities claimed that police officers who disobeyed regulations or laws were dismissed or tried, but most perpetrators of human rights violations were not brought to justice." [11e] The CEDAW report November 2002 also stated that "Domestic crimes are rarely punished, and when complaints are filed and reach the courts, a great deal of leniency is always shown in sentencing the men. The traditional view that the woman is the guilty party, or provoked the assault and that the husband has the right to punish her means that many offenses are never punished." [17x] (p16) The USSD report 2004 noted "The Government continued its project to reduce violence against women and improve their status." [2a] (p12)

War-Related Violence

6.135 Various reports noted that Government forces, UNITA soldiers and members of the police reportedly raped and sexually abused women and children during the conflict. [5d] (p23) [5f] (p1) [8m] [11e] The AI report 2003 explained that women and girls were sometimes raped by soldiers in front of family members. [11e] The HRW world report 2003 stated that "UNITA fighters sexually abused women and girls, including using them as sexual slaves, as well as forcing them to wash uniforms, prepare campsites, and cook." [5f] (p1) The CEDAW report November 2002 noted the same information [17x] (16)

6.136 The end of the civil war did not improve the situation of women in Angola. The HRW August 2003 accused military personnel of raping and sexually assaulting women and girls during the returns process. [5d] (p19-20, 23) The AI report 2003 confirmed that during the return process "Police reportedly raped or otherwise sexually assaulted women and girls. In rural areas, both military personnel and police demanded bribes at control posts. There were also reports of torture in police stations." [11e]

6.137 The USSD report 2004 and the HRW report December 2004 noted that FAA personnel were responsible for many violations against women and girls, including torture and other forms of cruel and degrading treatment, such as rape and sexual slavery, in Cabinda during 2004. [2a] (p3) [5j] (p19) The HRW report December 2004 added that "The FAA has taken no disciplinary action in these cases of rape. [5j] (p19)

6.138 The CEDAW report June 2004 mentioned that:

"In the year 2001, in February, a Cooperation agreement was signed between the Lawyers' Association of Angola and the Ministry of Family and Promotion of Women with the aim of assigning Lawyers to the Centre for legal assistance to

victims of violence or persons directly and indirectly involved. This work of attending to the victims of violence is also done at the level of all provinces of the country. Some non governmental organisations like AWO [Angolan Women's Organization] (in all provincial capitals) and AVIMA (in Benguela province) have Centres for attendance to women victims of violence. The AWO Legal Counselling Centre was created in 1986 and has offices in four provinces: Benguela, Luanda, Cbinda (sic) and Huila. AWO in 2000 created in Luanda the Shelter House for women victims of violence. ... Cases going beyond the competence either of MINFAPW or of AWO are referred to the competent organs i.e. the National Criminal Investigation Directorate or the Courts (the Family Hall, Civil Hall and Administrative)." [17v] (p19)

Prostitution

6.139 The USSD report 2004 observed that "Due to poor economic conditions, many women engaged in prostitution. Prostitution is illegal under the Constitution; however, the prohibition was not enforced." [2a] (p12) The CEDAW report 2004, nevertheless, observed that "Prostitution is not considered as crime in the law." [17v] (p21) The report added that "The situation of sexual and commercial exploitation of women and children in Angola does not differ much from that faced in other countries. However, it is manifestly perverse in Angola due to the effect of war and poverty." [17v] (p21) The report further stated that there are a few organisations that offer support to prostitutes. [17v] (p21) The USSD report 2004 noted that "In January [2004], independent media reported on police assaults on prostitutes in Luanda as part of an effort to forcibly reduce illegal street activity." [2a] (p12)

Female Genital Mutilation (FGM)

6.140 A report by Afrol accessed 17 March 2004 noted that "There has been very little evidence of FGM. There were rare occurrences in remote areas of Moxico province, bordering the Democratic Republic of Congo and Zambia in past years; however, information from local and international health workers, including midwives, indicated that indigenous groups do not practice FGM." [25b]

Health

6.141 An article by IRIN news dated 31 July 2004 reported that "Delgado noted that Angolan women suffered high levels of mother/child mortality, malnutrition, illiteracy, poverty, violence, lack of resources and unemployment in both the formal and informal sectors; women also headed most households and were most affected by HIV/AIDS and other sexually transmitted diseases." [8a1]

Demobilisation

6.142 As stated in HRW 2003 report August 2003, "The official demobilization process has largely excluded women and child soldiers from its ambit. ... Currently, the demobilization and reintegration efforts target male combatants, aged eighteen or

older. However, the majority of the population in the gathering areas is comprised of women and children in need of humanitarian aid and other assistance.” [5d] (p23)

6.143 The HRW world report 2005 added that “Women and girls (as well as boys) associated with the National Union for the Total Independence of Angola (UNITA) forces were also excluded from the Angolan Demobilization and Reintegration Program until mid-2004, when a pilot project for a limited number of female ex-combatants was implemented.” [5i] (p2)

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Children

6.144 As documented in the UNICEF report, accessed 27 March 2004, HRW report April 2003 and IRIN news dated 2 March 2004, approximately 60 percent of the population of Angola was believed to be under the age of 18. [5g] (p4) [8n] [33a] The USSD report 2004 added that “Although international reports estimate that approximately 60 percent of the population is under the age of 15, the Government’s attention to children’s rights and welfare was insufficient.” [2a] (p12) The report added that “The National Institute for Children has daily responsibility for children’s affairs.” [2a] (p12)

6.145 The UNICEF report and an article by the BBC dated 2 March 2004 both advised that Angola had one of the worst child mortality rates in the world, with one in four children dying before their fifth birthday. [7f] [33a] As mentioned in the IRIN news article dated 2 March 2004 “Malaria, respiratory and diarrhoeal diseases and, increasingly, HIV/AIDS are the biggest child killers.” [8n] Several documents noted that the Government has pledged to halve child mortality by 2008 by improving access to health facilities, improving the treatment available and increasing vaccination projects. [7f] [8n] [17h] [17m] (p3)

6.146 A UNICEF report, accessed 27 March 2003 stated that the situation of children in Angola remained dire. [33a] The USSD report 2004 added that “The Ministry of Education and Culture (MEC) functioned poorly due to a lack of resources and lack of administrative capacity.” [2a] (p12) Various reports noted that during 2003 UNICEF launched a campaign aimed at returning children to school. [33a] [33d] The ‘Back-to-School’ campaign was launched in Bié and Malanje to increase education access for all school-aged children. [2a] (p13) [33d] The USSD report 2004 added that “During the year [2004], the MEC Back to School campaign efforts consisted of training 20,000 new teachers for placement in schools throughout the country. [2a] (p12)

6.147 The UNICEF report October 2004 stated that “In addition to a major back-to-school campaign, UNICEF has launched child-friendly spaces for children affected by the war – specially designed areas in which children receive an education and psychosocial assistance.” [33g]

Children Affected by War

6.148 The HRW report April 2003 observed that both the government and UNITA used children during the Angolan civil war. [5g] (p2-14) An article by IRIN news dated 29 April 2003 also reported the same information. [8ab] The HRW report stated that “Child protection workers in Angola have suggested that as many as 11,000 from the two sides may have lived and worked in combat conditions.” [5g] (p2)

6.149 The same document reported that:

“Boys and girls in Angola fought in the civil war that ravaged the country for decades; yet to date, they have received no formal assistance in demobilization programs. Existing programs for adults discriminate against children who performed these same duties and are in violation of the government’s obligation to provide for their recovery and rehabilitation. Current plans for community and family rehabilitation are unlikely to meet the needs of former child soldiers and they risk being forgotten, especially girls.” [5g] (p15)

6.150 As documented in the HRW report April 2003:

“Most adult fighters eighteen and older received demobilization and photo identification cards, a travel authorization certificate, a five-month salary based on military rank, and food assistance. They are also to receive a transport allowance and a reinstallation kit upon return to their home communities. But boy and girl soldiers, seventeen and younger, were not included in the demobilization program and received only an identification card and food aid distributed by the international community to family units attached to the soldiers.” [5g] (p2)

6.151 The Child Soldiers Global report 2004 stated that “After the conflict ended some soldiers recruited as children during the war remained with government forces, especially in rural areas, many having reached adulthood.” [15a] (p1) The same report noted that “In 2003, children were reportedly still being recruited because of the difficulties in proving dates of birth.” [15a] (p1) The USSD report 2004 noted that “Unlike in previous years, there were no confirmed reports that children were recruited into the armed forces [in 2004].” [2a] (p13) ([See also section 5 on Child Soldiers](#))

6.152 The Coalition to Stop the Use of Child Soldiers report 2003 advised that in March 2003 the Angolan Government, UNICEF and civil society partners approved their policy on former child soldiers. The Ministry of Assistance and Social Reintegration pledged its commitment to birth registration, family tracing and reunification. [15b] The USSD report 2004 noted that “By March [2004], the UNICEF supported National Family Tracing and Reunification Program had identified 11,076 separated children and successfully reunited 3,670 children with their families.” [2a] (p13) A statement by the Government of Angola on 13 August 2004 added, “At least 119 Angolan children have been returned to their respective families between January and July this year [2004] by the International Committee of the Red Cross (ICRC), as part of its family reunification programme that started with the end of war in the country. ... Since the war ended in 2002, until late last year, the ICRC registered 1.600 children and reunited more than 700.” [3h] The Child Soldiers Global report explained that “The disarmament,

demobilization and reintegration program was restricted to UNITA soldiers, denying assistance to abducted women and girls.” [15a] (p2)

Child Prostitution and Street Children

6.153 The USSD report 2004 noted that “Child prostitution is prohibited by a general criminal statute; however, an international NGO estimated that there were as many as 1,000 underage prostitutes in Luanda.” [2a] (p13) The same report noted that “Sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse with convicted offenders liable for up to 8 years in prison.” [2a] (p13)

6.154 The Institute for Security Studies (ISS) report 2002 stated that there were over 10,000 street children in Angola, of which an estimated 5,000 were in Luanda. [43b] However the USSD report 2004 stated that “Using information collected during the Government’s first child registration campaign, it was estimated that there are approximately 1,500 street children in Luanda.” [2a] (p12) Several reports noted that children in the rural areas of Angola were increasingly being abandoned by their parents because they had been accused of witchcraft. [8ae] [17p]

6.155 The USSD report 2004 noted that “Conditions in government youth centers were poor; most homeless children slept on city streets. ... The government sponsored National Institute for Children was responsible for child protection, but it lacked the technical capacity to work with international NGOs.” [2a] (p13)

6.156 Several documents noted that in order to survive, street children resorted to odd jobs such as shining shoes, washing cars, and carrying water. However, many turned to petty crime, begging, scavenging and prostitution. [2a] (p13) [8ac] [43b]

6.157 The OCHA monthly analysis December 2004 stated that “‘Street children’ and other homeless groups (people with disabilities, the elderly and homeless families in Luanda) emerged as an issue of national prominence in October [2004] when the Government of Luanda announced its intention to remove 1,566 children and all other homeless individuals from the streets. UNICEF quickly advocated for an immediate stop to the operations. [17ac] (p6) The same report added that “In a laudable effort of coordination and advocacy, UNICEF and the GoA [Government of Angola] have worked together on a plan to address the problems of street children in Luanda and other urban capitals.” [17ac] (p2)

6.158 A report by the UN news wire dated 30 March 2004 added that “According to rights advocates, children as young as 5 have been raped, stoned to death, hanged and drowned in rivers after accusations of sorcery are leveled against them.” [17p] The USSD report 2004 also noted that:

“Human rights abuses due to accusations of sorcery and wizardry were a rising concern, especially against children. Individuals placed blame on the use of charms or other forms of witchcraft for their personal misfortunes. In some cases

it was believed that deaths occurred during attempts to stop purported acts of witchcraft. There were reports of children being tortured by local 'prophets' to stop these alleged actions in Uige and Zaire provinces that were under police investigation at year's end. A local NGO, 'Crianca Futuro,' sheltered 22 children abandoned due to allegations of witchcraft." [2a] (p13)

Medical Care

6.159 As stated in the USSD report 2004 "The Government provides free medical care for children at the one pediatric hospital in Luanda in addition to supporting child immunization programs and general medical care at public hospitals and clinics around the country. In many areas, formal health care was limited or non-existent." [2a] (p12) The report added that "Local NGOs estimated that 100,000 children were abandoned or orphaned as a result of the civil war, and malnutrition was a problem. Landmine explosions continued to kill and injure children." [2a] (p12)

6.160 A number of sources reported that child mortality rates were among the highest in the world with UN figures showing that 25 percent of Angolan children die before the age of five. [7f] [8ad] [30b] [33a] [38a] (p4) A report by IRIN news dated 24 June 2003 added that 45 percent of the children suffer from chronic malnutrition, and only 27 percent of one-year old children are fully immunised against preventable diseases. [8ad] An article by OCHA dated 31 January 2004 added that "Still, 50 percent of Angolan children continue to be affected by moderate malnutrition and malnutrition remains the underlying cause in 55 percent of child mortality cases." [17d] (p2) Several reports noted that the Government launched one of the most significant health care initiatives since the end of the civil war. The initiative aims to reduce child mortality by 50 percent and maternal mortality by 30 percent by 2008. [7f] [8n] [17h] [17m] (p3)

Child Care Arrangements

6.161 In September 2002 the National Institute for Children (INAC) provided information about the network of state-run orphanages and childcare facilities; as of September 2002 there was provision of facilities in all provinces except Kansa Norte and Kansa Sul. ([See also Annex I on Child Care](#)) [54]

6.162 As noted in a news article by Xinhua dated 19 September 2002:

"Angolan Minister of Social Welfare Joao Baptista Kussumua has said in southern Huila Province that his ministry assists and controls at least 100,000 orphan children throughout the country, Angolan news agency Angop reported on Thursday here. Joao Kussumua stated that most of the children are war orphans, adding that the ministry is helping with their recovery from psychological traumas and physical disability in and out of Angola. The government is also carrying out a program of family location and children's integration in foster families. In Huila province, Angolan Social Welfare Ministry, in conjunction with the UN Children's Fund (UNICEF) and Participative Communitarian Development Association, is

building residences for orphans aged over 18 years and is reinserting them into socially useful activities.” [49a]

6.163 On 16 December 2003, Africa News reported that “The Italian Government has spent one million US Dollars in the construction and equipping of Kudilela Shelter Home for children, in the northern Malanje province. ... The Shelter Home was built with the objective of accommodating children who are orphans and abandoned, as well as put them on professional (sic) training to secure a brilliant future for them. At present, there are 28 children of both sexes, in the referred centre.” [65]

Homosexuals

6.164 The International Lesbian and Gay Association (ILGA) report August 2000 stated that in Angola “Homosexual acts are illegal, described as offences against public morality.” [27] The report noted that the law against homosexual acts apply to both men and women. [27] As stated in the Behind the Mask report, accessed 16 March 2004, the Angolan Government “Voted against the ILGA having consultative status at the UN on April 30, 2002.” [28]

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6.C Human Rights – Other Issues

Humanitarian Situation

6.165 An article by Xinhua News Agency dated 20 January 2004 reported that the humanitarian situation stabilised during 2003, though the need for emergency assistance remained in many regions. [49b] The United Nations High Commission for Refugees (UNHCR) position paper noted that “While the general situation is gradually improving, living conditions in Angola remain precarious.” [17o] AFP reported on 10 September 2003, that according to a joint report by the government and the United Nations, approximately 2.7 million people, including ex-combatants, who decided to return to their villages between April and August 2003, required food assistance. [44e]

6.166 The USCR report 2003 noted that mortality and morbidity rates remained at high levels, particularly in remote locations where people did not have regular access to basic health-care services, potable water and appropriate sanitation. [31a] The OCHA monthly analysis February 2004 observed “During the month [February 2004] UNICEF held seminars in Moxico and Huambo on the early detection of malnutrition, completing the training in nine of provinces considered at high risk.” [17m] (p3) The USSD Post report 2003 mentioned that “Because of poor living conditions, the average life expectancy for local citizens is only 45 years.” [2d] (p8)

6.167 The USCR report 2003 noted that according to the UN Office for Co-ordination of Humanitarian Affairs, 10 UN humanitarian agencies, 112 international aid organisations, and more than 350 local charitable groups provided relief and reconstruction assistance in Angola. [31a]

6.168 The OCHA monthly analysis November 2004 stated that:

“Given the stabilisation of the humanitarian emergency, the progress made in return and resettlement and new planning mechanisms for the transition period, the Government of Angola and the UN Agencies decided last summer not to launch an appeal for 2005. However, some residual humanitarian needs persist and as funding for humanitarian activities is dwindling, interventions must be sharply focussed, thoughtfully prioritised and well coordinated for maximum effect and to link up with transitional activities.” [17ac] (p1)

6.169 The OCHA quarterly analysis September 2004 noted that:

“NGOs operating in Angola are concerned about continuous support as the country moves from an emergency situation into a longer-term development. According to a recent report from IRIN, NGOs are worried that now that the humanitarian emergency is over, donor countries are lukewarm about pumping more money into Angola until they receive guarantees the funds will be appropriately allocated. Many NGO partners are in the process or have already adjusted their programmes to the new circumstances of transition.” [17ae] (p1)

6.170 A news article by ANGOP dated 30 July 2004 reported that “The Angolan Minister of Social Welfare, Joao Baptista Kussumua, said today in Lubango, Southern Huila province, that the humanitarian situation in the country is improving. The Minister also said that, although the situation needs especial (sic) attention in some regions, the situation has improved at about 31 per cent, as compared to the year 2003.” [36v]

6.171 The UN News Service stated on 9 August 2004 that “After almost three decades of war followed by two years of peace and stability, security in Angola has noticeably improved, cereal production is growing and the number of people needing food aid is falling, but the southern African country is still only achieving a tiny fraction of its agricultural potential, according to a United Nations report.” [17y]

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Internally Displaced Persons (IDPs) and Returning Refugees

6.172 As documented in the HRW report August 2003 “Over the course of nearly three decades, Angolans struggled to survive in the midst of one of the most protracted conflicts in recent history. During this period, approximately one million people were killed, 4.1 million displaced and 400,000 driven to the neighboring countries of Zambia, Congo Brazzaville, Democratic Republic of Congo and Namibia.” [5d] (p5)

6.173 The Global IDP Project report dated 1 October 2004 advised that almost 4 million IDPs have returned home following the ceasefire agreement in April 2002. [55c] (p1) The OCHA monthly analysis January 2004 stated that “There are no more IDPs in the provinces of Bengo, Cunene, Kuanza Sul, Luanda Norte, Malanje and Zaire.” [17d] (p4) The Global IDP Project report dated 1 October 2004, however, noted that “According to the UN only between 40,000 and 60,000 people can still be considered internally displaced, whereas the government’s estimate goes as high as 340,000. Most of the internally displaced people (IDPs) have returned spontaneously without any assistance from the government or humanitarian organisations.” [55c] (p1)

6.174 Several sources noted that although the Norms for the Resettlement of IDPs and their implementing regulations require that return of displaced persons should be voluntary and consensual, IDPs have been forced by local authorities to return to places of origin by violence or threat of violence. [5e] (p1) [5d] (p10)

6.175 The USSD report 2004 noted that “Unlike previous years, there were no IDPs forced to resettle.” [2a] (p6) However, the ISS report February 2004 (through the Global IDP report October 2004) stated that “In many cases, traditional leaders among the IDPs or MPLA party committee members just ordered that it was time to go back home, without allowing family members to visit the return sites beforehand.” [55b] (p89) The HRW world report 2005 stated that “The government’s commitment to voluntary return appeared questionable following its announcement in September 2004 that remaining IDP centers will be closed by the end of the year. At year’s end, the return and reintegration process remained highly problematic.” [5i] (p2)

6.176 The HRW report August 2003 suggested that many IDPs do not have identity documents, thus preventing them from accessing education, humanitarian aid, medical or social services. They may also be prevented from voting in Angola's elections. [5d] (p14)

6.177 The USCR report May 2004 observed that "Some 170,000 Angolan refugees lived in Zambia, some 124,000 in Congo-Kinshasa, about 12,000 in Namibia, 6,000 in South Africa, up to 4,000 in Congo-Brazzaville, 2,000 in Brazil, 1,000 in Botswana, and more than 4,000 new Angolan asylum applicants in industrialized countries." [31c]

6.178 The USCR report May 2004 observed that "Although major combat ended in Angola in mid-2002, an estimated 20,000 or more Angolans fled the country during 2003, mostly UNITA supporters." [31c]

6.179 An IRIN news report dated 2 August 2004 stated that "After refugees register for repatriation, the International Organisation for Migration (IOM) will organise air transport to Luanda, from where UNHCR will assist them with onward transport to their home provinces." [8h]

6.180 The USCR report 2004 mentioned that "In June [2003], the UN High Commissioner for Refugees (UNHCR) launched the Angolan Organized Voluntary Repatriation Program to assist with refugee return." [31c]

6.181 An IRIN news article dated 19 February 2005 reported that "More than 280,000 are believed to have returned since the end of the 27-year civil war in April 2002, with UNHCR directly repatriating more than 94,000 people and providing basic kits to a further 78,000 who arrived under their own initiative." [8a0]

6.182 Nevertheless, various reports mentioned that many of the Angolan refugees have returned to Angola on their own without waiting for assistance from UNHCR. [5d] (p8) [40b] The HRW world report 2005 stated that "The majority, however, were resettled in ways that did not fully comply with Angolan, international human rights, and refugee law, as areas of return lacked basic social services and had often not been de-mined. [5i] (p2)

6.183 The HRW report August 2003 stated that "Those who have returned have often encountered abysmal conditions such as food shortages, poor hygiene, lack of infrastructure, limited access to social services such as health services, and landmine infestation." [5d] (p1) The USCR report January 2004 also reported the same problems. [31b] The HRW report August 2003 added, "Return and resettlement conditions are often unsafe and Angolans in transit have been the victims of violations that include discrimination, extortion, physical abuse and death." [5d] (p26) The USSD report 2004 noted that "There were reports that border officials robbed, harassed, sexually harassed, and charged refugees illegal taxes at border posts. UNHCR reported an increase in crimes against returnees in Moxico Province; incidents included physical assaults, confiscation of goods, and bribes." [2a] (p9)

6.184 The OCHA monthly analysis February 2004 noted “There have been allegations of discrimination against recently returned refugees and demobilised soldiers in Huíla, Namibe and Moxico in land allocation and hiring practices. However, for the time being, the anecdotal evidence of discrimination as well as some isolated incidents of physical and verbal abuse does not indicate a more widespread trend.” [17m] (p4)

6.185 The USSD report 2004 noted 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.” [2a] (p9)

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Forced Evictions

6.186 As noted in the AI report November 2003, “People in over 5,000 households were evicted and their homes were demolished in three mass evictions between 2001 and 2003.” [11f] (p1-13) The report also mentioned that members of the police force arbitrarily evicted thousands of inhabitants at gun point from overcrowded shanty towns (musséques), which resulted in injuries and deaths. Many of the evicted had to move to temporary camps and become dependent on humanitarian assistance. [11f] (p6) The Global IDP Project March 2004 observed the same information. [55a] (p2)

6.187 The HRW overview 2003 added:

“For a number of years, the government of Angola has carried out forced evictions in the capital, Luanda, on a massive scale. These evictions have been carried out in violation of international standards of due process and without the justification of any apparent wider public benefit. In Benfica and Boa Vista, two of Luanda’s neighborhoods, Police and other officials have evicted long-term residents, leaving them without shelter, seizing or destroying their belongings. In [the] same cases, police violence during evictions has resulted in death, injury or miscarriage.” [5e] (p2)

6.188 The AI report November 2003 advised that “Forced evictions are not specifically prohibited in Angolan law, although certain provisions in the Civil Code may be used to contest arbitrary expropriation of property. The right to adequate housing is not expressly provided in Angolan law, but it may be implied in the Constitution and in other legislation.” [11f] (p19)

6.189 The same report noted that:

“Very few people have full legal title to their land. The system for registering land and housing almost collapsed during the war and was unable to cope with the expansion of households in Luanda. The procedures for obtaining official permission to occupy or build on land appear to be complicated and slow, and applicants are vulnerable to exploitation and expropriation by unscrupulous or corrupt officials. ... The risk of forced eviction is exacerbated by the absence of

a clear policy concerning urban land and property. The system for awarding and monitoring development contracts is inadequate and opaque, leaving room for corrupt practices. The authorities often fail to give notice of intention to develop an area, and there is no tradition of adequate consultation. Residents therefore have little opportunity to contest official decisions. The Provincial Governor, Simão Paulo, has stated an intention to launch a program to discourage illegal land occupation and warned that houses put up without permission would be demolished but did not announce plans for providing access to alternative housing for those to be evicted.” [11f] (p3)

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Violence in Cazombo

6.190 The ACTSA report August 2004 noted that:

“The United Nations World Food Programme has warned that violence has broken out in eastern Angola in Cazombo, a town near the Zambian border. According to a report by the WFP on 23 July [2004], ‘as many as 55 houses belonging to returnees from Zambia who have alleged links to UNITA are reported to have been burnt down in recent days. The incident was allegedly provoked by the local UNITA party’s intention to establish an office in Cazombo, and moreover by the fact that the UNITA delegation was led by retired General Moises Njolamba who is allegedly responsible for the destruction of a bridge near Cazombo and the massacre of 72 local people. No one was killed nor injured, and the situation has now returned to normal throughout the town’.” [37d] (p2-3)

6.191 An article by AFP dated 30 July 2004, nevertheless, stated that “At least five people were wounded and 60 homes torched in the eastern Angolan province of Moxico in ethnic and politically related violence, the country’s main opposition party said Friday.” [44i]

6.192 The OCHA monthly analysis July 2004:

“Eighty houses were burned and looted between 14 -- 17 July [2004] in the eastern province of Moxico, in the largest outbreak of organised, politically motivated violence Angola has experience (sic) since the peace. The rioting was triggered in response to a UNITA delegation’s effort to set up offices in the town of Cazombo and was very much directed toward the leader of the delegation. The local population holds him responsible for the bombing of the Zambezi River bridge and the deaths of many civilians during the war. Mobs formed and after attacking the house of the future UNITA offices, targeted houses of suspected UNITA supporters and demobilised combatants. The houses of six national staff of international NGOs were also destroyed. In a positive step, a soba responsible for instigating an attack on the house of NGO national staff member a week after the initial outbreak was arrested by authorities. Cazombo is a return area for the voluntary repatriation effort, which continued as planned and convoys

of refugees from Zambia arrived without incident. The international community was very concerned and expressed the need for adequate legal redress in meetings with the GoA [Government of Angola].” [17z] (p4)

6.193 The ACTSA report August 2004 added:

“However, the MPLA has stated that it is not responsible for the attacks, and that on the contrary it has been trying to defuse tension created by the arrival of General Njolamba and other UNITA members. Speaking to the UN news agency IRIN, the MPLA’s Information Secretary, Norberto dos Santos ‘Kwata Kanawa’, stated that ‘It’s clear that neither the MPLA nor the police had anything to do with the mobilisation of the population against UNITA. In fact, it was the police and the local administration that tried to calm down the situation’.” [37d] (p3)

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Mass expulsions of illegal foreigners

6.194 The FCO letter dated 26 August 2004 advised that:

“In May 2004 there was widespread international protest at Angola’s handling of the mass expulsion of illegal foreigners, mainly from diamond areas, during ‘Operação Brilhante.’ There was particular dissatisfaction in Congo which, unprepared, had to receive by far the largest part of those expelled, well over 100,000 persons. In a communiqué published on 14 May [2004], Amnesty International’s Angola section asked the government to investigate alleged Human Rights violations during the repatriation operations in order to verify the truth and punish perpetrators, insisting that during such procedures all human rights had to be observed. The UN agencies organized three monitoring trips in Lunda Norte, Lunda-Sul and Malange during April and May [2004]. On 19 [2004] May the Angolan Government announced a 45-day suspension of expulsions and confirmed that any future expulsions would be carried out with consular protection from the DRC Embassy.” [4h] (p3)

6.195 The OCHA monthly analysis July 2004 reported that:

“Operação Brilhante, the expulsion of illegal diamond workers, restarted in three northern border provinces in July. Cases of illegal workers rounded up have been confirmed in Uige, Malanje and Lunda Norte provinces. The operation is moving forward quietly this time around and there have been no reports of human rights abuses which could indicate a better awareness of international requirements. During the African Union Summit in Addis Ababa earlier in the month, the African Commission on Human Rights publicly criticised Angola, accusing the government of human rights abuses and xenophobia in carrying out the expulsions.” [17z] (p4)

6.196 The HRW world report 2005 added that:

“Since December 2003, the Angolan government has expelled about 60,000 foreign migrants from Angola. The migrants are predominantly from the DRC and work illegally in the diamond mines in the Lundas. In April 2004, FAA soldiers conducted brutal body searches of Congolese migrant workers being expelled. The searches included degrading vaginal and anal searches, beatings, and the looting of their goods. Some who refused searches were raped or arbitrarily detained. The government temporarily suspended the expulsions following widespread criticism, but resumed them in August 2004. Expulsions of Congolese continue in smaller numbers conducted by the police, without the involvement of the FAA. Fewer human rights abuses were reported, but Congolese have been arrested and expelled without being able to collect their family members or personal belongings. Police also reportedly raped five Congolese women in September 2004 before they were expelled.” [51] (p2)

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Treatment of Refugees and Asylum Seekers

6.197 The USSD report 2004 stated that:

“The law provides for the granting of refugee status and asylum to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. An eligibility committee to evaluate asylum claims, under the authority of the Ministry of Justice, continued to meet periodically to consider asylum requests. Of the approximately 3,000 West Africans detained in June in Viana, near Luanda, as part of Operacao Brilhante, at least 10 were refugees or asylum seekers. According to the UNHCR, the country had approximately 12,000 refugees, most of whom were from the DRC.” [2a] (p9)

6.198 A letter from UNHCR dated 28 February 2005 noted that:

“During 2004, UNHCR received reports that some 36 persons of concern had been detained. Most of these cases were asylum seekers who had been rounded up during the Government's Operation Brilhante. At least nine of the group of 36 persons were reportedly refugees.

UNHCR intervened in these cases as possible by repeatedly raising the issue with the authorities from Immigration, who were spearheading Operation Brilhante. In addition, UNHCR officially requested from the Head of the Refugee

Department access to those people of concern to UNHCR who had been reportedly detained and advocated that they be released urgently. Those detained were kept in a holding centre in the Luanda area, which was used as a transit site for people being processed for deportation under Operation Brilhante. By the end of 2004, UNHCR had still not been granted access to this center.” [17ab]

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Corruption

6.199 In October 2004, Transparency International (TI) ranked Angola 133rd out of 145 countries in its Corruption Perceptions Index (1 being the least corrupt and 145 the most corrupt country). [13] (p5) The HRW report January 2004 stated:

“From 1997 to 2002, unaccounted for funds amounted to some U.S.\$4.22 billion. In those same years, total social spending in the country - including Angolan government spending as well as public and private initiatives funded through the United Nations’ Consolidated Inter-Agency Appeal - came to \$4.27 billion. In effect, the Angolan government has not accounted for an amount roughly equal to the total amount spent on the humanitarian, social, health, and education needs of a population in severe distress. Due at least in part to such mismanagement and corruption, the government also has impeded Angolans’ ability to enjoy their economic, social, and cultural rights. It has not provided sufficient funding for essential social services, including healthcare and education. As a result, millions of Angolans continue to live without access to hospitals and schools, in violation of the government’s own commitments and human rights treaties to which it is a party.” [5c] (p1)

6.200 The USSD report 2004 added that “During the year [2004], four government officials, including a former Ambassador and Governor, were formally charged with corruption.” [2a] (p11)

Treatment of Returned Failed Asylum Seekers

6.201 The UNHCR position paper January 2004 stated:

“UNHCR is no longer advising against involuntary return of rejected asylum seekers to Angola, except for return to Cabinda Province. Nonetheless, UNHCR would ask governments to carefully assess the risk to individuals upon return. There may well be persons who, while not having a demonstrated need for international protection, would be particularly vulnerable upon return. This would include, for example, separated children, unaccompanied elderly people, and people with physical disabilities or in need of specialized or ongoing medical care.

“UNHCR would also urge caution with the return of persons originating from rural areas that remain inaccessible or beyond reach of humanitarian assistance. These areas include municipalities in Bié, Kuando Kubango, Lunda Norte, Malanje, Moxico and Uíge provinces.” [17o]

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Treatment of Non-Governmental Organisations (NGOs)/ Human Rights Monitoring

6.202 As documented in the USSD report 2004 “The Government did not prohibit independent investigations of human rights abuses; however, it failed to cooperate and often used security conditions as a justification to deny access in Cabinda.” [2a] (p11) The report added that “There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs, of which an estimated 100 worked on human rights activities.” Local NGOs actively promoted human rights during the year [2004] by documenting prison conditions and providing free legal counsel; however, the Government continued to be suspicious of local NGOs receiving international support. [2a] (p11) However, the Government continued to block the registration of the Association for Justice, Peace and Democracy (AJPD) by not responding to its application. [2a] (p11) [14] (p46)

6.203 The HRW report July 2004 observed that “At present, with the end of hostilities in most of Angola, hundreds of NGOs have formed. These NGOs and the broader civil society in which they exist face serious difficulties in restructuring their strategies and identifying short- and medium-term objectives. Nevertheless, a number of national organizations have developed skills and implemented projects to promote human rights and foster reconciliation. Collaborative efforts with international groups and other partnerships have been fundamental for this transition. Yet these efforts have been geographically concentrated and have suffered from limited operational capacity even in the capital.” [5h] (p11)

6.204 The USSD report 2004 stated that “Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human Rights Commission.” [2a] (p11) The same report noted that HRW visited the country multiple times during 2004. [2a] (p11) The HRW report July 2004 observed that “Although the government has recently issued a new presidential decree to regulate activities of non-governmental organizations in Angola, the requirements for registration have not been altered.” [5h] (p17)

6.205 A report by IRIN news dated 20 February 2004 noted that:

“Non-governmental organisations (NGOs) working in Angola will have to submit detailed reports and strictly adhere to national labour laws and other regulations as the government implements a law governing their activities.... NGOs are still digesting the implications of the new system, but after having been allowed to operate freely during Angola's emergency years of the war and its immediate

aftermath, some fear it could harm their autonomy and hamper their humanitarian efforts.” [8f]

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Landmines

6.206 The Landmine Monitor report 2004 stated that “Angola signed the Mine Ban Treaty on 4 December 1997 and ratified on 5 July 2002, after a peace agreement was signed with UNITA forces in April 2002. The treaty entered into force on 1 January 2003. There have apparently been no steps taken toward developing domestic legislation, and Angola’s initial Article 7 report states that no legal implementation measures have been taken. [57] According to the 2004 Landmine Monitor Report, the Angolan Armed Forces stockpile 50,659 antipersonnel mines, of which 1,360 mines will be retained for training purposes. [57] The same report noted that “Angola is still considered to be one of the countries most affected by mines and unexploded ordnance (UXO). Information on the extent of landmine contamination in the country remains limited and unclear due to the fact that numerous parties were involved in mine-laying, as well as the lack of credible records.” [57]

6.207 As noted in the Refugees International (RI) country report 2003, Angola also had one of the highest landmine injury rates in the world with more than 75 percent of all mine accidents involving civilians. [40c] An IRIN news report dated 17 August 2004 also stated that “Angola remains one of the most heavily mined countries in the world: estimates for the number of landmines range from six to 20 million, causing one of the highest rates of landmine injuries per capita in the world.” [8a] The UNSC report February 2003 explained that the problem was most acute in Kuando Kubango, Benguela, Bié, Huambo, Malange, Huila and Moxico provinces. [17f] (p5) According to the RI country report 2003, landmines killed at least 70,000 people including IDPs and refugees attempting to return home. [40c] The OCHA monthly analysis January 2004 noted that in recent months there was an increase in the number of mine related incidents. In January 2004 alone there were 19 mine incidents and 21 related casualties or deaths. [17d] (p1)

6.208 The USCR report January 2004 observed that “Lack of funding and cooperation from the government of Angola has slowed the detection and removal of landmines and unexploded ordnance. At the same time, the government of Angola continues to pressure mine-detection organizations to clear more landmine-contaminated areas faster.” [31b] According to a News 24 report dated 2 April 2004 “At least 140 000 people in Huambo are currently cut off from essential food and medical aid as a result of the problem. It could take several months before Halo Trust, a landmine disposal organisation, has cleared the area.” [21]

6.209 The OCHA monthly analysis February 2004 noted that the Government, with the support of various partners, continued to prepare a national mine action plan for 2004-2005 that will help mobilise resources, release state budget funding and create a framework for implementation. [17m] (p2) The report observed in February 2004 “In Huíla,

mine signals were stolen and used as decorations in houses and trucks.... Humanitarian partners have raised the need for more mine awareness activities with local authorities.” [17m] (p2)

6.210 An IRIN news report dated 17 August 2004 noted that “Humanitarian agencies have also routinely complained that landmines and the poor condition of roads continue to hamper relief efforts.” [8a]

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UN Office in Luanda

6.211 According to the UNSC report February 2003:

“UNMA [UN Mission in Angola] has completed its mandated political tasks, as set out in resolution 1433 (2002) of 15 August 2002. The United Nations agencies and programmes provided essential humanitarian and development assistance throughout the period covered by the mandate of the Mission and will continue to work closely with the Government to implement a post-conflict strategy. However, the residual tasks foreseen under resolution 1433 (2002), including in the areas of human rights, mine action, reintegration and resettlement of ex-combatants, humanitarian assistance, economic recovery and electoral assistance, will continue to require attention and support.” [17f] (p9)

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Chronology of Major Events

- 1975, Jan** Meeting between MPLA, UNITA and FNLA in Alvor, Portugal: Common political programme reached Agreement reached between representatives of the MPLA, UNITA, the FNLA and the Portuguese government establishing date of independence and transitional government structure. [1] (p42)
- June** Fighting breaks out between the MPLA and FNLA in Luanda and quickly spread to other major towns. MPLA expels FNLA from capital, while MPLA were forced out of the northern provinces of Uíge and Zaire. UNITA becomes fully involved in fighting on the side of the FNLA. [1] (p42)
- Aug** South African troops enter Angola to support UNITA and the FNLA. [1] (p42)
- Oct** Cuban troops assist the MPLA. [1] (p42)
- 11 Nov** Independence from Portugal [1] (p42)
- 1976** The MPLA gains the advantage. [1] (p42)
- Oct** The MPLA formulates rigorous Marxist/Leninist programme. [1] (p43)
- 1977, Dec** The MPLA changes name to MPLA - PT (MPLA - Partido de Trabalho). [1] (p43)
- 1979, Sept** José Eduardo dos Santos takes over as leader of the MPLA – PT and state President after death of Dr Agostinho Neto. [1] (p43) [7b]
- 1980** People's Assembly (Parliament) and the Provincial and Municipal People's Assemblies created. [3n] (p2)
- 1981, Aug** South African troops advance some 120km into Angola as part of 'Operation Protea' [1] (p43)
- The beginning of a new Republican Government in the USA led to a reversal in US policy towards UNITA. The US increase military support for UNITA. [1] (p43)
- 1987, Oct** South Africa confirms support for UNITA & engages in direct military action with Cuban & Soviet troops in Angola. [1] (p43)

Nov	The UN security Council demands the unconditional withdrawal of South African troops from Angola. Despite agreeing to comply, South Africa continued its military incursions into Angola. [1] (p43)
1988, 22 Dec	Bilateral agreement signed by Angola & Cuba and tripartite accord by Angola, Cuba & South Africa. [1] (p44)
1989, Jan	UN Security Council authorise creation of a UN Angola verification (UNAVEM) to monitor withdrawal of Cuban troops. [1] (p44)
Feb	The MPLA government offers a 12 month amnesty to member rebel organisations. [1] (p44)
1990, July	At the MPLA - PT central committee meeting the move towards a multi-party political system is accepted. [1] (p44)
Dec	Marxist/Leninist ideology replaced with a commitment to democratic socialism. [1] (p44)
1991, Mar	Political parties are legalised. [1] (p44)
1 May	Peace agreement signed by the MPLA – PT and UNITA in Estoril, Portugal, provided for a ceasefire. [1] (p44)
1992, May	Suffix 'PT' deleted from MPLA's name. [1] (p44)
Aug	A constitutional revision takes effect. The name of the country is changed from the People's Republic of Angola to the Republic of Angola. [1] (p44)
27 Sept	The FAPLA and UNITA forces is formally disbanded and new 50,000 strong national army, the Forcas Armadas de Angola (FAA) is officially established. [1] (p44)
29/30 Sept	Presidential and legislative elections take place. (See also Annex E on Election Results) [1] (p44)
5 Oct	UNITA withdraw from FAA. [1] (p44)
11 Oct	Heavy fighting breaks out in Luanda, Malanje, Huambo and Huila provinces. [1] (p45)
1993	The USA Government officially recognises Angolan Government. [1] (p45) UN imposes arms and petroleum embargo against UNITA. [7b]
1994, 20 Nov	Lusaka Peace Accord is signed. [1] (p45)

1995, Feb	UNAVEM III created by UN Security Council. [1] (p45)
May	The UN Secretary-General's special representative in Angola, Beye, Dos Santos and Savimbi meet in Lusaka for direct talks. Savimbi accepts dos Santos as Head of State. [1] (p45)
Sept	The Government sign a four month ceasefire agreement with FLEC-R. [1] (p45)
1996, May	The Government and FLEC-FAC sign an agreement outlining the terms of a ceasefire. Fighting breaks out and the leader of FLEC-FAC (Henrique N'zita Tiago) declares that definitive ceasefire will only follow the withdrawal of the FAA from Cabinda. [1] (p45)
1997, 11 Apr	Government of Unity and Reconciliation is inaugurated. [1] (p45)
1 June	MONUA is established as the successor to UNAVEM III. [1] (p45)
30 Oct	UN imposes additional sanctions against UNITA. [1] (p46)
1998, Jan	Government and UNITA agree timetable for implementation of the Lusaka protocol. [1] (p46)
28 June	Mr Alioune Blondin Beye, the UN Secretary General's special representative to Angola, dies in a plane crash in Côte d'Ivoire. [17a] (p7)
Aug	Issa Diallo, Beye's replacement, arrives in Angola. [17a] (p7) The Government suspends UNITA's government and representatives from office. [1] (p46)
Sept	The Government revoke the suspension of UNITA's representatives in the Government and Legislature. [1] (p46)
1999, Feb	The UN Security Council vote to end MONUA mandate and withdraw its operatives from Angola by March 1999. [1] (p46)
Sept	The FAA launch major offensive against UNITA. [1] (p46)
2000, June	The Government announces that it will hold general elections by 2001. [1] (p46)
Aug	The FAA Chief, de Matos, suggests that Savimbi will not face prosecution for his failure to uphold the ceasefire imposed after the 1992 elections. [1] (p46)

- Dec** The National Assembly approves a draft Amnesty Law put forward by the MPLA. President dos Santos announces elections will not now take place until 2002. [1] (p47)
- 2001** Fighting continues between the MPLA and UNITA throughout early and mid 2001. In late 2001 the FAA adopts 'scorched earth' tactics in which hundreds of thousands of rural residents are systematically resettled in urban locations. [1] (p47)
- Jan** Armando da Cruz Neto replaces General Joao de Matos as FAA Chief of Staff. [1] (p47) [4h] (p3)
- Mar** Savimbi calls for a resumption of talks between the Government, the UN and UNITA, and further states that he is willing to abide by the Lusaka Accord. The Government responds by declaring that it is not willing to resume negotiations with Savimbi. [1] (p47)
- May** UNITA troops agree to abide by a ceasefire on the condition that it is called by President dos Santos. [1] (p47)
- 2002** In early 2002 a substantial proportion of Angola's territory is brought under Government control. [1] (p47)
- 22 Feb** Jonas Savimbi killed in Moxico province. [1] (p47)
- Mar** Savimbi's successor, General Dembo, is reported dead. FAA halt its offensives against UNITA and enter peace talks with the UNITA committee led by their Chief of staff, General Abreu 'Kamorteiro' Muengo. [1] (p47)
- 30 Mar** A peace deal informally agreed. [1] (p47)
- 4 Apr** Peace accord formally signed. [1] (p47) 5,000 UNITA troops to be absorbed into the FAA. 50,000 UNITA troops to be demobilised. The demobilisation process to be supervised by a Joint Military Commission. [1] (p47)
- May** UNITA's military commander says 85 percent of his troops have gathered at demobilisation camps. But there are concerns that food shortages and starvation in the camps could threaten the peace process. UN lifts travel ban on UNITA officials. [7b]
- June** The UN appeals for aid for thousands of refugees who have started returning home after the ceasefire. Medical charity MSF says half a million Angolans are facing starvation, a legacy of the long-running civil war. [7b]

Aug	UNITA officially terminated its military wing FALA. [7b] [12] [42a] (p11)
Nov	The Joint Military Commission disbanded stating that it had completed its tasks. [1] (p47)
Dec	President dos Santos announces reshuffle in the cabinet and appoints a new Prime Minister for the first time since January 1999, Fernando da Piedade Dias dos Santos 'Nando'. [1] (p48) [7b]
2003, Feb	UNMA - the UN Mission in Angola is wound up having completed its mandated political tasks. [7b] [17f] (p9) The Government confirms contact with representatives from FLEC-FAC over the feasibility of exploratory talks aimed at ending the conflict. [8v]
27 June	Isaias Samakuva becomes the new leader of UNITA after winning 78 percent of the vote. [7c] [8i]
June	Gen Agostinho Nelumba 'Sanjar' appointed Chief of Staff of the FAA in succession to Gen Armando da Cruz Neto. [4h] (p3)
July	Seven top FLEC-FAC military officials, including the groups' chief general staff, Francisco Luemba, handed themselves over to Government authorities. [8j]
6-9 Dec	5 th Congress of the ruling MPLA. Pitra Neto appointed MPLA vice-president and 'Dino Matross' as MPLA secretary-general. [4h] (p3-4)
Dec	According to Government figures approximately 92,000 demobilised soldiers and 286,000 dependants returned to their areas of origin by the end of the year. [17d] (p4)
2004, Jan	The Government prioritises the reintegration of demobilised soldiers. [55a] (p2-3)
27 Jan	A draft of the new Constitution is presented to the Constitutional Committee of the National Assembly. [37a] (p1)
3 March	The first HIV/AIDS hospital is inaugurated in Luanda. [41a]
May	International concern at Angola's mass expulsion of illegal foreigners. [4h] (p4)
12 May	Opposition parties suspend participation in Constitutional Affairs Committee of National Assembly. [4h] (p4)
2 July	President dos Santos convenes meeting of Council of Republic. [4h] (p4)

- 2 July** Death of Mfulumpinga Lando Victor, President of PDP-ANA, following assault outside party offices. [4h] (p4)
- 3 July** Opposition leaders meet with Attorney-General to express concern for their own safety. [4h] (p4)
- 27 July** President dos Santos accepts recommendation of Council of the Republic to call for elections before end September 2006, and asks National Assembly to define the legal framework for them to be held. [4h] (p4)
- Aug** Visit to Angola of Hina Jilani, UN Secretary-General's Special Representative for Human Rights Defenders. [38f] (p1)
- Sept** FLEC and FLEC-FAC merge to form FLEC. [8ar]
- Late 2004** Series of central and provincial government reshuffles. [37f] (p2-3)
- 2005, Jan** President dos Santos announced the date of the parliamentary elections to be at some point before the end of September 2006, and has suggested that the presidential election could take place in 2007. [37e] (p3)

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Political Organisations

According to the Political Parties of the World publication 2002:

“A law enacted in May 1991 specifies that political parties ‘must be national in character and scope’. Specifically prohibited are parties that ‘are local and regional in character; foster tribalism, racism, regionalism or other forms of discrimination against citizens or affect national unity and territorial integrity; use or propose the use of violence to pursue their aims...; adopt a uniform for their members or adopt clandestine parallel structures; use military, paramilitary or militarised organisation; [or] are subordinate to the policy of foreign governments, bodies or parties’. The 1991 law also makes provision for registered parties to receive state financial assistance on the basis of their support in the most recent general election and the number of candidates presented.” [45] (p10)

The HRW report July 2004 observed that there are 126 registered political parties in Angola. [5h] (p11) However, only 12 of the political parties have seats in the National Assembly. [1] (p60)

Parties Represented in the National Assembly

Aliança Democrática de Angola (AD)

Democratic Alliance of Angola

The AD was created by a number of opposition parties prior to the September 1992 multi - party elections. Taking 0.9 percent of the popular vote in the Assembly balloting, the party won one seat. Leader is Simba da Costo. [1] (p60)

Fórum Democrático Angolano (FDA)

Angolan Democratic Forum

Founded in 1992 by dissidents from UNITA, received one governmental position in 1992 and now has got one deputy at the Assembly. [67] (p7)

Frente Nacional de Libertacao de Angola (FNLA)

National Front for the Liberation of Angola.

Founded in March 1962 when the União das Populações de Angola (UPA) merged with the (Partido Democrático Angolano (PDA)). [1] (p61) [45] (p10) Since 1999 the FNLA has been split into two wings, one led by Holden Roberto and the other by Lucas Ngonda. [37a] (p1) The ACTSA report November 2004 stated that “The third largest political party in Angola, the FNLA, has chosen Alvaro Holden Roberto to lead it until he retires from political life before the country's presidential elections.” [37h] (p3)

Movimento Popular de Libertacao de Angola (MPLA)

Popular Movement for the Liberation of Angola

Founded in 1956 and backed by USSR. [45] (p10) Between 1961 and 1974 conducted guerrilla operations against colonial rule, has been the ruling party since independence achieved from Portugal in 1975. [1a] (p61) Between 1977 and 1992 known as the Movimento Popular de Libertacao de Angola – Partido de Trabalho (Popular Movement for the Liberation of Angola – Workers' Party, MPLA - PT). [1a] (p61) [45] (p12) In 1990 replaced Marxist-Leninist ideology with a commitment to democratic socialism. [1a] (p61) President is Jose Eduardo dos Santos. Secretary-General is Julião Mateus Paulo 'Dino Matrosse'. [4h] (p4)

Partido da Alianca da Juventude, Operarios e Camponeses de Angola (PAJOCA)

Party of the Alliance of Youth, Workers and Peasants of Angola

Founded in May 1991, the party has one seat in the National Assembly. [1][45] Led by Alexandre Sebastiao André. [22]

Partido Democratico Para Progresso - Alianca Nacional Angola (PDP - ANA)

Democratic Party for Progress - Angolan National Alliance

Led by Mfulumpinga Lando Victor until he was shot dead outside the party headquarters in July 2004. [4h] (p4) [38e] The PDA –ANA has one seat in the National Assembly. [1] (p1)

Partido Liberal Democratico (PLD)

Liberal Democratic Party

Gained three of the two hundred and twenty seats in the National Assembly. Led by Analia de Vitoria Pereira. [1] (p60-61)

Partido Nacional Democratico de Angola (PNDA)

Angolan National Democratic Party

The Secretary-General is Pedro Joao Antonio and the party is represented with one seat in the National Assembly. [1] (p60-61)

Partido Renovador Democratico (PRD)

Democratic Renewal Party

Led by Luis da Silva dos Passos, the party has one seat in the National Assembly. [1] (p60-61)

Partido Renovado Social (PRS)

Social Renewal Party

The party took third place in the Assembly balloting winning six seats. [1] (p60) Has one Minister and two Vice (deputy) Ministers in the GURN. [67] (p6) President: Eduardo Kwangana. [1] (p61)

Partido Social Democratico (PSD)

Social Democratic Party

The Presidential candidate, Bengue Pedro Joao was placed seventh in elections whilst the party gained one seat in the National Assembly. [1] (p60-61)

Uniao Nacional Para a Independencia Total de Angola (UNITA)

National Union for the Total Independence of Angola

Founded in 1966 to secure independence from Portugal and later received support from Portugal to oppose the MPLA. Joined forces with FNLA and conducted guerrilla campaign against the MPLA government with aid from some Western nations. [1] (p61) [45] (p11) Received intermittent support from South Africa and USA. Signed ceasefire agreement with MPLA in April 2002. Draws support mainly from Ovimbundu ethnic group. [1] (p61) Jonas Malheiro Savimbi, former President of UNITA was killed in battle on 22 February 2002. [1] (p45) [4a] (p2) [7] The new leader is Isaias Samakuva. [1] (p61)

Other Political Parties

Partido Democratico Angolana (PDA)

Angolan Democratic Party

The leader, Antonio Alberto Neto was placed third in the first round of Presidential elections in 1992 but the party failed to gain any representation in the National Assembly. [1] (p60-61)

Partido Democratico Liberal Angolan (PDLA)

Angolan Democratic Liberal Party

Leader is Honorato Lando. Not represented in the National Assembly. [1] (p60-61)

Convenção Nacional Democrata de Angola (CNDA)

Angolan National Democratic Convention

Leader: Paulino Pinto Joao. [1] (p60)

Movimento de Defesa dos Interesses de Angola - Partido Consciência Nacional (MDIA – PCN)

Leader: Isidoro Klala. [1] (p61)

Partido de Apoio Democratico e Progresso de Angola (PADPA) (Also known as PADEPA)

Party for the Support of Democracy and Progress in Angola

Created in June 1995. Has suffered repressive reactions to its public protests. [5h] (p11)
President: Carlos Leitao.

Partido Angolano Liberal (PAL)

Angolan Liberal Party Acting leader: Manuel Francisco Lulo. [1] (p61)

Partido Social Democratico de Angola (PSDA)

Angolan Social Democratic Party Leader: Andre Milton Kilandamoco. [1] (p61)

Cabinda Movements include:

Frente de Libertação do Estado de Cabinda (FLEC)

Front for the Liberation of the Enclave of Cabinda.

Founded in 1963 as a nationalist movement seeking separate independence for Cabinda province. [45] (p13) Comprises of several factions:

Frente de Libertação do Estado de Cabinda - Amardas de Cabinda (FLEC/FAC)

Front for the Liberation of the Enclave of Cabinda - Cabindan Armed Forces
Chair: Henrique Tiago N'Zita, Chief of State Commdr Estanislau Miguel Ngoma.
[1] (p61)

Frente de Libertação do Estado de Cabinda - Renovada (FLEC – R)

Front for the Liberation of the Enclave of Cabinda – Renewed.
President: Antonio Bento Bembe, Secretary-General Arturo Chibasa. [1] (p61) [45] (p13)

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Annex C

Prominent People - Past and Present

Beye Alioune Blondin	UN Secretary general's special representative to Angola (died in an air crash over Côte d'Ivoire in June 1998). [17a] (p7)
De Sousa Bornito	Chairman of the MPLA Parliamentary Party. [36w]
Dembo (General) Antonio Sebastiao	Vice President of UNITA. Interim President following Jonas Savimbi's death. Found dead a few days later. [1] (p45) [7h]
Diallo Issa	UN Secretary General's Special Representative to Angola 1998 – 1999 (Mr Beye's replacement). [17a] (p7)
dos Santos Jose Eduardo	President of the Republic of Angola since September 1979. [9]
Dos Santos , Fernando da Piedade Dias "Nando"	Prime Minister, installed in December 2002 [9]
Gambari Ibrahim	Former UN Secretary General's Special Representative to Angola. [4h] (p4) [17r]
Jaime Aguinaldo	Deputy Prime Minister. [3j]
Lukamba Armindo Lucas Paulo "Gato"	Interim leader of UNITA - March 2002 to June 2003. [37b] (p2)
Manuvakola Eugenio Antonino Ngolo	Former Secretary-General of UNITA - signed Lusaka Protocol on behalf of UNITA – Renovada. [8x]
Matos (General) Joao de	Former FAA Chief of Staff, replaced in January 2001. [1] (p45)
Mesquita João Santos de Carvalho	Deputy Governor of the Cabinda province. [8z]
Moura Dr Venancio da Silva	Late Foreign Minister - signed Lusaka Protocol on behalf of MPLA (Died 1999). [48c]

Neto (General) Armando da Cruz	Chief of staff of the FAA from January 2001 until June 2003. [37b] (p5)
Pena (General) Arlindo Chenda Isaac “Ben-Ben”	Deputy Chief of Staff, FAA. (Died October 1998). [3i]
Samakuva Isaias	President of UNITA. Returned to Angola in October 2002 after working as UNITA’s treasurer in London and UNITA’s representative in Paris. [7c] [8c] [8i]
‘Sanjar’ , (General) Agostinho Nelumba	Current FAA Chief of Staff. [4h] (p4)
Sapalalo (General) Altino “Bock”	Former UNITA Chief of General Staff - executed on Savimbi's orders in 2000. [25e]
Savimbi Dr Jonas	Former president of UNITA (killed in battle 22 February 2002). [1] (p45)

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Tribes and Languages

Ovimbundu (Singular: Ocimbundu). Language - Umbundu

This is a homogeneous group divided into 22 chiefdoms. The tribe is exclusive to Angola within the Central Plateau region.

Mbundu (usually Kimbundu). Language - Kimbundu

There are twenty main tribes: Ambundu, Luanda, Luango, Ntembo, Puna, Dembo, Bangala, Holo, Cari, Chinje, Minuungo, Bambeiro, Quilbala, Haco, Sende, Ngola, (or Jinga), Bondo, Songo, Quissama and Libola. This tribe is exclusive to Angola in the Luanda area fanning outwards to Cuanza Norte and Malange.

Bakongo (Singular Mukongo). Language - Kikongo

There are eight main tribes: Xikongo, Susso, Zombo, Sorongo, Iacas, Congo, Pombo and Suco. The Bakongo tribes are not exclusive to Angola - they are also found in neighbouring DRC and Congo (Brazzaville).

Lunda - Chokwe

There are seven main tribes: Lunda, Lunda-lua-Chindes, Lunda-Ndembo, Mataba, Cacongo, Mai, and Chokwe. The Luanda are not exclusive to Angola, found also in neighbouring DRC (Shaba Province) and Zambia (Western province) but the Chokwe proper are exclusive to Angola, in the Mexico region.

Ganguela

There are twenty main tribes: Luimbe, Lovale, Lutchazi, Bunda, Ganguila, Ambuela, Ambuila-Mambumbo, Econjeiro, Ngonoielo, Mbande, Cangale, Iahuma, Gengista, Nicoia, Canachi, Ndungo, Nhengo, Nhemba, and Avico.

Nyaneka - Humbe

There are ten main tribes: Muilas, Gambos, Humbes, Donguenas, Hingas, Cuancuas, Handas, Quipungos, Quilengues-Humbes and Quilengues-Musos. The tribe is exclusive to Angola in Huila and Cunene provinces of the South.

Ambo (pl. Ovambo). Language - Oshivambo

There are four main tribes inside Angola: Cuanhama, Cuamatui, Evale and Cafima. The Cuanhama (or Cuanyama) is also found in neighbouring Namibia.

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Election Results

The results of the Presidential and Legislative elections published on 17 October 1992 were as follows:

Presidential:

Candidate	Number of votes	Percent of votes
Jose Eduardo dos Santos (MPLA)	1,953,335	49.57
Dr Jonas Malheiro Savimbi (UNITA)	1,579,298	40.07
Antonio Alberto Neto (PDA)	85,249	2.16
Holden Roberto (FNLA)	83,135	2.11
Honorato Lando (PDLA)	75,789	1.92
Luis dos Passos (PRD)	59,121	1.47
Bengui Pedro Joao (PSD)	38,243	0.97
Simao Cacete (FPD)	26,385	0.67
Daniel Julio Chipenda (Independent)	20,646	0.52
Analla de Victoria Pereira (PLD)	11,475	0.29
Rui de Victoria Pereira (PRA)	9,208	0.23
Total	3,940,884	100.00

[1] (p60)

National Assembly:

Party	Votes	Percent of votes	Seats
MPLA	2,124,126	53.74	129
UNITA	1,347,636	34.10	70
FNLA	94,742	2.40	5
PLD	94,269	2.39	3
PRS	89,875	2.27	6
PRD	35,293	0.89	1
AD	34,166	0.86	1
PSD	33,088	0.84	1
PAJOCA	13,924	0.35	1
FDA	12,038	0.30	1
PDP-ANA	10,620	0.27	1
PNDA	10,281	0.26	1
CNDA	10,237	0.26	-
PSDA	19,217	0.26	-
PAI	9,007	0.23	-
PDLA	8,025	0.20	-
PDA	8,014	0.20	-
PRA	6,719	0.17	-
Total	3,952,277	100.00	220

According to the Constitution the total number of seats in the National Assembly is 223. On the decision of the National Electoral Council, however, elections to fill three seats reserved for Angolans resident abroad were abandoned.

[1] (p60)

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Glossary

ACTSA	Action for Southern Africa
AFP	Agence France Presse
AI	Amnesty International
AJPD	Association for Justice, Peace and Democracy
ANDA	National Association of Handicapped
ANGOP	Angola Press Agency
ANP	Angolan National Police
BBC	British Broadcasting Corporation
CAPDC	Centro de Apoio a Promocao e Desenvolvimento de Comunidades
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CEFOJOR	Centro de Formação de Jornalistas de Angola
CGSILA	General Centrale of Independent and Free Labour Unions of Angola
CIA	Central Intelligence Agency
CIRCA	Cambridge International Reference on Current Affairs
CIDCM	Center for International Development and Conflict Management
CNN	Cable News Network
CPJ	Committee to Protect Journalists
DRC	Democratic Republic of Congo
DRM	Department of Recruitment and Mobilisation
EIU	Economy Intelligence Unit
FAA	Forças Armadas de Angola / Angolan Armed Forces
FALA	Forças Armadas de Libertação de Angola / Armed Forces for the Liberation of Angola
FAPLA	Forças Armadas Populares de Libertação de Angola
FCO	Foreign and Commonwealth Office
FGM	Female Genital Mutilation
FLEC	Frente de Libertação do Estado de Cabinda / Front for the Liberation of the Cabinda Enclave
FLEC - R	Frente de Libertação do Estado de Cabinda– Renovada / Front for the Liberation of the Cabinda Enclave - Renewed
FLEC – FAC	Frente de Libertação do Estado de Cabinda- Forças Armadas Cabindesas // Front for the Liberation of the Cabinda Enclave -

Cabindan Armed Forces

FNLA	Frente Nacional de Libertacao de Angola / National Front for the Liberation of Angola
GDP	Gross Domestic Product
GoA	Government of Angola
GURN	Government of Unity and Reconciliation
HDI	Human Development Index
HRW	Human Rights Watch
IBA	International Bar Association
ICCPR	International Covenant of Civil and Political Rights
ICESCR	International Covenant on Civil and Political Rights
ICFTU	International Confederation of Free Trade Unions
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person/People
ILGA	International Lesbian and Gay Association
IMF	International Monetary Fund
INAC	National Institute for Children
IRIN	Integrated Regional Information Networks
ISS	Institute for Security Studies
JURA	United and Revolutionary Youth of Angola
KZR	Readjusted Kwanza
LAC	Radio Luanda Antena Comercial
LIMA	Liga da Mulher Angolana
MONUA	United Nations Civilian Observer Mission
MOU	Memorandum of Understanding
MPLA	Movimento Popular de Liberatacao de Angola / Popular Movement for the Liberation of Angola
NGO	Non-Governmental Organisation
OCHA	United Nations Office for the Co-ordination of Humanitarian Affairs
OPM	United States Office of Personal Management
PADEPA	Partido de Apóio Democrático e Progresso de Angola / Party for the Democratic Support and Progress of Angola
PGDR	General Demobilisation and Reintegration Programme
RI	Refugees International
RE	Rádio Ecclésia

RNA	Rádio Nacional de Angola
RSF	Reporters sans frontières
SIMA	Independent Union of Maritime and Related Workers
TI	Transparency International
TPA	Television Popular Angola
UN	United Nations
UNAIDS	United Nations Programme of HIV/AIDS
UNAVEM	United Nations Angola Verification Mission
UNDP	United Nations Development Programme
UN DPKO	United Nations Department of Peacekeeping Operations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNITA	Uniao Nacional Para a Independencia Total de Angola National / Union for the Total Independence of Angola
UNMA	United Nations Mission in Angola / United Nations Human Rights Office
UNOA	United Nations Office in Angola
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UNTA	Union of Angolan Workers
USCR	United States Committee for Refugees
USSD	United States State Department
UXO	Unexploded Ordnance
VVAF	Vietnam Veterans of America Foundation
WFP	World Food Programme
WHO	World Health Organisation

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The Media

The press was nationalised in 1976. The following is a list of major newspapers, radio, and television stations in Angola. If known, an indication is given as to whether the publication (or channel) is state run or independent.

DAILIES

Diario da Republica: CP 1306, Luanda - official govt bulletin.

O Jornal De Angola: Rua Rainha Ginga 18-24, CP 1312, Luanda: Director General Luis Fernando. A government publication founded 1923 issued daily: circulation. 41,000. Newspapers are also published in several regional towns.

PERIODICALS

Actual: Rua Pedro Felix Machado, Luanda. (Independent)

Agora: Rua Comandante Valodia, Luanda. (Independent)

Angola Norte: CP 97, Malanje, published weekly

Angolense: Luanda [5h] (p10)

A Capital: Luanda (Independent) [5h] (p10)

A Celula: Luanda, political journal of MPLA, published monthly.

Comercio Actualidade: Rua Da Missao 81, Luanda. (Independent)

Comercio Externo: Rua da Missao 85, CP 6375, Luanda;

Correio da Semana: Rua Rainha Ginga 18-24, CP 1213, Luanda, published weekly.
Editor-in-Chief: - Manuel Dionisio.

Eme: Rua Ho Chi Minh, Luanda; 1996; MPLA publication.

Fohla 8: Rua Conselheiro Julio de Vilhena 24, 5º andar, Luanda; (Independent)

Horizonte: Rua da Samba 144, 1º andar, Luanda.

O Independent: Luanda [5h] (p10)

Jornal de Benguela: CP 17, Benguela, published twice a week.

Kwacha Review: A UNITA weekly published in English.

Lavra & Oficina: CP 2767-C, Luanda; founded 1975, journal of the Union of Angolan Writers; published monthly, circulation - 5,000.

Militar: Luanda, founded 1993. Editor-in-Chief: Carmo Neto.

Novembro: CP 3947, Luanda - tel. (2) 331660, published monthly. Director: Roberto De Almeida.

O Planalto: CP 96, Huambo. Published a week.

Semanário Angolense: Luanda [5h] (p10)

Tempos Novos: Avda Combatentes 244, 2º andar, CP 16088, Luanda.

A Voz do Povo: Rua Jaoa de Deus 99-103, Vila Alice, Luanda.

A Voz do Trabalhador: Avda 4 de Fevereiro 210, CP 28, Luanda -Journal of Uniao Nacional de Trabalhadores Angolanos (National Union of Angolan Workers) published monthly.

RADIO STATIONS

Luanda Antenna Comercial: Largo Luther King, Luanda. (Independent) *Broadcasts in Luanda Only*

Radio Ecclesia: Rua Comandante Bula 118, Luanda. (Independent/Catholic) *Broadcasts in Luanda only*

Radio Nacional de Angola: Avenida Comandante Gika, Luanda. (State) *Broadcasts countrywide and has regional stations.*

Radio Morena: Benguela based (Independent)

TELEVISION

Televisao Popular de Angola: Avenida Comandante Valodia, Luanda. (State) *Broadcasts nationally.*

WT Mundovideo: Local broadcaster in Luanda

[1](p62)

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Annex H

Political Makeup of Government

Head of State

President: Jose Eduardo dos Santos (MPLA)

Council of Ministers

Prime Minister: Fernando da Piedade Dias dos Santos "Nando" (MPLA) [9] [10b]

Deputy Prime Minister: Aginaldo Jaime (MPLA) [9] [10b]

Minister of National Defence: Gen. Kundi Paihama (MPLA) [9] [10b]

Minister of the Interior: Oswaldo de Jesus Serra Van Dunem [10b]

Minister of Foreign Affairs: Joao Bernardo de Miranda (MPLA) [9] [10b]

Minister of Justice: Dr. Manuel Miguel da Costa Aragão [10b] [37f] (p3)

Minister of Territorial Administration: [Dr.] Virgilio [Ferreira de] Fontes Pereira [10b] [37f] (p2)

Minister of Planning: Ana Afonso Dias Lourenco (f) (MPLA) [9] [10b]

Minister of Finance: Jose Pedro de Morais (MPLA) [9] [10b]

Minister of Petroleum/Oil: Desiderio da Graca Verissimo da Costa (MPLA) [9] [10b]

Minister of Fisheries: Salomão Luheto Xirimimbi (MPLA) [9] [10b]

Minister of Industry: Joaquim Duarte da Costa David (MPLA) [9] [10b]

Minister of Agriculture and Rural Development: Gilberto Buta Lutukuta (MPLA) [9] [10b]

Minister of Geology and Mines: Manuel António Africano (UNITA) [9] [10b]

Minister of Public Administration, Employment and Social Welfare: Dr. António Domingos Pitra da Costa Neto (MPLA) [9] [10b]

Minister of Health:	[Dr.] Sebastião Sapuile Veloso [10b] [37f] (p2)
Minister of Education:	António Burity da Silva Neto (MPLA) [9] [10b]
Minister of Culture:	Boaventura Cardoso (MPLA) [9] [10b]
Minister of Science and Technology:	João Baptista Ngandagina (PRS) [9] [10b]
Minister of Transport:	André Luís Brandao (MPLA) [9] [10b]
Minister of Posts and Telecommunications:	Licínio Tavares Ribeiro (MPLA) [9] [10b]
Minister of Family and Women's Advancement:	Cândida Celeste da Silva (f) (MPLA) [9] [10b]
Minister of Ex-servicemen and War Veterans:	Pedro José van-Dúnem (MPLA) [9] [10b]
Minister of Youth and Sports:	José Marcos Barrica (MPLA) [9] [10b]
Minister of Public Works:	Francisco Higinio Carneiro (MPLA) [9] [10b]
Minister of Commerce:	Joaquim Ekuma Maufumua [10b]
Minister of Hotels and Tourism:	[Dr.] Eduardo Jonatao Chingunji (UNITA) [10b]
Minister of Assistance and Social Reintegration:	João Baptista Kussumua (MPLA) [9] [10b]
Minister of Information:	Manuel Antionio Rabelais [37c] (p1)
Minister of Energy and Water:	José Maria Botelho de Vasconcelos (MPLA) [9] [10b]
Minister of Urban Affairs and the Environment:	Diakunpuna Sita Jose [10b]

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Child Care

The following table details the services provided by province. The information therein refers to the level of state provision for children as of September 2002.

Province	Number of Centres	Total number of children	Age range	Educational level /support
Bengo	1	150	No figures	No information
Benguela	18	1,545	1-17 years	Primary - Under graduate (G12)
Bié	1	98	No figures	No information
Cabinda	3	326	0-17 years	Primary - Secondary (G7)
Cuene	2	No figures	No figures	No information
Huambo	10	440	No figures	No information
Huíla	6	No figures	3-17 years	Primary - Secondary (G8)
Kuando Kubango	1	78	12-17 years	Secondary (G5-6)
Kuanza Norte	No facilities available			
Kuanza Sul	No facilities available			
Luanda	21	3,484	0-20 years	Primary - High school (G9-10)
Lunda Norte	2	50	No figures	No information
Lunda Sul	2	79	3-15 years	Primary - Secondary (G6)
Malange	8	503	5-17 years	Primary - High school (G9-10)
Moxico	2	239	0-17 years	Primary - Secondary (G5)
Namibe	1	38	0-17 years	Primary - Secondary (G8)
Uíge	4	204	0-17 years	Primary to Secondary (G6)
Zaire	1	23	10-16 years	Primary (G1-3)
Total	81	7756	-	-

(G7, 8 etc. refers to the specific school year)

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