

## **“Take That Filth Away”**

**Police Abuses Against Street Vendors in Angola**

Copyright © 2013 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-62313-0589

Cover design by Rafael Jimenez

Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



# “Take That Filth Away”

## Police Abuses Against Street Vendors in Angola

<b>Summary .....</b>	<b>1</b>
<b>Recommendations.....</b>	<b>3</b>
<b>Methodology.....</b>	<b>5</b>
<b>I. Background.....</b>	<b>7</b>
New Move against Street Trading .....	8
Post-War Restrictions on Informal Trade.....	8
The Extreme Poverty of Luanda’s Street Vendors .....	10
Lack of Adequate Housing, Secure Land Tenure, and Access to Basic Services .....	12
Lack of Identity Cards .....	13
Lack of Viable Alternatives to Street Trading .....	15
<b>II. Abuses against Street Traders .....</b>	<b>18</b>
Beatings, Degrading, and Humiliating Treatment.....	18
Seizure of Goods and Extortion .....	22
Arbitrary Detentions.....	26
<b>III. Angola’s Legal Obligations.....</b>	<b>32</b>
International Law.....	32
Angolan Law.....	34
<b>IV. The Government’s Response.....</b>	<b>35</b>
<b>Acknowledgments.....</b>	<b>38</b>



## Summary

Where I sell there are many *zungueiras* [female street vendors] with babies on their backs. The police and *fiscais* [government inspectors] arrive on motorcycles. They kick us and throw our goods to the ground, sometimes they take them, unless we pay. They say, “Take that filth away. This is not a place to sell.” We tell them, “Where should we go? There are no markets for us. What are you doing with our things?” Others remain silent. They are afraid.

—22-year-old female street vendor who sells water close to the railway line in Viana, Luanda, January 2013

In October 2012 the provincial governor of Luanda, Bento Sebastião Bento, announced measures to end informal street trading in Angola’s capital. This included removing vendors from the street, registering them, and transferring them to formal markets that the authorities said were being renovated or constructed.

Since then, the police and government inspectors (known as *fiscais*) have increasingly conducted joint operations against street traders throughout Luanda, frequently beating street traders, including pregnant women and women with babies on their back. Police and *fiscais* also routinely seize goods, extort bribes, threaten to detain, and in some cases arrest street vendors during the roundups.

The authorities have also intimidated, harassed, and arbitrarily arrested journalists, activists, and witnesses who seek to document the abuses. Such intimidation has contributed to the underreporting of mistreatment of street vendors, despite daily incidents occurring in public view. Impunity for the officials responsible for such abuses remains the rule.

This report describes cases of abuses by police and inspection agents during roundups of street traders, based on field research in January and April 2013, during which Human Rights Watch interviewed 73 street vendors in Luanda. We also interviewed activists, journalists and local government and police officials.

Most street vendors in Luanda are women who live in extreme poverty; they belong to the more than 50 percent of Angola's population surviving, according to the United Nations Development Programme (UNDP), on less than US\$1.20 a day. The abuses faced by street vendors are often compounded by the fact that the street traders are among those who were displaced from their rural towns or villages during Angola's long civil war and fled to the capital more than a decade ago. The violations of their basic rights have further raised concerns about the failure of government, despite massive increases in oil revenues, to protect the rights of its citizens, including these street traders. Most street vendors live in informal settlements often in urban outskirts without access to basic services and no legal protection from forced evictions and other human rights violations. Many have no education or are illiterate, and do not even possess identity documents, which further jeopardizes their ability to work and obtain basic services.

In oil-rich Angola, informal street trading has long been one of the main sources of income for millions of poor citizens. The most recent move to ban informal street trading in Luanda city is part of a long-term, post-civil war effort to restrict the informal sector through mass forced evictions of people living in informal housing settlements as well as through the relocations of street traders. Both sets of removals affect the poor who have not benefited from Angola's post-war economic boom and struggle to survive in an environment of skyrocketing living costs.

The Angolan government should take immediate steps to investigate allegations that police and other government officials routinely abuse and extort money from street vendors. The government should ensure that perpetrators of abuses are appropriately disciplined or prosecuted, and provide adequate redress to victims. It should establish effective supervision of police and inspectors during enforcement operations against street traders and make sure that officials are properly trained to respect the rights of street vendors, including the many women accompanied by their children and those who are pregnant.

The government should also address some of the underlying conditions that contribute to the poverty and extreme vulnerability of street vendors to abuse. For instance, the governments should take action to ensure that street vendors and others living in extreme poverty are able to obtain access to identity cards, which are required for government services.

## Recommendations

### To the Government of Angola

- Issue clear and public orders to law enforcement officials to cease unlawful use of force, arbitrary arrest and detention, and unlawful seizure of goods and extortion against street vendors.
- Ensure that street vendors and others who are victims of police abuses have effective remedies, and receive adequate redress and medical assistance.
- Cease the use of unofficial agents in law enforcement operations involving the removal of street vendors.
- Ensure that law enforcement officials cease rights violations against journalists, witnesses and others reporting on the treatment of street vendors, and other abuses.
- Ratify the Convention against Torture and its Optional Protocol and adopt national legislation to comply with international human rights obligations.
- Ensure that special efforts are made for the next full census to reach and document people who live in extreme poverty, including those working in the informal sector, in order to assist government efforts to help this underserved population.
- Facilitate easier access to identity documents for all citizens, particularly people who were internally displaced during the war, those living in extreme poverty, and their children.

### To the National Police of Angola and the Ministry of Interior

- Promptly investigate alleged abuses against street vendors by police, government inspectors (*fiscais*) and informal agents and discipline or prosecute those responsible as appropriate. Suspend officials while investigations are pending.
- Ensure that all police officers, government inspectors and other officials participating in removals of street traders possess valid identification and identify themselves to members of the public.



- Provide training to law enforcement officials and government inspectors involved in enforcement operations against street vendors to ensure they abide by all legal requirements, including restrictions on the use of force. Particular attention should be given to properly dealing with vendors who are women and children.
- Establish effective and independent accountability and oversight mechanisms; raise awareness on and reinforce existing complaints mechanisms to prevent abuses against street vendors; and respond to complaints in a prompt and timely manner.
- Take all appropriate measures, including disciplinary action, to ensure that law enforcement officials cease abuses against journalists, witnesses and others reporting on the treatment of street vendors and others.

### **To the Attorney-General's Office**

- Promptly and impartially investigate alleged abuses against street vendors by police, government inspectors (*fiscals*) and informal agents, if no appropriate action is taken by the police, and prosecute those responsible.

## Methodology

This report is based on 93 interviews conducted by a Human Rights Watch researcher during two research trips to Luanda totaling five weeks, in January and April 2013. Seventy-three street vendors were interviewed, including 54 women, 12 men, 4 girls and 3 boys. Additional interviews were conducted with witnesses to abuses, activists, journalists and local officials. All interviews were conducted in Portuguese. While this report focuses on the capital and province of Luanda, informal street trading is a wide-spread phenomenon in most urban areas of Angola.

The interviews with street vendors were conducted in peri-urban (city outskirts) and urban neighborhoods and shantytowns of the province of Luanda, including in the municipalities of Viana, Cacuaco and Cazenga, as well as in the Maianga, Ingombotas and Rangel districts of the central municipality of Luanda.<sup>1</sup> Most interviewees were approached at random in bigger informal markets that have developed around existing formal markets (such as Congolenses, S. Paulo and the former Estalagem market), in the urban centers of Viana and Cacuaco municipality, or along the street. Thirteen interviews were conducted privately and at greater length, either in the homes of street vendors or in a Roman Catholic Church community center.

Human Rights Watch also interviewed members and representatives of nongovernmental organizations, including the Centro Cultural Mosaiko, SOS-Habitat, the Liga das Mulheres de Negócio de Viana, the Plataforma das Mulheres em Acção, Development Workshop, and Mãos Livres, as well as journalists, human rights activists, and witnesses of abuses.

Human Rights Watch interviewed local government officials, including then-provincial police commander of Luanda, Elizabeth Ranque Franque, who left the post in June; the municipal administrator of Viana, José Moreno, and the director of the inspection department of the municipal administration of Viana, Domingos Adriano. In January and April, Human Rights Watch formally requested meetings with the governor of Luanda and the Central Inspection Department (*Departamento de Fiscalização*) of the provincial

---

<sup>1</sup> The province of Luanda is composed of seven municipalities: Belas, Cazenga, Viana, Cacuaco, Icolo e Bengo, Quissama and Luanda, with the latter including six urban districts (Maianga, Ingombotas, Kilamba Kiaxi, Rangel, Samba, and Sambizanga).

government of Luanda, but did not receive any response. On several occasions Human Rights Watch also spoke informally with police officers and government inspectors (*fiscais*).

Human Rights Watch also visited a number of formal markets, such as S. Paulo and Congolenses, as well as smaller, new, or recently rehabilitated formal markets in several areas of Viana and Cazenga, and spoke with vendors about the access and business conditions there.

Human Rights Watch faced considerable constraints in conducting this research. While many street vendors were willing to speak out about abuses, most interviewed at work live in constant fear of imminent roundups, which in some places occur repeatedly in the course of a single day. Many street vendors do not have a mobile phone or are often unable to recharge it due to the lack of electricity in their homes, which made it difficult to arrange private and longer follow-up interviews in a more secure environment.

Furthermore, as described in the report, Angolan police and plainclothes security agents monitor investigations related to the informal sector extremely closely. In the course of conducting the research for this report, the Human Rights Watch researcher was repeatedly monitored and several times police and plainclothes security agents stopped the researcher's interactions with street traders. As has happened to many Angolan journalists and activists, the Human Rights Watch researcher and driver were also harassed and briefly detained by security agents.

The Angolan journalist Coque Mukuta, a stringer for the Portuguese service of Voice of America, assisted the Human Rights Watch researcher during visits to informal markets and facilitated interviews with some street traders and local government and police officials.

Human Rights Watch did not offer victims or witnesses of abuses any incentive for speaking. Most street vendors and others interviewed for this report requested that their names be withheld for security reasons.

# I. Background

After gaining independence from Portuguese colonial rule in 1975, Angola experienced 27 years of civil war. During the devastating war, millions of people fled rural areas and provincial towns, many of them for the capital, Luanda. By the end of the conflict in 2002, four million Angolans throughout the country were officially counted as internally displaced persons, half a million people were living outside the country as refugees, and the estimated 290,000 former combatants needed to find new livelihoods.

Since 1991, the population of Luanda has quadrupled to an estimated six million people due to an influx of war displaced and a later migration for labor. Many of the displaced, former combatants, and other vulnerable groups found some form of employment in the so-called informal sector in Luanda and other cities. This included irregular, hand-to-mouth jobs such as street vendors, car washers, motorcycle taxi drivers or other similar services.

Several of the biggest informal markets in Luanda were established without authorization in the 1980s but were tolerated by the authorities, despite sporadic repressive measures such as roundups. That tolerance has declined in recent years as Angola moves from a post-war phase into a new era, a chapter in which the government seeks to bolster its status as a major oil exporter and present a new image regionally and internationally.

Luanda has received the lion's share of resources.<sup>2</sup> The city with its extremely high living costs for its residents—rated as the world's most expensive for expatriates in 2012 and 2013—has increasingly become a symbol of extremes, with extraordinary wealth and extreme poverty side by side.<sup>3</sup> Human Rights Watch and other organizations have documented the immense scale of corruption and financial mismanagement in Angola since the civil war; at the same time, millions of impoverished Angolans have been deprived of access to basic social services.<sup>4</sup> Angola has ranked among the most corrupt countries for many years in Transparency International's Corruption Perceptions Index—in

---

<sup>2</sup> "Posição do OPISA e da ADRA sobre o OGE 2013," January 2013.

<sup>3</sup> Luanda's rating is based on a comparative survey of 214 cities in the world by the consultancy firm Mercer. "2013 Cost of Living City Rankings," <http://www.mercer.com/articles/cost-of-living-2012> (accessed September 4, 2013).

<sup>4</sup> Human Rights Watch, *Transparency and Accountability in Angola: An Update*, April 2010. [http://www.hrw.org/sites/default/files/reports/angolao410webwcover\\_1.pdf](http://www.hrw.org/sites/default/files/reports/angolao410webwcover_1.pdf).

2012, it ranked 157 out of 174 countries.<sup>5</sup> While Angola's growth rates and the share of wealth accumulated by Angola's elite have soared, almost exclusively due to oil revenues, there has been little evident benefit for the millions of Angolans living in poverty, many of them, like the street vendors, on the fringes of the capital.

## New Move against Street Trading

In October 2012, Luanda's provincial governor, Bento Joaquim Sebastião Francisco Bento, announced measures to end informal street trading in Luanda, including removing vendors from the street, registering them, and transferring them to formal markets that are being renovated or constructed.<sup>6</sup>

Current Angolan law restricts "ambulant trade" in urban and peri-urban areas to licensed trade activities at locations assigned by the authorities.<sup>7</sup> The 2010 Regulation on Licensing of Commercial Activities and Trade Service Providers requires licenses to be issued by the municipal authorities to "ambulant vendors," which entitles them to trade only in specific markets assigned to them.<sup>8</sup> The 2011 Angolan law on administrative infractions includes a number of offenses related to street trading that can incur financial penalties, such as selling goods out of unauthorized places, obstructing the transit of people and cars, and selling food without appropriate hygienic conditions.<sup>9</sup>

## Post-War Restrictions on Informal Trade

The recent ban on informal and street trading in Luanda city is not the first government campaign to restrict informal trading. Since the end of the civil war in 2002, the government has increasingly moved to restrict street traders from urban centers as part of a broader effort to reduce the informal sector, which also includes mass forced evictions of

---

<sup>5</sup> Transparency International, "Corruption Perceptions Index," 2012. <http://cpi.transparency.org/cpi2012/results/> (accessed August 17, 2013).

<sup>6</sup> In January, the governor of Luanda promised the construction of 50 markets in Luanda in the following months. "Província de Luanda contará com mais de 50 mercados," *Angop*, January 29, 2013.

<sup>7</sup> Law on commercial activities (07/14) of May 14, 2007.

<sup>8</sup> Regulation on Licensing of Commercial Activities and Trade Service Providers enacted by Presidential Decree 288/10 on November 30, 2010, arts. 21, 26-27.

<sup>9</sup> Law on administrative infractions [Lei das transgressões administrativas] (law 12/11) of February 16, 2011, arts. 6(e), 7(b), and 10(i) (accessed August 4, 2013).

communities from informal settlements.<sup>10</sup> Both removals, which have taken place in Luanda as well as several provincial capitals, have mainly affected the poor and displaced, many of whom were displaced from rural to urban areas during the civil war.

Over the past decade of peace, the government closed down a number of the more established informal markets in Luanda in an attempt to channel informal trade to formal markets that meet hygiene and quality standards, and boost modern urban development in Luanda.

In February 2004 the authorities ordered the closure of the informal Estalagem market in Viana, and the transfer of about 11,000 vendors to more peripheral markets. The forcible removals resulted in violent clashes between protesting vendors and the police.<sup>11</sup> In September 2010, the authorities also closed the Roque Santeiro market, the biggest open informal market in Luanda close to Luanda's port, relocating about 6,000 vendors to a newly built market in Panguila in the periphery of Cacuaco municipality. Local media have reported a number of cases of unnecessary or excessive use of force by the police, including injuries and deaths resulting from the use of firearms by police and inspection officials during the forcible removal of street traders following the closure of larger informal markets.<sup>12</sup>

Currently, the premises of both the former Roque Santeiro and Estalagem markets are urban wasteland, while street trading has expanded all over Luanda: on sidewalks, along roads and the railway line, at bus and taxi stations, pedestrian bridges, around formal markets and in residential neighborhoods. Newly established or rebuilt formal markets have so far failed to absorb the vast majority of Luanda's street traders.

---

<sup>10</sup> On forced evictions see Human Rights Watch, *Angola – They Pushed Down the Houses: Forced Evictions and Insecure Land Tenure for Luanda's Urban Poor*, May 2007, vol. 19, no. 7(A), <http://www.hrw.org/reports/2007/angola0507/>; World Report (New York: Human Rights Watch, 2010), Angola, p. 78, <http://www.hrw.org/sites/default/files/reports/wr2010.pdf>; World Report (New York: Human Rights Watch, 2011), Angola, <http://www.hrw.org/world-report-2011/angola-o>; "Angola: Scores Detained, Convicted After Forced Evictions," Human Rights Watch news release, February 26, 2013, <http://www.hrw.org/news/2013/02/26/angola-scores-detained-convicted-after-forced-evictions>.

<sup>11</sup> On March 7, 2004, a crowd of several thousand former vendors of Estalagem staged a protest against the closure of the Estalagem market, throwing stones against buses and cars. The police fired into the crowd, killing at least one man and wounding at least four people. See "Revolta popular em Luanda provoca vários mortos," *Voz da America*, March 8, 2004; "Polícia mantém posições na Estalagem," *Voz da America*, March 9, 2004.

<sup>12</sup> "Polícia mata vendedora ambulante," *Agora*, December 8, 2007; "Polícia acusada de espancar 'zungueira' até a morte," *Folha 8*, March 3, 2010; "Quando vejo um polícia sinto medo e muita raiva," *Angolense*, December 18, 2010.

In October 2012, Luanda’s governor acknowledged that the peripheral market in Cacuaco that had been built for transferred Roque Santeiro vendors had failed to attract vendors, who have opted instead to resume informal street selling.<sup>13</sup>

Before the closure of Roque Santeiro, in order to avoid protests, the authorities had conducted consultations with vendors. Human Rights Watch is not aware of any subsequent consultations that go beyond local “awareness campaigns” to convince street traders to comply with the law and move to formal markets.

The visible expansion of street trading all over Luanda appears to be partly due to the failure of previous government measures to relocate informal traders to the city outskirts and move them into formal market structures. But it is also a result of ongoing migration from rural areas and provincial towns to Luanda, which continues to receive the majority of public investments. However, the expansion of street trading appears to be the most visible manifestation of the government’s failure to provide opportunities for ordinary Angolans to earn a living, despite the country’s rising oil wealth.<sup>14</sup>

## The Extreme Poverty of Luanda’s Street Vendors

The living conditions of Angola’s street vendors match the definition of “extreme poverty” as laid down in the United Nations Guiding Principles on Extreme Poverty and Human Rights adopted by the UN Human Rights Council in 2012: “the combination of income poverty, human development poverty and social exclusion” in which “a prolonged lack of basic security affects several aspects of people’s lives simultaneously, severely compromising their chances of exercising or regaining their rights in the foreseeable future.”<sup>15</sup>

There are no statistics on the number and profile of street traders in Angola, or how many of them are internally displaced persons (IDPs). Angola has not had a census since 1970, and efforts to conduct a new census, now scheduled for 2014, have been repeatedly

---

<sup>13</sup> “Governadores do Bengo e de Luanda analisam inutilidade do mercado do Panguila,” *Angop*, October 23, 2012.

<sup>14</sup> For instance, in January, Isabel dos Santos, the elder daughter of Angola’s president, Jose Eduardo Dos Santos, who has been in power since 1979, was named Africa’s first female billionaire. Kerry A. Dolan, “Isabel Dos Santos, Daughter of Angola’s President, Is Africa’s First Woman Billionaire,” *Forbes*, January 23, 2013.

<sup>15</sup> Human Rights Council: Final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda Carmona (2012), UN.doc. A/HRC/21/39, adopted by the Human Rights Council at the 21<sup>st</sup> session in September 2012, <http://daccess-ods.un.org/TMP/5549938.67874146.html> (accessed March 30, 2013).

delayed since 2007.<sup>16</sup> The lack of updated and reliable social statistics and disaggregated data has undermined independent monitoring of Angola's policies and practices affecting social and economic rights, and efforts at reform.<sup>17</sup>

In 2010 the Angolan government stated that 37 percent of the population was living on less than US\$1 a day, claiming that the Millennium Development Goal to reduce poverty by half by 2015 had already been fulfilled at 93 percent since the end of the civil war.<sup>18</sup> However, according to the 2013 UN Human Development Index, Angola remains among the 40 countries with the lowest human development, ranking 148 of 186 countries, with 54 percent of the population living below \$1.25 per day, and a life expectancy of 51.5 years.<sup>19</sup> The World Bank said in 2009 that more than 67 percent of Angola's population was living on less than \$2 a day.<sup>20</sup>

In surveys conducted in the last years of the civil war, the government acknowledged the importance of the informal sector for the population's livelihood, particularly in urban areas. At that time two-thirds of Angola's economically active population worked in the informal sector, which employed at least one person in 78 percent of Luanda's households.<sup>21</sup> The results of a new survey on the informal sector conducted by the Ministry of Economy in 2012 has not yet been published.<sup>22</sup>

---

<sup>16</sup> A pilot census was conducted in 2013 in nine municipalities in seven provinces.

<sup>17</sup> United Nations Committee on Economic, Social and Cultural Rights, "Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant, Concluding observations: Angola," E/C.12/AGO/CO/3, December 1, 2018, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/Go8/456/10/PDF/Go845610.pdf?OpenElement> (accessed August 3, 2013), para. 8.

<sup>18</sup> In its third Millennium Development Goals report, the Angolan government claimed that the percentage of people living on less than US\$1 a day decreased from 68 percent in 2001 to 38 percent in 2009, based on data of the National Statistics Institute. In an interview given to the Portuguese television channel SIC in June 2013, President José Eduardo Dos Santos spoke about 35 percent of poor in Angola. República de Angola, Ministério do Planeamento: Relatório sobre os Objectivos de Desenvolvimento do Milénio, September 2010, [http://mirror.undp.org/angola/LinkRtf/ANGOLA\\_2010\\_MDG\\_REPORT.pdf](http://mirror.undp.org/angola/LinkRtf/ANGOLA_2010_MDG_REPORT.pdf).

<sup>19</sup> UNDP, *Human Development Index 2013*, Angola country profile, <http://hdrstats.undp.org/en/countries/profiles/AGO.html> (accessed August 2013).

<sup>20</sup> World Bank data on poverty headcount ratio is at \$2 a day (PPP) (percent of population), <http://data.worldbank.org/indicator/SI.POV.2DAY> (accessed August 15, 2013).

<sup>21</sup> Data from the National Statistics Institute of 2000/2001, quoted in Agence Francaise de Developpement: Vocational training in the informal sector, Report on the Angola field study, Working Paper 35, November 2006, <http://www.afd.fr/webdav/site/afd/shared/PUBLICATIONS/RECHERCHE/Scientifiques/Documents-de-travail/035-document-travail-VA.pdf>.

<sup>22</sup> "Projecto para desinformalizar economia será implementado no segundo semestre," *Jornal de Economia e Finanças*, January 3, 2012.



As in other developing countries in the world with a large informal sector, most people engaged in informal street trading (*zunga*) in Luanda are women and girls, commonly called *zungueiras*.<sup>23</sup>

Female street vendors interviewed by Human Rights Watch typically came from rural areas and provincial towns to Luanda during the civil war, live in informal settlements, are poorly educated or are illiterate. Many are undocumented, support up to seven children through street trading and often carry small children on their backs or are pregnant when working in the streets.<sup>24</sup> While the research conducted by Human Rights Watch that formed the basis of this report was not a comprehensive survey, our findings indicate that the vulnerability to abuses of many street traders in Luanda is compounded by a range of concerns related to their economic and social rights.

### *Lack of Adequate Housing, Secure Land Tenure, and Access to Basic Services*

Most street traders Human Rights Watch interviewed in Luanda live in informal settlements, in neighborhoods that lack basic services, such as access to running water, electricity and basic sanitation. Seventy-five percent of Luanda's population today lives in informal and peri-urban settlements (*musseques*) with little or no legal protection of tenure, which makes them vulnerable to forced evictions.<sup>25</sup> Since 2002, mass forced evictions from informal settlements in Luanda and other provincial towns have affected tens of thousands of people, largely to make way for luxury housing, city "beautification" and public infrastructure projects. Many lost their homes without adequate compensation or offers of alternative housing.<sup>26</sup>

---

<sup>23</sup> The local designation *zunga* for any kind of informal selling, either ambulant or static, and *zungueira* for any kind of female street vendor, has become more and more popular in Luanda and other towns throughout Angola, despite the formal distinction in Angolan legislation and tradition between vendors and traders at formal markets (locally called *quitandeiras*) and ambulant vendors (locally called *zungueiras*). In Kimbundu, the local language spoken in Luanda and adjacent provinces, the term *zunga* has the meaning of "walking from one place to the other."

<sup>24</sup> Smaller groups of young men and boys also engaged in street trading usually sell electronic devices, household items, or drinks, sell newspapers or provide motorcycle taxi services, while women commonly sell food and drinks, clothes, shoes, and other items. Most goods traded in the street are imported products.

<sup>25</sup> Allan Cain, "Luanda's Post-war Land Markets: Reducing Poverty by Promoting Inclusion," *Urban Forum* (2013) vol. 24, no. 1, <http://link.springer.com/article/10.1007%2Fs12132-012-9173-x>, p. 30. The data is based on surveys conducted by the Canadian NGO Development Workshop Angola.

<sup>26</sup> According to Human Rights Watch research, from 2002-2006, in Luanda alone, 20,000 to 30,000 people were victims of mass forced evictions from their homes. In 2009 at least 15,000 people were evicted, and in February 2013 alone at least 5,000 people were evicted. In Lubango, the capital of Huila province, in 2010, at least 25,000 people were victims of mass forced evictions. Human Rights Watch, *Angola – They Pushed Down the Houses; World Report 2010*, Angola, p. 78; *World*

### *Lack of Identity Cards*

The majority of street vendors appear not to have an identity card (*bilhete de identidade*). This includes those who are enrolled in literacy or microcredit programs of nongovernmental organizations.<sup>27</sup> An identity card gives individuals access to public health services, schools, formal employment, and the documentation necessary to apply for a license to sell goods in one of Luanda's formal markets.<sup>28</sup>

A lack of administrative capacity and the destruction of archives during the civil war partly accounts for the backlog in providing all Angolan citizens with the identity documentation to which they are entitled. However, although the government made voter registration a top priority before the first post-war elections in 2008, and again for the 2012 elections, successfully providing more than 9.7 million Angolans with voter registration cards, providing basic identity documents has apparently not been a similar priority.<sup>29</sup> It is not clear why the government has not prioritized the provision of basic identity documents, taking into consideration the importance of such documents.

Not having identity documents has a number of serious consequences for Angolans. One of the consequences of being undocumented for adults is that their children are also undocumented.<sup>30</sup> Since 2007, birth registration is free of charge until the child reaches the

---

*Report 2011*, Angola; "Angola: Scores Detained, Convicted After Forced Evictions", Human Rights Watch news release, February 26, 2013, <http://www.hrw.org/news/2013/02/26/angola-scores-detained-convicted-after-forced-evictions>.

<sup>27</sup> Street vendors enrolled in literacy classes or micro-credit programs are believed to be the most conscious of their rights; yet most of them do not have an identity card. Human Rights Watch interview with Allan Cain, coordinator of Development Workshop Angola, Luanda, January 15, 2013; Nanga Clarisse Ambrósio, Vitorina Matosse and Maria de Ceu Mateus of the Liga das Mulheres de Negócio de Viana (LIMNEV) Viana, January 21, 2013; and Sister Enedir of the Centro Cultural Mosaiko in Cazenga, Luanda, April 20, 2013. In their joint submission for Angola's Universal Periodic Review of the UN Human Rights Council in 2010, 10 Angolan civil society organizations estimated that half of Angola's population does not have an identity card, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/AO/JS1\\_AGO\\_UPR\\_So7\\_2010\\_%20JointSubmission1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/AO/JS1_AGO_UPR_So7_2010_%20JointSubmission1.pdf) (accessed September 2, 2013).

<sup>28</sup> In order to obtain an identity card, citizens from the age of 10 years are required to present a birth certificate (*certidão de nascimento*) as well as a personal identification document (*cédula pessoa*). Many poor adults in Angola lack one or both documents.

<sup>29</sup> The Ministry of Territorial Administration organized the first post-war country-wide voter registration campaign before the 2008 general elections. Undocumented voters were able to register by presenting two witnesses and still receive their voter cards. The voter registration campaign was not accompanied by a civil registration campaign, which is under the responsibility of the Justice Ministry. For that reason, many Angolans have a voter card, but not an identity card.

<sup>30</sup> The United Nations Committee on the Rights of the Child noted in October 2010 in its Concluding observations on Angola in consideration of Angola's state report submitted under article 44 of the Convention on the Rights of the Child: "The Committee remains concerned there has been no substantial progress on birth registration since 2002 and that lack of human and financial resources severely constrain the implementation of universal birth registration," United Nations Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Angola," CRC/C/AGO/CO/2-4, October 11, 2010, para. 34.

age of five. However, in order to register a child, both parents need to present their identity card. Citizens need to register where they were born, and many poor adults who came to Luanda during the civil war cannot afford the trip to their home province to procure their birth certificate, a necessary condition to request an identity card.

Many parents cannot afford the registration of all their children once they are over five, and end up buying false birth certificates from illegal sources to be able to enroll them at school, at least for the first grades. However, schools require an authentic birth certificate from the eighth or ninth school year, which makes poor undocumented children vulnerable to early school drop-out.<sup>31</sup>

Poor citizens can obtain a “poverty certificate” at the local administration, which should facilitate access to legal aid, identity cards and birth certificates free of cost. However, poor people who are illiterate or have little education are often either unaware of the benefits of obtaining such a certificate, or are discouraged by the requirements to present evidence of poverty and the payment of administrative fees of \$50-\$60 to obtain the certificate. Such onerous requirements have long been criticized by the Angolan Bar Association.<sup>32</sup>

Another consequence of not having identity documents is that street vendors often lack the necessary documents required to obtain a license to be able to sell goods in a formal market. For example, in order to obtain a license as an “ambulant vendor,” a street vendor must present photocopies of their identity card, tax card, and health card, and pay a small fee. In practice, however, municipal governments have registered street vendors without the necessary documents, though Human Rights Watch is not aware on what basis this has been done.

Undocumented women, who are unable to register their children, are often ashamed to admit not having the documents. A church organizer of literacy classes for street vendors

---

<sup>31</sup> Human Rights Watch interview with Sister Enedir of the Centro Cultural Mosaiko, Cazenga, April 20, 2013, with a 38-year-old female street vendor (name withheld) in Cazenga on April 19, 2013, and with a 46-year-old former street trader (name withheld), Cazenga, April 20, 2013.

<sup>32</sup> See interview with secretary general of the Angolan Bar Association, Flaviano Mafiló Caxicula Domingos, in *Cidadania – Boletim Educacional*, no. 2, April/May 2011, <http://www.ndi.org/files/Angola-Citizenship-0411.pdf>.

told Human Rights Watch: “Not having an identity card and not being able to register their own children affects their self-esteem. They feel shame.”<sup>33</sup>

Denying or otherwise placing unreasonable requirements that make it difficult for individuals to obtain identity documents violates their right to recognition as a person before the law, and could infringe upon other internationally protected rights.<sup>34</sup> The UN Guiding Principles on Internal Displacement urge states to facilitate issuing personal and other documents to internally displaced persons.<sup>35</sup> Access to personal documentation is also recognized as one of the key criteria for the achievement of a durable solution for internally displaced persons.<sup>36</sup>

### *Lack of Viable Alternatives to Street Trading*

Most street vendors interviewed by Human Rights Watch expressed interest in selling their goods in a more secure and clean environment. They said that the only reason they endure the harsh conditions on the street and the risk of being subjected to violence, extortion and theft, was the lack of employment or viable alternatives to earn a living to support their families.

Some street traders managed to obtain a license through the facilitation of nongovernmental organizations who register street vendors on the basis of other documents, such as church cards, school cards or voter cards, to facilitate their dealings with the municipal administrations, which are responsible for the licensing of street vendors. But even those individuals who manage to obtain identity documents and then tried to apply for a place to sell goods in a formal market described the process at the municipal administration as bureaucratic, opaque, and inaccessible. A 30-year-old street trader in Viana town gave a detailed account of her odyssey to comply with the government’s requirements to legalize her trade activities:

---

<sup>33</sup> Human Rights Watch interview with Sister Enedir, Cazenga, Luanda, April 19, 2013.

<sup>34</sup> ICCPR, art. 16 (right to recognition as a person before the law).

<sup>35</sup> Article 6. UN Guiding Principles on Internal Displacement (Guiding Principles), adopted by the UN General Assembly September 1998, <http://www.unhcr.org/43ce1cff2.html> (accessed August 19, 2013). Principle 20 states: “In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.”

<sup>36</sup> Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons: Quick Reference Guide, The Brookings Institution, April 2010, [http://www.internal-displacement.org/8025708F004CFA06/%28httpKeyDocumentsByCategory%29/9BF7A21456C9BA0AC125779F00299ADB/\\$file/IASC\\_Framework-DS-for-IDPs\\_Apr2010.pdf](http://www.internal-displacement.org/8025708F004CFA06/%28httpKeyDocumentsByCategory%29/9BF7A21456C9BA0AC125779F00299ADB/$file/IASC_Framework-DS-for-IDPs_Apr2010.pdf) (accessed August 19, 2013).

In November 2012 I went to the administration [of Viana], took two photos, and got a form (*guia*) indicating a place for me at the Kilometer 30 market. I went there, presented the form, but the lady there said there was no more space. I went back to the administration. They sent me to the community services to obtain information. There they told me I was not at the right place and that I should go back to where the form was issued. I went back to the administration and explained. The lady at the administration told me to come back the next day because I first had to annul my *guia*, and for that reason I should meet the administrator of the Kilometer 30 market. I went there twice, but didn't manage to meet him. I gave up.<sup>37</sup>

Other street vendors complained that administrative staff at different markets request high sums—30,000 to 40,000 Kwanzas (\$300 to \$400)—to assign them a place, while official fees do not exceed 100 Kwanzas (\$1) per day<sup>38</sup>

Human Rights Watch was not able to confirm if such high fee requests are common at formal markets. However, street traders generally complained that the markets were either too far away, already overcrowded or do not offer the same opportunities for small-scale trading. Many formal market spaces are used by resellers who earn commissions for entrepreneurs with more financial capacity than freelance small traders.<sup>39</sup>

The problems faced by the poor working in the informal economy, including street traders, are exacerbated by their being deprived from enjoying, even in the midst of Angola's oil boom, the right to social security.<sup>40</sup> Angola's general labor law is restricted

---

<sup>37</sup> Human Rights Watch interview with 30-year-old female street vendor (name withheld), Viana, Luanda, April 8, 2013.

<sup>38</sup> Human Rights Watch interview with 29-year-old female street vendor (name withheld) who sells egg and sausage on the street in Samba municipality, Luanda. The interview was conducted in Cazenga, Luanda, April 19, 2013. A 26-year-old female street vendor (name withheld) interviewed by Human Rights Watch in Viana on April 7, 2013, gave the same indication for a newly inaugurated market in her neighborhood. However, Human Rights Watch was not able to confirm access conditions at the formal markets visited.

<sup>39</sup> Human Rights Watch interview with Frei Júlio Gonçalves Candeeiro, coordinator of the Centro Cultural Mosaiko, Viana, Luanda, April 16, 2013.

<sup>40</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Angola on January 10, 1992. According to article 9, "The States Parties to the present Covenant recognize the right of

to formal employment and explicitly excludes “occasional work” or self-employment under own expense and risk—which characterizes the most common forms of labor in the informal sector.<sup>41</sup> The UN Committee on Economic, Social and Cultural Rights recommended in 2008 that governments “must take steps to the maximum of their available resources to ensure that social security systems cover those persons working in the informal economy.”<sup>42</sup>

---

everyone to social security, including social insurance.’ See also Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), art. 11, adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Angola September 17, 1986.

<sup>41</sup> Lei geral do trabalho (Law 2/00), enacted on February 11, 2000, art. 2(e) and (f).

<sup>42</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 19, The Right to Social Security (art. 9), U.N. Doc. E/C.12/GC/19 (2008), para. 34. Equally, the 2012 UN Guiding Principles on extreme poverty and human rights, recognizing that “persons living in extreme poverty tend to work outside the formal economy,” recommends states to “ensure that legal standards regarding just and favorable conditions of work are extended and respected in the informal economy, and collect disaggregated data assessing the dimensions of informal work,” and “take specific measures to ensure that persons living in poverty, in particular women and those working in the informal economy, have access to social security benefits.” UN Guiding Principles on extreme poverty and human rights (2012), para 84(c).

## II. Abuses against Street Traders

Roundups of street traders occur sporadically, on a daily basis, or several times a day, depending on the location. Such roundups are usually joint operations of police officers—usually regular public order police—and government inspectors (*fiscais*), who are responsible to the police. They are frequently joined by informal, plainclothes agents working for the government inspectors and police.

*Fiscais* may wear black, green or dark red, simple vests, but they often do not wear any identification that shows that they are state officials. The street vendors interviewed by Human Rights Watch described three groups of individuals engaged in roundups: police, *fiscais* and “civilians”—individuals in plainclothes who operate together with police officers and *fiscais* who are identified as such.

Many of the round-ups follow a similar pattern: *fiscais*, usually carrying batons and accompanied by armed police officers, approach groups of street vendors on foot, in cars or by motorcycle. Once they arrive they start chasing vendors away, hitting them and seizing their goods. The street vendors try to gather their goods and escape. In places where larger crowds of street vendors are gathered, these police tactics often cause panic and, occasionally, accidents when the street vendors are trying to flee. At larger informal street markets in the periphery of Luanda, the public order police have established mobile stations, in an effort to extend regular policing in neighborhoods with high crime rates, but also to support removal operations against street vendors.

### Beatings, Degrading, and Humiliating Treatment

Street traders in Luanda experience daily roundups by police and *fiscais* who routinely use excessive force and subject traders to humiliating and degrading treatment. They also regularly confiscate goods and extort bribes. Such violence and public humiliation, often inflicted in view of numerous witnesses, includes beatings with batons and other objects, kicking, slapping, and punching, resulting in injuries including bruises, swollen arms, legs and faces.

Injuries also often result from traffic and other accidents when traders flee the police officers and *fiscais*. Having been stripped of their goods and cash, street vendors who suffer injuries during crackdowns often lack the money to get proper treatment in public hospitals or even to take transport back to their homes.

Around the former informal Estalagem market, which was closed down in 2007, street vendors have been selling along the road as well as on one of the few pedestrian bridges over the road to Catete, the main traffic artery from downtown Luanda to the populous Viana municipality. Two street vendors, a 13-year-old girl and a 28-year-old woman, told Human Rights Watch that police officers, who chase them away every day, have seized their goods several times, and beaten them with clubs on their buttocks.<sup>43</sup>

Many street vendors told Human Rights Watch that pregnant women, girls and women carrying small babies on their back are rarely spared from beatings. The fact that pregnant women and those carrying their babies are usually slower in running away during a crackdown makes them more vulnerable to beatings. There were unconfirmed accounts of pregnant street vendors having miscarriages as a result of beatings. A 33-year-old female street vendor, who sells school notebooks around the former Estalagem market, said, “The *fiscais* beat pregnant women. They don’t want to know about anything. They don’t respect anybody, no matter whether you are pregnant or carry a baby.”<sup>44</sup>

A 28-year-old woman who sells fried manioc in the informal market around the official Congolenses market told Human Rights Watch that a group of *fiscais* severely whipped her on December 12, 2012, when she was in her fourth month of pregnancy:

In the afternoon, eight *fiscais* arrived in uniforms and beat us with batons, tubes, whips. One of them took my goods. I fell down, facing the ground. They brutally dragged me until [we got to] the police station. I was bleeding a lot.

---

<sup>43</sup> Human Rights Watch interview with a 13-year-old school girl and street vendor, the oldest of seven siblings (name withheld), and a 28-year-old female street vendor and mother of six children (name withheld), Estalagem pedestrian bridge, Luanda, January 16, 2013.

<sup>44</sup> Human Rights Watch interview with a 33-year-old female street vendor (name withheld), Cazenga, Luanda, April 19, 2013.



Then they took me to the hospital and left me there. I had no money and was not assisted. It took me four hours to walk back home, with my colleague.<sup>45</sup>

A hundred street vendors took part in a spontaneous protest on March 5, 2013 in Viana, Luanda's most populous municipality, where every day hundreds of vendors sell their goods on the urban center's streets. They were reacting to the beating of an eight-month pregnant street vendor by a *fiscal*. The protesters attacked and injured the official they believed was responsible.

A relative of the victim, a 26-year-old woman who sells body creams and perfumes in Viana town, told Human Rights Watch:

My sister-in-law and I always sell together in the town of Viana. On that day, the *fiscals* arrived and chased us away again. One of them was drunk. He was without uniform but we know him. He pushed my sister-in-law to the ground and started beating and kicking her. She fell unconscious. The people were furious and threw stones at the *fiscal*. The [Viana municipal] administration then sent a car to take her to hospital. At the hospital, the doctor examined her. They told us to complain to the authorities. But when we arrived there again, there were a lot of police, and they didn't let anybody approach the building. They were afraid. A police officer chased us away. "If you stay here you'll be arrested." We didn't manage to explain them. We waited for several hours and then went home.<sup>46</sup>

Another witness who was passing by during the incident told Human Rights Watch that a crowd of street vendors attacked the *fiscal* with stones, causing him head injuries, and followed him to the administration building, to where he fled from the crowd, until the police intervened. The witness said:

The population was furious. They took stones and threw it at the fiscal. He was injured and fled to the [municipal] administration [building]. There were more

---

<sup>45</sup> Human Rights Watch interview with a 28-year-old female street vendor (name withheld) at her home, Malanjino neighborhood, Luanda, January 13, 2013.

<sup>46</sup> Human Rights Watch interview with a 26-year-old street vendor (name withheld) in her home, Viana, Luanda, April 7, 2013.

than a hundred furious street vendors, motorbike taxi drivers and others who were passing by. They all followed him to the administration. In front of the administration there was a film crew from Zimbo television. They seemed to wait for somebody. They started to shoot the scene, but then stopped. The people in the crowd shouted and insisted that the authorities take the pregnant woman to hospital. The police arrived and fired into the air to prevent the crowd from entering the administration [building]. In the following days, I tried to speak to *zungueiras*, asking them what happened to the *fiscal*. Most of them were suspicious and refused to comment. Some *zungueiras* whom I had befriended told me he was already gone back to work.<sup>47</sup>

The Viana municipal authorities and the police apparently took no disciplinary or punitive action against the *fiscal* for his actions, as witnesses to the incident all said that he was back at work within days. Human Rights Watch is not aware of anybody being charged for harming the government inspector.

In the more peripheral urban centers such as Cacuaco municipality, the number of street vendors is much smaller, yet joint operations of police and *fiscais* there have been equally violent.

Maria José, a 27-year-old street vendor with a seven-month-old baby, told Human Rights Watch of being beaten by a government inspector the day before, April 17, 2013, in Cacuaco; her face was still swollen from the beating. She said:

I have been selling peanuts in town for a year now. Yesterday, when the *fiscais* came in a car, I didn't manage to flee with my baby. I hid the peanuts in a cloth under a caravan. The *fiscal* went there and tried to drag the pouch from under the caravan. I grabbed the pouch and implored him to leave it. He ordered me to drop it, and punched me twice in the face, kicked my legs and my back. I went to hospital but they only gave me some cream. I went

---

<sup>47</sup> Human Rights Watch interview with witness of the street vendor protest on March 5, 2013 (name withheld), Viana, Luanda, April 4, 2013. Human Rights Watch did not succeed in speaking to the victim, who had moved to a different neighborhood after giving birth in early April. See also Coque Mukuta, "Várias pessoas detidas e outras feridas após manifestação de 'Zungueiras' perto de Luanda," *Voz da América*, <http://www.voportugues.com/content/article/1615759.html> (accessed on June 20, 2013).

to the police with a colleague. They gave me back the 6,000 Kwanzas [\$60] that the *fiscal* had taken from me. But today he is back at work again. I am feeling very bad today, my whole body hurts. But I cannot stay at home. My family needs to eat. I have no money to buy medicine either.<sup>48</sup>

Human Rights Watch spoke with a group of street vendors who sell grilled and fried maize and manioc at a roundabout in Cacuo town, who corroborated the brutal beating of their colleague. They showed a picture of Maria José's bleeding face that was taken right after the incident.<sup>49</sup> A doctor at the Cacuo municipal hospital told Human Rights Watch that Maria José's story was not an isolated case: "They have been beating street vendors even in front of the hospital.... We have had many cases of injured street vendors, some from beatings, and others from accidents when they try to escape from the *fiscais*. Most of the women carry children and babies."<sup>50</sup>

## Seizure of Goods and Extortion

During crackdowns on street vendors, *fiscais* in uniform or in civilian clothes, usually accompanied by police officers, systematically seize street vendors' nonperishable commercial goods, such as clothes, shoes and other items, while they destroy food by kicking it to the ground.

Provincial and municipal government officials in Luanda have declared that goods confiscated from street vendors are collected and filed at the administration, and handed over to the local social services, which donate the goods to local charity institutions.<sup>51</sup> A municipal official in Viana showed Human Rights Watch two donation documents. However, the enormous volume of daily confiscations all over the city would require substantial transport and logistics for regular charity donations, casting doubt on the veracity of the explanation. Nor, as discussed below, does this redistribution of the goods address the legality of the confiscations even if the vendors are unlicensed.

---

<sup>48</sup> Human Rights Watch interview with Maria José, a 27-year-old street vendor, Cacuo town, April 18, 2013.

<sup>49</sup> Human Rights Watch interview with a group of six female street vendors (names withheld), Cacuo town, April 18, 2013.

<sup>50</sup> Human Rights Watch interview with a doctor (name withheld) at the Cacuo municipal hospital, Cacuo, April 18, 2013.

<sup>51</sup> Human Rights Watch interview with the municipal administrator of Viana, José Moreno, Viana, Luanda, January 21, 2013, and with the municipal director of the inspection department of Viana, Domingos Adriano, Viana, Luanda, January 23, 2013. See also public statements of the provincial inspection director of Luanda, António Catembo, in a meeting with street vendors in September in "Ministra Rosa Pacavira divulga plano de acção," *Jornal de Angola*, September 10, 2013, [http://jomaldeangola.sapo.ao/reportagem/ministra\\_rosa\\_pacavira\\_divulga\\_plano\\_de\\_accao](http://jomaldeangola.sapo.ao/reportagem/ministra_rosa_pacavira_divulga_plano_de_accao) (accessed September 11, 2013).

In addition, Human Rights Watch found that police and *fiscais* regularly extort bribes from street vendors. They routinely demand bribes ranging from 1,000 to 4,000 Kwanzas (\$10 to \$40) to be paid on the spot. Sometimes they inform the vendors that these payments are “fines,” but they never provide any kind of receipt.<sup>52</sup>

Demands of payments and the seizure of goods are often accompanied by threats of imprisonment and violence. Street vendors are often desperate when their goods are seized, because not only do they lose their daily income—which ranges from 500 Kwanzas (\$5) up to 2,000 to 3,000 Kwanzas (\$20 to \$30)—but they typically will have other immediate business expenses, such as contributions owed in informal mutual lending practices.<sup>53</sup>

On January 11, 2013, the Human Rights Watch researchers witnessed three individuals in civilian clothes conduct a forcible body search of a woman. She was lying on the floor of a small mobile police station next to the São Paulo market in Luanda, around which numerous informal street vendors are selling goods. The woman was screaming, while the three men were lying atop of her, apparently to immobilize her in their search of hidden money. Another woman was sitting silently in the back of the mobile station. When Human Rights Watch requested information on the identities of the plainclothes individuals, the police officer present outside the mobile station responded that the three individuals were officers, and ordered the researchers away. Later, the three men in civilian clothes got up, and left in a police car. Numerous passers-by witnessed the incident.

A 29-year-old woman who sells vegetables at an informal market in the Cuca neighborhood in Luanda told Human Rights Watch that *fiscais* beat her with clubs on March 10, 2013, because she was unable to meet their demands for a \$40 bribe. She said:

The *fiscais* arrived in the morning on horses, accompanied by police officers on motorcycles. They often ask us for money, usually \$40, but on

---

<sup>52</sup> In some more established informal markets, such as Estalagem, *fiscais* also request small sums—100-150 Kwanzas (\$1-\$1.50)—in exchange for some kind of daily license (*ficha*) on paper; however, street vendors complained that they are often requested to pay the same license fee to every fiscal who passes by.

<sup>53</sup> Many female street vendors engage in “Kixikila,” an informal system of mutual money lending within a small group of informally associated street vendors, according to which each member of the group receives in turn contributions from the other members, in order to buy a stock of goods.

that day I only had \$2.50 with me. One *fiscal* beat me with a baton, saying “You are a repeat offender.” My arm hurt me during two weeks.<sup>54</sup>

A street vendor, 42, told Human Rights Watch how *fiscals* in civilian clothes seized her goods at the informal Congolenses market because she was unable to pay the “fine”:

Minutes ago they took my goods. I had shoes in the value of 8,000 Kwanzas [\$80]. It was a man in civilian clothes who took them and put them in the police car. The day before yesterday, a *fiscal* in civilian clothes asked me for 500 Kwanzas [\$5]. I paid. Last week it was the same. Today I didn’t pay. I don’t have anybody who gives me money! I told them I only have 1,500 Kwanzas [\$15], how will I feed my children? They took my goods, but if I insisted [on not letting them take my goods], they would have put me in prison.<sup>55</sup>

Human Rights Watch learned that many of the informal, plainclothes men who take part in joint police and inspection crackdowns on street vendors receive no official salaries or payments beyond apparently what they can extort from street vendors.

Human Rights Watch spoke to one of these informal agents at the Congolenses market in Luanda, who complained that he and others have been working with the local administration and police for five years assisting them with operations against illegal street vendors, without a salary or other official payment, but in the hope of future employment:

They promised us that we would be integrated as official staff into the administration, but they haven’t kept their promise. We also suffer. We survive because the street vendors contribute. We understand each other.<sup>56</sup>

Street vendors are entitled under Angolan law to recover confiscated goods at the administration by paying a fine. The 2011 law on administrative infractions delegates the establishment of a schedule for fines to separate regulations to be drafted by the local and

---

<sup>54</sup> Human Rights Watch interview with a 29-year old female street vendor (name withheld) at her home, Viana, April 7, 2013.

<sup>55</sup> Human Rights Watch interview with 42-year-old street vendor (name withheld) at the Congolenses informal market, Rangel municipality, Luanda, January 12, 2013.

<sup>56</sup> Human Rights Watch interview with an informal collaborator of the authorities at the Congolenses market (name withheld), Rangel municipality, Luanda, January 19, 2013.

central administration.<sup>57</sup> Human Rights Watch is not aware whether such regulations have been issued. In practice, however, local authorities appear to set fines for returning goods confiscated from street vendors in an ad hoc way according to their estimated value.

Several street vendors who had their goods seized told Human Rights Watch they have at least once sought to recover the confiscated items at the administration. This proved futile as they were either unable to pay the fines, or the staff claimed they could not find the confiscated goods. Said one street vendor in Viana:

They take our goods and don't give it back. Once I went to the administration to recover my goods. They asked me for 35,000 Kwanzas [\$350]. I had bought them for little more. I couldn't pay so much.<sup>58</sup>

Yesterday [January 14, 2013] they took everything. Last week also, all my trousers, stockings, shirts, at a value of 25,000 Kwanzas [\$250]. Yesterday I went to the administration to recover my goods. The "civilians" [*fiscais* in civilian clothes] asked me for 5,000 Kwanzas [\$50] as a fine. I asked to see my goods first before I paid. They went to the car but didn't find what was mine.<sup>59</sup>

Another street vendor in Viana said:

On January 13 [2013], they took my shirts and put them in their car. When we went to the administration to recover our goods and pay the fine, they said they didn't have them. They are bandits.<sup>60</sup>

Two other street vendors said they witnessed police sell their goods in the street after having seized them.<sup>61</sup>

---

<sup>57</sup> Law on administrative infractions [Lei das transgressões administrativas] (Law 12/11) of February 16, 2011,

<sup>58</sup> Human Rights Watch interview with 28-year-old female street vendor (name withheld) at her home, Malanjino neighborhood, Luanda, January 13, 2013.

<sup>59</sup> Human Rights Watch interview with 24-year-old female street vendor (name withheld), Viana town, Luanda, January 15, 2013.

<sup>60</sup> Human Rights Watch interview with 23-year-old female street vendor (name withheld), Viana town, Luanda, January 15, 2013.

<sup>61</sup> Human Rights Watch interview with 22-year-old male street vendor (name withheld), Maianga, downtown Luanda, January 18, 2013, and with a 46-year-old woman (name withheld) who left street trading to be a carpenter, Cazenga, Luanda, April 20, 2013.

Human Rights Watch learned of some cases in which police officers and *fiscais* have forced entry and seized goods of street vendors stored in backyards of private houses (so-called *casas de processo*).<sup>62</sup>

For instance, on August 14, 2013, at 2 p.m., *fiscais* and four armed police officers forcibly entered the backyard of a house in the urban center of Cacuaco, to seize the goods of 14 market vendors stored in the courtyard. Esperança Nené, the 55-year-old mother of nine children, who sells clothes and uniforms at a newly inaugurated market in Cacuaco, told Human Rights Watch that the police entered by force without presenting any search warrant, threatened them at gunpoint, took all their goods and later requested high payments to restore them:

There were many *fiscais*. They came in three cars, along with four armed police officers. Their chief beat the son of one of us to force entry into the courtyard. Then a police officer pointed a gun at his mother and told us to keep quiet. Somebody gave them a hint that we store our goods in this courtyard. They took three full cars of clothes, shoes, food – they took everything. Later we went to the inspection office of the administration. They asked for 55,000 Kwanzas (\$550) from each of us to recover our goods.... We are no street vendors [indicating they were licensed]. I came to the “Pique” market because it’s closer to where I live.... The government told us to go to the markets. We pay 100 Kwanzas every day to sell there.... We store our goods in that courtyard because it’s safer. I came to live in Panguila [poor peri-urban neighborhood in Cacuaco] after the government destroyed my house.<sup>63</sup>

## Arbitrary Detentions

Street vendors described being arrested and jailed during crackdowns when they tried to resist the seizure of their goods. Most said they were released without charges one to three days later, after paying 3,000 to 4,000 Kwanzas [\$30 to \$40]. In a couple of cases they said they were forced to carry out cleaning services in jail before being released.

---

<sup>62</sup> Such methods were reported by the private weekly newspaper “Administração do Cazenga não dá trégua às zungueiras,” *Novo Jornal*, October 12, 2012.

<sup>63</sup> Human Rights Watch telephone interview with 55-year-old female market vendor Esperança Nené, August 21, 2013. For a more detailed account of the incident see “Polícias e Fiscais Roubam Vendedeiras à Mão Armada,” *Maka Angola* (blog), August 20, 2013, <http://makaangola.org/2013/08/20/policias-e-fiscais-roubam-vendedeiras-a-mao-armada/> (accessed August 20, 2013).

Human Rights Watch could not establish how frequently street vendors are detained during roundups. While it does not appear to be a frequent practice, many street vendors told Human Rights Watch that police and *fiscais* used arrest as a threat should they resist or complain about extortion. “When they take our goods and we complain they take us as well,” a 27-year-old female street vendor said.<sup>64</sup>

The frequent violent roundups of street vendors and the occasional spontaneous protests of affected street vendors often go underreported. This largely reflects the increasingly restrictive media environment in Angola,<sup>65</sup> but also a widespread fear among witnesses that if they report incidents to the administration or the media, the authorities will harass them.

The four recent cases described below show why victims and witnesses rarely report violent and other abuses against street vendors to the authorities, despite such abuses happening on a daily basis, in daylight and in the public sphere, and often in view of numerous witnesses. But they should be seen in the context of broader repression of freedom of expression and assembly, and increasing intimidation of media in Angola, which has been described elsewhere.<sup>66</sup>

These cases involve arbitrary arrests of people who tried to document incidents with cameras, ask questions, intervene against violent behavior of *fiscais*, or simply comment on abuses against street vendors during joint police and *fiscais* crackdowns. Human Rights Watch also documented two cases in which a journalist and a Human Rights Watch researcher were harassed and arbitrarily detained when they were interviewing street vendors.

On July 5, 2013, police beat and arrested an unidentified young man who was trying to film a popular response after police, in a joint operation with *fiscais*, unleashed dogs against

---

<sup>64</sup> Human Rights Watch interview with 27-year-old female street vendor (name withheld), Viana town, Luanda, January 15, 2013.

<sup>65</sup> The state-owned media, *Jornal de Angola*, Televisão Pública de Angola, and Rádio Nacional de Angola, as well as the majority of the private media, many of which are now owned by the ruling party MPLA and government officials, tend to omit incidents that highlight social tension in Angola. In several cases, street vendors who have been victims of violent abuses in Viana have called or gone personally to Rádio Despertar, a radio station owned by the main opposition party UNITA, to air their complaints. However, Rádio Despertar is only allowed to broadcast in Luanda, and the radio signal does not reach all of Luanda.

<sup>66</sup> “Angola: Defamation Laws Silence Journalists,” Human Rights Watch news release, August 12, 2013, <https://www.hrw.org/news/2013/08/12/angola-defamation-laws-silence-journalists>; Human Rights Watch, “Angola: Stop Stifling Free Speech,” Human Rights Watch news release, August 1, 2012, <https://www.hrw.org/news/2012/08/01/angola-stop-stifling-free-speech>.



street vendors in the Benfica neighborhood of Luanda. The dogs bit and injured a 40-year-old woman. A 25-year-old activist who witnessed the incident said:

I was coming from Benfica, when I saw people fleeing and crying at the bus station. I approached the scene and saw a woman, about 40 years old. She was crying and had a big wound in her arm. There was a lot of blood. I saw three dogs. The police were putting them back into a box. I took my mobile phone out to film. Suddenly, a police officer shouted: “Watch out, somebody is filming!” They pointed to somebody behind me, a young man who apparently also wanted to film the scene. The police immediately started to beat him brutally with batons. They kicked and slapped him. They dragged him into the police car. I don’t know him, but they told me he was taken to the police station in Benfica. The other street vendors fled and observed from a distance. Many were crying. The *fiscais* had taken all the goods they could grab.<sup>67</sup>

On April 20, a woman, 39, told Human Rights Watch that police officers beat and arrested her 48-year-old husband, Tomás Katrai, and her brother-in-law, André Pacote. She said her brother-in-law had merely made a comment while witnessing a crackdown against street vendors in Viana town:

We were doing shopping at a warehouse in the Kapalanca neighborhood. At 10 a.m, police and *fiscais* arrived and started chasing away the street vendors. There are many there usually. They sell beer, refreshments and food. My brother-in-law commented: “Even the ice cubes they’re taking!” The *fiscais* who heard this started slapping and beating my brother-in-law and my husband. My husband was bleeding from one eye, and both their shirts were torn. The police took them to the police station in Viana. They even wanted to take our cars.<sup>68</sup>

Questioned about the case, a police commander told a Voice of America reporter that the two individuals were being charged for obstructing the work of inspection officials.<sup>69</sup>

---

<sup>67</sup> Human Rights Watch telephone interview with a 25-year-old youth activist (name withheld), July 8, 2013.

<sup>68</sup> Human Rights Watch interview with 39-year-old woman (name withheld), Viana, Luanda, April 20, 2013.

<sup>69</sup> Human Rights Watch interview with Coque Mukuta, local correspondent of *Voice of America*, Luanda, April 20, 2013.

On April 11, 2013, security agents in plainclothes arrested a Human Rights Watch researcher while she was interviewing half a dozen street vendors in the Caope Velho neighborhood in Cacuaco, Luanda, next to the relocation area for a community of at least 5,000 poor residents that had been forcibly evicted in February 2013 from the informal settlement of Maiombe.<sup>70</sup> The Human Rights Watch researcher was interviewing a group of street vendors who were selling homemade cookies and drinks on the main dirt road of their new neighborhood of tin-roof shacks. They described their experience a week earlier when *fiscals* and police officers started chasing them away and threatening them with imprisonment.<sup>71</sup>

When the researcher decided to drive away from the area in her car after about 15 minutes, a security agent in plainclothes blocked her way and asked for her documents and authorization, while refusing to show his own identification. The researcher was harassed and filmed without her consent by security agents, and forced to follow with an escort of two cars with sirens to the municipal police station in Cacuaco. She was released one hour later after speaking with police and security officials, who recommended that she should not carry out any research activities without announcing her itinerary to the local authorities in advance, for unspecified “security reasons.”

Ten days later, on April 21 at 4 a.m., police and security agents arrested the Human Rights Watch researcher’s driver at gunpoint in his home. He was taken to the police station and interrogated by the security agents on the researcher’s work in Luanda’s shantytowns. He was released without charges at 7 a.m.

On March 30, 2013, police arrested “Pedrowski” Teca, a journalist and youth activist, on his way home from a peaceful youth protest, which the police had violently dispersed. While he was interrogated mainly for his participation in the demonstration, the arrest came after a *fiscal* in civilian clothes complained about his attempt to intercede on behalf of a street vendor who was being stripped off her goods by an unidentified individual. Pedrowski told Human Rights Watch:

---

<sup>70</sup> “Angola: Scores Detained, Convicted after Forced Evictions,” Human Rights Watch press release, February 26, 2013, <http://www.hrw.org/news/2013/02/26/angola-scores-detained-convicted-after-forced-evictions>.

<sup>71</sup> Human Rights Watch believes that the action against this community of people forcibly evicted in February 2013 may also be motivated by the authorities’ interest in avoiding any kind of public gathering of the evicted community, in order to undermine potential protests against the evictions and harsh living conditions in the relocation area.

I was with a few colleagues on the other side of the road from Sant’Ana cemetery, where the police had already dispersed the protesters. I saw how an individual in civilian clothes was snatching the goods of a street vendor. We asked him what he was doing, and he said he was a *fiscal*. We asked him to identify himself, but he didn’t have any credentials. We grabbed him and pressed him to restore the goods. He threatened us: “You will end up in jail, you will regret this!” We let him take the goods, in order to avoid problems. The colleagues went back home and I waited for a taxi. A police car passed by, and in the car was the young *fiscal*, who pointed at me, saying I was the guy who had caused him problems. The police stopped and arrested me, when they saw the yellow protest t-shirt below the black one I was wearing.<sup>72</sup>

On January 4 police arrested and briefly detained Coque Mukuta, a local correspondent for the Portuguese-speaking service of Voice of America (VOA), while he was interviewing street vendors in Viana in order to document beatings they had been subjected to hours before. “I managed to speak to two women,” he said in a radio account. “And when I started interviewing the third one, three police officers and three ... agents of the inspection department of the administration immediately started attacking me physically and threw me on their car.”<sup>73</sup> Mukuta was released after five hours, at the intervention of the general police commander, with an apology, and the police said they were not aware that he was a journalist at the time he was arrested. His camera and other work material confiscated by the police were also returned.<sup>74</sup>

On October 22, 2012, police arrested a 27-year-old health worker and youth activist in Viana when he tried to intervene against the brutal beating and kicking of female street vendors by police and *fiscais* in the presence of Viana’s municipal administrator. He described what happened to him:

---

<sup>72</sup> Human Rights Watch interview with journalist and youth activist “Pedrowski” Teca, Luanda, April 2, 2013. He was interrogated by police and security officials until the evening, and released without charges.

<sup>73</sup> “Correspondente da VOA agredido e preso por varias horas”, *Voz da América*, January 6, 2013, <http://www.voaportugues.com/content/voa-journalist-beaten/1578288.html> (accessed June 19, 2013).

<sup>74</sup> Rafael Marques de Morais: Arresting the Short and Shabby Journalist, Maka Angola (blog), January 6, 2013, <http://makaangola.org/2013/01/06/english-arresting-the-shabby-and-shorty-journalist/?lang=en> (accessed on June 20, 2013).

At 3 p.m. I saw how a *fiscal* and police officer grabbed the goods of several women. They beat them with batons and kicked them. The municipal administrator of Viana was there, in presence of a security guard. I told them to stop and leave their goods. The officials threatened: “Don’t mess with us.” When they grabbed the street vendors’ bowls to take them, I tried to intervene. The women gained courage and also resisted. The head of the municipal administration told the police to arrest me until further orders. They grabbed me, threw me into their car and took me to a police station in Viana, then to the containers of Estalagem, then to a courtyard of a secret police camp, into a cellar with a studio. Security agents in civilian clothes said they wanted to record our interview. They asked me what I had to do with the *zungueiras*. I said I only wanted to help. They interrogated me and then left me alone. Then, at 1 a.m., they took me to the municipal criminal investigation police. A police officer asked me whether I was involved in politics. They told me I was charged with obstruction of public order authorities. At 6:30 a.m., 30 street vendors—among them a friend of mine—arrived at the police station and loudly called for me. They released me at 7:40 a.m. without a release warrant. Before, they took my fingerprints and ordered me to wash a car. They kept all my belongings, including 18,000 Kwanzas [\$180], my bank card, and my cell phone. Since then I have been there 10 times to claim my belongings back. In the end I gave up.<sup>75</sup>

---

<sup>75</sup> Human Rights Watch interview with a 27-year-old health worker and youth activist (name withheld), Viana, Luanda April 13, 2013.

### III. Angola's Legal Obligations

This report documents cruel, inhuman or degrading treatment, unnecessary use of force, arbitrary arrest and detention, extortion, and restrictions on the rights to freedom of expression and peaceful assembly by the Angolan authorities against street vendors and others. These abuses are prohibited under international human rights law and Angolan law.

#### International Law

Angola is party to a number of major human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR),<sup>76</sup> the International Covenant on Economic, Social, and Cultural Rights,<sup>77</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>78</sup> and the Convention on the Rights of the Child.<sup>79</sup> Angola has also ratified key regional treaties, including the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on the Rights of Women in Africa.<sup>80</sup>

International standards relevant for regulating the use of force by law enforcement personnel, including police and government inspection agents, are the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Firearms by Law Enforcement Officials. The Code of Conduct provides that in the

---

<sup>76</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Angola January 10, 1992. The ICCPR prohibits torture and other cruel, inhuman, or degrading treatment (art. 7), arbitrary arrest and detention (art. 9), and discrimination against women based on sex (arts. 2(1) and 26).

<sup>77</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Angola January 10, 1992. The ICESCR provides for the right to work (art. 6), favorable conditions for work (art. 7), and social security (art. 9).

<sup>78</sup> Convention on the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Angola September 17, 1986.

<sup>79</sup> Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Angola December 5, 1990, art. 37.

<sup>80</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Angola March 2, 1990; African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Angola January 11, 1992; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005, ratified by Angola January 22, 2007.

performance of their duty, law enforcement officials shall respect and protect human dignity and uphold the human rights of all persons. Law enforcement officials may use force only when strictly necessary, for a specific legitimate aim, and be strictly proportionate. Law enforcement officials are also prohibited from committing acts of corruption and shall oppose and combat such acts.<sup>81</sup> The Basic Principles also commit law enforcement officials to “as far as possible, apply non-violent means before resorting to the use of force and firearms.”<sup>82</sup>

In addition, Angola also agreed to implement the Code of Conduct for Police Officers adopted by the Southern Africa Regional Police Chief’s Cooperation Organization (SARPCCO) as a minimal standard that includes provisions regarding the police duty to respect and protect human dignity, to uphold all human rights for all persons without any form of discrimination, to use force only when strictly necessary, and not to tolerate, instigate or inflict any act of torture or other cruel, inhuman or degrading treatment or punishment.<sup>83</sup>

Angola has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>84</sup> despite having promised to do so in its voluntary pledges to the UN secretary-general in 2007 and 2010, prior to being elected member of the UN Human Rights Council for two three-year terms.<sup>85</sup> Torture and other ill-treatment are nonetheless prohibited under the ICCPR and other international conventions.

---

<sup>81</sup> United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), articles 2, 3 and 7 and associated commentary, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>.

<sup>82</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

<sup>83</sup> Code of Conduct for Police Officials, adopted by the Southern African Regional Police Chiefs Co-operation Organisation in Harare, 2001, [http://www.apc.ch/content/files\\_res/SARPCCO.pdf](http://www.apc.ch/content/files_res/SARPCCO.pdf) (accessed September 4, 2013).

<sup>84</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199, entered into force on June 22, 2006.

<sup>85</sup> United Nations General Assembly: Letter dated 3 May 2007 from the Permanent Representative of Angola to the United Nations addressed to the President of the General Assembly, [http://www.upr-info.org/IMG/pdf/angola\\_pledge\\_2007.pdf](http://www.upr-info.org/IMG/pdf/angola_pledge_2007.pdf); United Nations General Assembly: Note Verbale dated 5 May 2010 from the Permanent Mission of Angola to the United Nations addressed to the Secretariat, [http://www.unelections.org/files/GA\\_%28A.64.775%29AngolaHRCCandi\\_7May10.pdf](http://www.unelections.org/files/GA_%28A.64.775%29AngolaHRCCandi_7May10.pdf) (assessed on February 19, 2012).

## Angolan Law

The Angolan constitution, which entered into force on February 5, 2010, guarantees all fundamental freedoms and rights, and enshrines the principle of equality and non-discrimination.<sup>86</sup> Angola's constitution also states that, "Constitutional and legal norms related to fundamental rights shall be interpreted and integrated harmoniously with the United Nations Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other international instruments to which Angola is party."<sup>87</sup>

The Disciplinary Regulations of the National Police, which is under the supervision of the Ministry of Interior, imposes disciplinary and criminal penalties – namely fines, demotion, imprisonment and dismissal – on police officers for a number of offenses. These include accepting bribes, keeping seized goods for private benefit, or insulting or committing acts of violence against detainees or upon arrest.<sup>88</sup> Yet, the Disciplinary Regulations are not in accordance with international standards in several aspects.<sup>89</sup> For instance, police officers are allowed to object, in private communication to their superiors, to orders that violate international standards. However, the subordinate officer is still obliged to obey the unlawful order if the superior officer maintains the order.<sup>90</sup> The Disciplinary Regulations also lack a definition of proportionate use of force as well as an explicit definition and prohibition of torture or degrading or inhumane treatment in all circumstances.

---

<sup>86</sup> Constitution of the Republic of Angola, 2010, entered into force February 5, 2010, arts. 23 and 25.

<sup>87</sup> Constitution of the Republic of Angola, 2010, art. 26.

<sup>88</sup> Disciplinary Regulations of the National Police, approved by Decree 41/96 (1996), art. 5, para 15, 16 and 48, [http://cgpn.gov.ao/Content/Docs/Regulamento\\_Disciplinar\\_da\\_PN.pdf](http://cgpn.gov.ao/Content/Docs/Regulamento_Disciplinar_da_PN.pdf) (accessed September 4, 2013)

<sup>89</sup> For a comprehensive analysis of the legal framework and accountability of Angola's National Police, see "Above the Law. Police Accountability in Angola," Amnesty International 2007, <http://www.amnesty.org/en/library/info/AFR12/005/2007/en> (accessed September 4, 2013).

<sup>90</sup> Disciplinary Regulations of the National Police (1996), art. 3.

## IV. The Government's Response

The Angolan government has not taken any evident action to protect the country's street vendors from abuses by local authorities. Nor is Human Rights Watch aware of any recent public statement from any senior government or police official condemning unlawful use of force, mistreatment or extortion of street vendors by police and *fiscais*.

Exceptionally, in March the chair of the ruling party's Organização da Mulher Angolana (Organization of Angolan Women, OMA), Augusta Rodrigues, publicly criticized police violence against street vendors: "As a woman, human being and person living in this society I cannot agree with those methods of repression" against female street vendors.<sup>91</sup>

Street traders who are victims of violence by local authorities rarely report the abuses. Many street traders interviewed by Human Rights Watch said they do not believe the police would consider their complaint.<sup>92</sup> But even when incidents of abuses have been reported, Human Rights Watch is not aware of any recent case of disciplinary action or prosecution against police or *fiscais* for violence or other illegal acts used during roundups of street vendors. In addition, disciplinary actions against police officers are dealt with internally, and also cases of prosecution of police officers are rarely communicated to the public. This lack of response and transparency fuels the perception of impunity, which in turn tends to discourage particularly poor citizens from filing complaints.

In two cases of violence against female street vendors, which Human Rights Watch described above, on March 5 in Viana and on April 27 in Cacuaco, the perpetrators, who in both cases were identified as *fiscais*, were not punished or even suspended from duty, nor did the victims receive any kind of remedy for the harm suffered. While the government inspectors belong to the civil administration, roundups of street vendors are always carried out under the responsibility of the police.

---

<sup>91</sup> Augusto Rodrigues, quoted in "OMA condena violência contra as 'zungueiras'," *Voz da América*, March 25, 2013, <http://m.voaportugues.com/a/1628290.html>.

<sup>92</sup> In 2003, Angola's National Police established Complaints Offices (Guichets de Reclamações) at provincial level for receiving complaints from the public, which is accessible via a phone number or also online. However, the low level of publicly known response over the years has eroded the credibility of the Complaints Office. Human Rights Watch did not record any reference to the Complaints Office from street vendors who were victims of abuse during police roundups.



Human Rights Watch requests for information from senior police and provincial government officials about the chain of command in joint roundup operations were unsuccessful.<sup>93</sup> However, the provincial government has a clear responsibility for the performance of its officials in roundup operations of street vendors.

According to Angolan law, it is the duty of the municipal administrations, represented by the municipal administrators who are appointed by the provincial governor, to license, regulate and monitor the activities of small and ambulant trading, and to implement the provisions contained in the law on administrative infractions.<sup>94</sup> The provincial governors, who are appointed by the president of Angola as representatives of the central administration, are responsible, among other duties, for public order and security.<sup>95</sup> The Provincial Inspection Directorate, a department of the provincial government, has the duty “to collaborate and coordinate with the organs of the police for the maintenance of public order and protection of public goods,” and to carry out “operations to prevent and restrain [administrative] infractions.”<sup>96</sup>

Unlawful violence during government roundups of street vendors in Luanda is not limited to the armed police and *fiscais*, but includes plainclothes *fiscais* and informal agents, without credentials. The use of these informal agents, who appear to often rely on extortion rather than official payment, raises additional concerns about the government’s accountability for such abuses. Human Rights Watch previously expressed concern about the abusive actions of plainclothes security agents who appear to act under police authority during peaceful protests in Luanda, as well as the lack of accountability for such abuses.<sup>97</sup>

---

<sup>93</sup> In an interview conducted by Human Rights Watch in Luanda on April 20, 2013, with the former Luanda police commander, Elizabeth Ranque Franque, declined to comment on joint operations with the government administration in the absence of their representatives. The Luanda provincial government did not respond to formal meeting requests by Human Rights Watch in January and in April 2013.

<sup>94</sup> Law on the Organization and Functioning of the local organs of state administration (law 17/10 of July 29, 2010), art. 45, 3(d) and 5(c), [http://cnsc2009forum.bligoo.com/media/users/7/399161/files/23110/Lei\\_da\\_Organiza\\_o\\_e\\_do\\_funcionamento\\_dos\\_rg\\_os\\_de\\_Administra\\_o\\_Local.pdf](http://cnsc2009forum.bligoo.com/media/users/7/399161/files/23110/Lei_da_Organiza_o_e_do_funcionamento_dos_rg_os_de_Administra_o_Local.pdf) (accessed September 11, 2013).

<sup>95</sup> Law 17/10, art. 16.

<sup>96</sup> Organic statute of the provincial government of Luanda, enacted by presidential decree 276/11 on October 31, 2011, art. 29, 2d and e, see <http://www.gpl.gv.ao/publica/EstatutoOrganico.aspx> (accessed on September 11, 2013).

<sup>97</sup> “Angola: Stop Stifling Free Speech,” Human Rights Watch news release, August 1, 2012; “Angola: Violent Crackdown on Critics,” Human Rights Watch news release, April 2, 2012, <http://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics>

Asked about these informal agents engaged in joint crackdown operations of street vendors, local government officials in Viana said that both the municipal and provincial authorities recruit unofficial agents due to lack of sufficient staff. They also said that government inspectors and informal agents often operate without visible identification, either due to the lack of vests, or to be less easily detected.<sup>98</sup> While legitimate police information gathering can be carried out “under cover,” only authorized law enforcement personnel with valid credentials should be involved in arrest operations.

Although the government announced reforms in 2008 aimed at setting up an administration inspection unit that is properly trained in lawful crowd control methods with regard to street vendors, the reforms have not materialized to date.<sup>99</sup>

---

<sup>98</sup> Human Rights Watch interview with the municipal administrator of Viana, José Moreno, Viana, Luanda, January 21, 2013, and with the municipal director of the inspection department of Viana, Domingos Adriano, Viana, Luanda, January 23, 2013.

<sup>99</sup> Such reforms were announced under Francisca do Espírito Santo, then governor of Luanda. “Novo director promete desmilitarização fiscal do GPL,” *A Capital*, October 11, 2008. “Fiscais do GPL em vias de extinção,” *Agora*, April 26, 2008. Promises to improve the behavior of inspection agents towards the population were also made by José Maria dos Santos, then governor of Luanda, in 2011. “Governador quer fiscais tolerantes na sua relação com a população,” *Jornal de Angola*, January 13, 2011.

## **Acknowledgments**

The report was researched and written by Lisa Rimli, researcher in the Africa Division of Human Rights Watch. It was edited by Leslie Lefkow, deputy director of the Africa Division; Babatunde Olugboji, deputy program director; and James Ross, legal and policy director. Charlene Harry, associate of the Africa Division, provided production assistance.

Human Rights Watch acknowledges with gratitude the contribution provided by journalists, human rights activists, members of churches and local organizations, officials of the government and police and all the street vendors who agreed to be interviewed for this report. We own special gratitude to those individuals who provided invaluable and unflinching support during our research in Angola.

We also thank NOVIB for the funding that made this research possible.