INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and
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Submission to the 107th Session of the Human Rights Committee

ANGOLA

(Military service, conscientious objection and related issues)

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Summary

This submission focusses on the treatment of conscientious objectors and others who seek to avoid military service in Angola. Among the human rights concerns it identifies are:

- failure to implement the legal provision allowing conscientious objectors to substitute civilian service for military service
- forced recruitment
- extra-judicial killings of deserters and persons attempting to escape recruitment
- discrimination against those who have not performed military service
- inadequate safeguards against juvenile recruitment
Basic information on ANGOLA

Population (November 2011, estimated)\(^1\)  17,545,000

Military service:
24 months. Obligatory for all males

Recruitment ages:
17/18 for registration under the “military census”
18 for voluntary enlistment
19/20 for incorporation of conscripts into the armed forces

Manpower reaching “militarily significant age” in 2010\(^2\):
155,476

Armed forces active strength, November 2011\(^3\):
107,000

as a percentage of the above figure:
68.8%

The proportion of conscripts within the armed forces is not known.

Military expenditure (US $ equivalent) 2011\(^4\)

$3,647m.

Per capita
$207

As % of GDP
3.47%

Historical Background:

For forty years, Angola was almost continually in a state of war, the details of the conflict resolving themselves into three main phases. From the early 1960’s until the toppling of the Portugese dictatorship in 1974 there was an armed struggle for liberation from colonial rule. After independence in 1975 the struggle between the two largest liberation movements, the MPLA (Movimiento Popular para la Liberacion de Angola), which formed the internationally–recognised Government and UNITA (Uniao Nacional para a Independencia Total de Angola) was one of the theatres in which the “cold war” was fought by proxy, the Government army being overtly assisted by Cuba and UNITA by (apartheid-era) South Africa. Following the end of the cold war came the Lusaka accords of 1994. International involvement ended, but the peace between the warring factions did not hold; the end of the UNITA rebellion was finally marked only in 2002 by the Luena Accords. It is likely that more than one-and-a-half million, well over 10% of the population died as a direct result of the conflict, as much as a third of the population may have suffered displacement. A smaller long-running armed conflict against separatist movements in the Cabinda enclave continued for several more years.

Despite the last decade of rapid economic growth, the legacy of the wars can still be seen in a more comprehensive system of obligatory military service and a higher level of military expenditure than

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\(^1\) Source: The Military Balance 2012 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

\(^2\) Source: CIA World Factbook. [https://www.cia.gov/library/publications/the-world-factbook/index.html](https://www.cia.gov/library/publications/the-world-factbook/index.html), The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.

\(^3\) As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2012

\(^4\) Stockholm International Peace Research Institute (SIPRI), April 2012
is common in the region.
Military Service in Angola

The Military Service Law (Lei Geral do Serviço Militar), No. 1/93, of 26th March 1993, stipulates that all male citizens are required, in the year of their eighteenth birthday, to register for military service. Liability to perform military service (Article 2, Paragraph 1 of Law 1/93) applies from 1st January of the year of the 20th birthday until 31st December of the year of the 45th birthday. Women with academic qualifications in certain fields are also required to register for military service (Article 24 of Law 1/93).

Article 10, Paragraphs 5-7 (paragraphs 1-4 do not seem to exist) of Law 1/93 states that persons liable for military service who are conscientious objectors will perform an appropriate civilian service, to be the subject of specific implementing regulations.5

As far as is known, however, such regulations have never been promulgated, and no Angolan conscientious objectors have performed an alternative civilian service. Angolan antimilitarist organisations insist that conscientious objectors are not in practice released from military service, exemptions being given only to persons with disabilities or severe illness, and to students for the duration of their studies, provided that they have registered for military service.

The duration of obligatory military service is two years, but this may as necessary be extended or reduced by one year on the authority of the National Assembly if “conditions of service permit”.6

Recruitment

Each January the Ministry of Defence issues a decree calling on male citizens entering their eighteenth year to register. In 2009, for instance, the summons was addressed to all male citizens, whether or not resident in Angola, born between 1st January and 31st December 1991, and registration was required between 12th January and 28th February. From November 1998 until the end of the 2001, registration was extended to those entering their seventeenth year, so that the Law did briefly allow for the conscription of some 17-year-olds.7

Following the end of the war against UNITA, no such decrees were issued in 2002 or 2003. In January 2004, however, they resumed, and in 2005 the summons to register was also addressed to all those born between 1981 and 1986 who had not previously registered. Those born between 1970 and 1974 (ie approaching the upper age limit) were also called upon to “regularize their military situation”.8

The procedure leading from registration to call-up and actual incorporation in the armed forces is much less clearly documented.

5. Os cidadãos nacionais do sexo masculino com idade compreendida entre os 20 e 45 anos. objectores de consciência, nos termos da lei, prestarão Serviço Militar na modalidade do serviço cívico adequado a essa situação.

6. As disposições do número anterior são aplicáveis aos cidadãos do sexo feminino objectores de consciência, na situação a que se refere o artigo 24.2 da presente Lei.

7. O serviço cívico tem âmbito nacional e será objecto de regulamentação própria.


It is known that during the civil war both sides relied heavily on forced recruitment raids, known locally as rusgas. The typical pattern is of house-to-house searches in the early morning, often backed up by a ban on anyone of military age leaving the country and restrictions on movement within the country. In the course of rusgas doors were broken down, and it is alleged that the inhabitants of the searched houses were frequently assaulted; occasionally with sexual assaults on the females. Potential recruits who attempted to flee were sometimes summarily shot.

Although the 1993 Law was supposed to regularise recruitment, rusgas resumed as the temporary peace unravelled. Up to date information from inside the country is hard to obtain, but refugee groups allege that enforcement of the recruitment legislation has continued even after the end of the war to be done by this means.9

Penalties for avoidance of military service

Under article 29 of the Military Penal Code (Lei dos Crimes Militares), No. 4/94, of 28th January 1994, those who fail to report for military service – including conscientious objectors - are liable to a sentence of two years imprisonment followed by military service of twice the normal length, ie. four years.

It has been alleged that in practice when such persons have been apprehended they have sometimes been punished by being sent into active service with no training or training of only two to four weeks. It has to be assumed that this increases the risk of a violent death.

Deserters may be sentenced to between two and eight years of imprisonment in times of peace and eight to twelve years in time of war. In practice it is alleged that during the civil war deserters were either summarily executed or posted to the front line.

Discrimination against those who have not performed military service

Under Article 1, Paragraph 3 of Law 93/1 no person may obtain public employment nor enrol in any educational establishment who has not performed any military service required of him.

Inadequate safeguards against juvenile recruitment

The widespread use of child soldiers by all parties in the civil wars has been extensively documented. Anecdotal evidence tells of children as young as 8 being directly involved in armed conflict; there was certainly widespread forced recruitment of children from the age of 13 upwards.

When the war finally came to an end, the Government estimated that some 10% of armed forces personnel were aged under 18, and that there were “at least 6,000 – and possibly many more – underage UNITA combatants to be demobilised”.10 This information was used to produce a conservative estimate of 16,000 “child soldiers”. During the short-lived preparations for demobilisation under the Lusaka Accords eight years earlier 12% of the UNITA troops gathered in “Quartering Areas” were aged under 18.11 If in fact an estimate of 10% aged under 18 is applied to the total population in arms at the end of the war, without attempting a detailed breakdown, a

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9 Ibid
figure of between 20,000 and 25,000 “child soldiers” would be implied. Many more combatants – probably the majority – would have initially been recruited or abducted below the age of 18. And even in these calculations girls might be completely omitted. It is estimated that some 30,000 girls were “abducted” in the course of the war. Their use in direct combat roles was not seemingly usual in Angola, but, in UNITA at least, girls did routinely serve in dangerous front-line positions, carrying supplies and munitions in advance or retreat and foraging for food and firewood behind enemy lines, as well as performing domestic duties and suffering horrific sexual abuse. Not having a weapon to surrender, they were never treated as part of demobilisation programmes and were thus completely thrown back on their own resources.

In the event, unlike the Lusaka Protocol eight years earlier, the Luena agreement made no provision for individually identifying and recording child soldiers and former child soldiers. The UNITA forces were to be integrated with those of the Government and then 105,000 of the former and 33,000 of the latter were to benefit from a demobilisation and reintegration “package” in order to bring the combined armed forces down to size. In line with the minimum recruitment age set by law, however, only UNITA members aged over 18 could be admitted into the new national army! Of course many of those concerned had first been recruited as children, but those who had not yet reached the age of 18 were simply released informally, without the benefit of any “package”. They merged into the larger population of children displaced by the war – which in some cases might have helped them to avoid stigmatisation, but meant that their specific needs were not addressed.

These problems were recognised by the Committee on the Rights of the Child when in 2004 it considered Angola’s initial report under the Covenant on the Rights of the Child. In their concluding observations, the Committee stated:
“While welcoming the actions undertaken for the disarmament, demobilisation and reintegration of combatants, the Committee is deeply concerned that inadequate attention is given to the plight of former child soldiers, in particular girls...
“The Committee recommends that the State party ensure that special attention is given to former child soldiers and children, in particular girls, who were domestic workers, porters, etc. All children who participated in military groups should be eligible for rehabilitation programmes. These programmes should include psychosocial rehabilitation and programmes for community integration.”

It is important to realise that the child soldiers who disappeared in 2002 did not at all overlap with the 8,500 or 9,000 who were registered under the Lusaka Protocol. All of the earlier group would have been in their 20’s by 2002. The full effect of the conflict on children in Angola was best summed up by the Executive Director of the UN Office for Drug Control and Crime Prevention who in 1998 was quoted as estimating that since 1980 “in Angola every third child has been involved in military operations, and many have fired a gun at another human being.”

Demobilisation of child soldiers began in 1996; by 1998 it was reported that UNITA was again engaging in widespread abductions of men and women aged between 13 and 30. Rusgas by government forces also allegedly resumed away from the capital, with children as young as fourteen being recruited; one source refers very young boys being “thrown back” when delivered to

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12 Ibid
13 Human Rights Watch, Forgotten fighters: child soldiers in Angola , New York 2003, Chapter IV
16 CRC/C/15/Add.246, 3rd November 2004, paras 60, 61.
18 Ibid, p16.
commanders in the field. By the end of 1998, it was alleged that there were about 3,000 child soldiers on each side. Any of those who had already been included in the 1994 estimates would have had to have been 13 or under at the time – in other words this essentially represents an entirely new generation of recruitment.

There have been no reports of the systematic recruitment of persons under 18 since 2002; on 11th October 2007 Angola acceded to the Optional Protocol to the Convention on the Rights of the Child on children in armed conflict, thereby committing itself to refrain from the obligatory recruitment of persons aged under 18; the age for voluntary recruitment had already been set at 18 by Decree No. 40/96 of 13th December 1996. It has yet to deliver its intial report under the protocol to the Committee on the Rights of the Child.

There are however two features which, particularly in combination, create considerable risks that juvenile recruitment may still, at least occasionally, take place in practice. One is the continued reliance of *rusgas*. The other is the very low rate of birth registration – estimated at 5%, which means that potential conscripts have no means of proving their age.

The State Party might be asked whether the implementing regulations concerning alternative service for conscientious objectors envisaged in Article 10, paragraphs 5 – 7 of the 1993 Law on Military Service have ever been promulgated. Are potential conscripts made aware of the possibility of registering as conscientious objectors? How many conscientious objectors have declared themselves since 1993?

Given that the manpower needs of the armed forces would now seem to be considerably less than the potential number of recruits available, has the state party considered dispensing with obligatory military service, which is not imposed in most other states in the region. If not, is it at least prepared to consider abolishing the prohibitions on enrolment in educational establishments and employment in public service of persons who have not performed military service which are set out in Article 1 Paragraph 3 of the Law on Military Service?

The State Party might also be asked about call-up procedures for military service. Has the practice of rounding up potential conscripts in *rusgas* now been completely eliminated in all parts of the country? What procedures are in place for checking the ages of recruits, both conscripts and volunteers to ensure that the State Party adheres to the commitments it made under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict?