ANGOLA

1. Discriminatory family code

The Civil Code sets the legal age of marriage in Angola at 16 years for both sexes, however the law allows for girls to be married at a younger age in special circumstances. In its 2010 concluding comments, the Committee on the Rights of the Child expressed concern that exceptions for marriage at a younger age than set in law are obtainable.

The Family Code establishes equality between men and women within the family: both spouses have the same rights and are subject to the same duties. These principles extend to matters of parental authority. The Family Code prescribes that both parents have equal responsibility to support their children, and if children remain with the mother following divorce, the father must pay for maintenance for the children. However, the Rural Development Institute found in a study on women’s land rights in Angola that, although property tends to be divided equally post-divorce without court interference, in cases where it is not or when women are abandoned by their husbands, there was little evidence that women pursued their rights to property through legal channels, including by using rights set out within the Family Code.

With respect to inheritance rights, the Family Code provides for the inheritance rights of daughters. However, as a matter of practice under customary law, daughters may not inherit land or inherit a smaller amount than sons. The inheritance rights of widows and divorced women are particularly precarious. Although divorced women or widowers may inherit land, this is commonly only in trust for their children. A study conducted by the Rural Development Institute in 2008 found that only 23% of widows use the land left by their deceased husbands, and further, that many women lack knowledge of their land and inheritance rights.

According to the African Development Bank, the loss or displacement of men associated with decades of conflict has led to an increase in female-headed households in Angola. The 2006-2007 Angola Malaria Indicator Survey found that 25% of households were headed by a woman. Although

1 Civil Code Article 1601
2 UN Committee on the Rights of the Child (2010), pp. 5-6
3 UN Committee on the Rights of the Child (2010), pp. 5-6
4 Family Code, Article 3; FAO (n.d.),
5 Family Code, Article 11; Rural Development Institute (2008), p. 11
6 Rural Development Institute (2008), p. 11
7 Exact Article of Family Code not Indicated; Rural Development Institute (2008), p. 3
9 African Development Bank (2008), Angola Country Gender Profile, p. 3
10 Demographic and Health Survey (2007), p. 10
women’s increasing economic role has challenged traditional stereotypes of the role of women in the family, the end result for many women has been a work overload in an effort to combine economic activity and household duties. The African Development Bank reports that female-headed households are subject to discriminatory treatment. For example, the African Development Bank found that female-headed households are allotted smaller areas of land compared to male-headed households, and the International Fund for Agricultural Development reports that female-headed households are provided with minimal support from the government.

Both spouses may initiate divorce, as established by the Civil Code. No evidence of discrimination was found.

2. Restricted physical integrity

Angola passed its first law criminalising domestic violence (Law No. 25 Against Domestic Violence) in 2011. The definition of domestic violence in the law includes abandonment and sexual, verbal, economic, psychological and physical violence. According to its report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2011, the government was developing a project called “Support of Gender Issues in Angola,” whose main objective is to promote the development of conditions that lead to a decrease in domestic violence, and which includes training in five sectors (justice, education, health, agriculture and finance) on ways to achieve these goals, as well as the development of a monitoring and action plan.

According to the latest government data, reported to CEDAW in 2011, there was a 67.9% change in cases of domestic violence from 2008 to 2009, from a total of 5,279 cases of physical, psychological, economic, labour, and sexual violence in 2008, to 9,658 reports of such cases in 2009. In its reply to the CEDAW Committee following its latest report, the Government of Angola noted the number of new cases of violence against women – both registered and prosecuted – and attributed it to the wide dissemination of the new (2011) Law against Domestic Violence.

Rape, including spousal rape, is criminalised under the Penal Code and punishable by up to eight years imprisonment, though the US Department of State notes that the underreporting of violence and an ineffectual judicial system prevent prosecution in most cases.

According to the government, in 2011, some 1,624 cases of violence were registered, leading to the arrest of 1,078 persons. Of these crimes, 57 involved rape, with 47 arrests. The US Department of State notes, however, that local NGOs believe the number of rapes committed each year to be much higher and, further, that the penalties under the 2011 law have not yet gone into effect, making implementation of the law difficult.

12 African Development Bank (2008), p. 18
13 International Fund for Agricultural Development (2002), p. 3
14 Article 16 1677º-B
15 Redvers, L. (2011)
16 Article 3.2
17 CEDAW (2011), p. 10
19 CEDAW (2013), p. 8
20 US Department of State (2012)
21 CEDAW (2013), p. 8
22 US Department of State (2012)
Sexual harassment is not illegal, though can be prosecuted in certain cases, under assault and battery statutes in the Penal Code.\textsuperscript{23}

There is no evidence that female genital mutilation is practised.

More

Violence against women in Angola is common and has been rising since the 30-year-long civil war ended in 2002. In 2006, local human rights and women’s organisations reported an increase in domestic and sexual violence against women and girls, including violence against girls in the school system.\textsuperscript{24}

Women’s experiences of violence in Angola cannot be separated from the conflict and its ongoing consequences including displacement and poverty. Although there is no data on prevalence, it is reported that many women in Angola were victims of rape and abduction during the war.

The war also led to an increase in persons with disabilities – according to information gathered by the US Department of State, there are approximately 500,000 with disabilities in Angola, some 80,000 as a result of land mines.\textsuperscript{25} Women with disabilities are especially prone to physical integrity violations.

Since the war’s end (around 2003), violence against migrant women – mainly citizens from neighbouring Democratic Republic of Congo – has been documented by several human rights organisations.\textsuperscript{26} In a 2012 report, Human Rights Watch found that the most serious abuses of migrant women, including rape and assault, took place within detention facilities, under the supervision of Angola’s Interior Ministry.\textsuperscript{27}

Although there is no data on prevalence, trafficking for sexual exploitation is a problem both into and out of Angola.\textsuperscript{28} In 2007, the Government of Angola helped to draw up the joint Ministerial Conference of the Economic Community of West African States (ECOWAS) and Economic Community of Central African States (ECCAS) plan of action to control trafficking in persons, especially women and children.\textsuperscript{29} It is unclear how this commitment has affected legislation on the national level.

The World Health Organization reports that abortion is illegal except to save the pregnant woman’s life, including in cases of rape or incest.\textsuperscript{30} According to the Joint NGO submission to CEDAW, an amendment to the Penal Code in order to revise the conditions under which abortions can be performed was drafted in 2011 but, as of 2013, it had yet to be adopted.\textsuperscript{31}

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\textsuperscript{23} US Department of State (2012)  
\textsuperscript{24} Human Rights Watch (2007)  
\textsuperscript{25} US Department of State (2012)  
\textsuperscript{26} Human Rights Watch (2012)  
\textsuperscript{27} Human Rights Watch (2012), p. 7  
\textsuperscript{28} CEDAW (2013), p. 9  
\textsuperscript{29} CEDAW (2013), p. 9  
\textsuperscript{30} United Nations Population Division (2007)  
\textsuperscript{31} Joint NGO Submission (2013), p. 5
\end{flushleft}
3. Son bias

The male/female sex ratio for the working age population (15-64) is 1.02 while the sex ratio at birth is 1.05.\(^{32}\) There is no evidence to suggest that Angola is a country of concern in relation to missing women.

More

In 2011, there were 57,382 male children out of school, compared to 455,536 female children. In addition, the ratio of female to male primary and secondary school enrolment was 64% in 2011.\(^{33}\) Data from 2008-2012 provided by UNICEF also indicates a significant gender gap in primary and secondary education.\(^{34}\)

Based on 2002-2012 data from UNICEF, child labour slightly affected females more than male children.\(^{35}\)

4. Restricted resources and assets

The 1992 Land Act provides women and men equal land rights. However, it does not have a stand-alone, comprehensive land policy, and its 2004 Land Law (updating the 1992 law) does not include any statements on women’s equal access to land.\(^{36}\) Although there is a lack of data on differences between men and women in terms of land holdings, evidence suggests that land distribution follows customary practices that tend to disadvantage women.\(^{37}\) Women’s rights to land do differ by region and between ethnic groups according to their social structures (patrilineal or matrilineal) and the farming systems introduced during colonial times.\(^{38}\)

Although women do have equal rights to property under the Civil Code and Family Code,\(^{39}\) it is unclear whether these rights extend to non-land assets, and how such rights, if legislated, are implemented in practice.

Regarding access to financial services, there are no laws in place that prevent women from opening a bank account in the same way as men, from signing business contracts or from accessing property other than land.\(^{40}\) According to the latest data from the World Bank, in 2011 approximately the same percentage of women – 38.9% – as men – 39.5% – had an account at a formal financial institution.\(^{41}\) The African Development Bank reports that women in Angola particularly struggle in accessing credit, often due to illiteracy or because they do not have assets that lenders require.\(^{42}\) However, women made up the majority – 57.61% – of microfinance borrowers in the country in 2011.\(^{43}\)

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\(^{33}\) World Bank (n.d.)


\(^{36}\) Rural Development Institute (2008), p. 10

\(^{37}\) Rural Development Institute (2008), p. 10

\(^{38}\) African Development Bank (2008), p. 14

\(^{39}\) World Bank (2013a)

\(^{40}\) World Bank (2013a)

\(^{41}\) World Bank (2013b)

\(^{42}\) African Development Bank (2008), p. 19

\(^{43}\) Microfinance Information Exchange (2013)
5. Restricted civil liberties

There are no reported legal restrictions on access to public space for women in Angola, but the threat of sexual violence presents a significant barrier to women’s freedom of movement. And, as indicated above, migrant women from the Democratic Republic of Congo are at risk of arbitrary detention and sexual violence while imprisoned. Further, Freedom House reports that women are often killed or injured by land mines as they search for food and firewood.\textsuperscript{44}

While no acts of violence against lesbians or transgender women have been reported, same-sex relationships are illegal under the Angolan Penal Code, which fosters a discriminatory environment for lesbian, gay, bisexual and transgender people, leading to restricted access to public space.\textsuperscript{45}

With respect to women’s political voice, a 2010 law provides for a quota of 30% in the single or lower house.\textsuperscript{46} There are no quota requirements at the sub-national level.

\textbf{More}

Women in Angola have equal workplace rights under the National Labour Code. Gender discrimination in the workplace is prohibited by law.\textsuperscript{47}

Women also have the right to 12 weeks maternity leave to be paid at 100% of wages.\textsuperscript{48}

\begin{footnotesize}
\begin{enumerate}
\item Freedom House (2010)
\item ARC International (2010)
\item Political Parties Law, No 2/05 2005, Article 20 amended by the Law 2010, Article 20; The Quota Project (2013)
\item General Labour Act, 272(1); ILO (2011)
\item General Labour Act, 273(6), Presidential Decree No. 8/11 on Maternity Protection S(1), 11; ILO (2011)
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World Bank (2013b) *Global Financial Inclusion Database*,