



# ANGOLA

## A BRIEF ON EDUCATION, CHILD MARRIAGE, AND WORK AND EMPLOYMENT

(ICESCR Articles 3, 7, 10, and 13)

*Information for the Committee on Economic, Social, and Cultural Rights  
74<sup>th</sup> Pre-Sessional Working Group, March 2024*

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## INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 74<sup>th</sup> Pre-Sessional Working Group of the Committee on Economic, Social, and Cultural Rights.

This brief will focus on the following areas:

1. Non-discrimination in work and employment (Article 7)
2. Child marriage (Articles 3 and 10)
3. Free and compulsory education (Article 13)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Angola and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Angola address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Angola for having provisions in place, we hope the Committee will recommend that Angola work with stakeholders to overcome any obstacles in implementing these provisions.



**SUMMARY OF FINDINGS AND RECOMMENDATIONS**

1. Non-Discrimination in Work and Employment (Article 7)

**On broad prohibitions of workplace discrimination:**

Among Covenant-protected groups, Angola **protects specifically against discrimination on the basis of race and colour, sex, language, religion, political opinion, social origin, and disability**. The remaining Covenant-protected groups, including **national origin, property, and birth, do not enjoy this protection**.

**On discrimination in remuneration:**

Angola **mandates equal pay for work of equal value regardless of race and colour, sex, language, religion, political opinion and social origin**. No provisions exist for the remaining Covenant-protected groups, **including national origin, property, birth and disability**.

**On discrimination in promotions:**

Among Covenant-protected groups, Angola only explicitly prohibits discrimination in promotions **on the basis of sex**. All other Covenant-protected groups, including **race and colour, language, religion, political or other opinion, national origin, social origin, property, birth, and disability do not enjoy this protection**.

*Table 1. Guaranteed legal provisions of non-discrimination in Angola across key areas of employment for personal characteristics covered by the Covenant*

	Discrimination broadly prohibited	Remuneration	Promotions
Race and colour	✓	✓	
Sex	✓	✓	✓
Language	✓	✓	
Religion	✓	✓	
Political opinion	✓	✓	
National origin			
Social origin	✓	✓	
Property status			
Birth status			
Disability	✓		



**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

**On broad prohibitions of workplace discrimination:**

We hope the Committee will:

- In its list of issues, ask Angola: can Angola provide the Committee with any concrete, near-term steps it is taking to pass legislation that adds broad prohibitions against workplace discrimination on the basis of national origin, property, and birth?
  - If concrete, near-term plans are not in place, recommend in its concluding observations that Angola amend its legislation to provide broad prohibitions against workplace discrimination on the basis of national origin, property, and birth.

**On discrimination in remuneration:**

We hope the Committee will:

- In its list of issues, ask Angola: can Angola provide the Committee with any concrete, near-term steps it is taking to pass legislation that protects against discrimination in remuneration on the basis of national origin, property, birth, and disability?
  - If concrete, near-term plans are not in place, recommend in its concluding observations that Angola amend its legislation to provide explicit guarantees against discrimination in remuneration on the basis of national origin, property, birth, and disability.

**On discrimination in promotions:**

We hope the Committee will:

- In its list of issues, ask Angola: can Angola provide the Committee with any concrete, near-term steps it is taking to pass legislation that adds specific prohibitions against discrimination in promotions on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, birth, and disability?
  - If concrete, near-term plans are not in place, recommend in its concluding observations that Angola amend its legislation to provide broad guarantees against discrimination in promotions on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, birth, and disability.

## 2. Child Marriage (Articles 3, 10)

Based on our review, **Angola’s legislation generally prohibits marriage until age 18, but girls aged 15 and over and boys aged 16 and over may be married if their parents consent.** Angola mentions in the State Party Report that this legislation is in the process of being reviewed. Angola’s last recorded child marriage rates, from 2019, were high: 30% of girls married before age 18 and 8% married before age 15.<sup>1</sup>

<sup>1</sup> UNICEF. UNICEF Data Warehouse – Child Marriage. Retrieved November 30, 2023 from [https://data.unicef.org/resources/data\\_explorer/unicef/f/?ag=UNICEF&df=GLOBAL\\_DATAFLOW&ver=1.0&dq=.PT\\_F\\_20-24\\_MRD\\_U15+PT\\_M\\_20-24\\_MRD\\_U18+PT\\_F\\_20-24\\_MRD\\_U18+PT\\_M\\_15-19\\_MRD+PT\\_F\\_15-19\\_MRD.&startPeriod=2016&endPeriod=2022](https://data.unicef.org/resources/data_explorer/unicef/f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD.&startPeriod=2016&endPeriod=2022)



**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

We hope the Committee will:

- In its list of issues, ask Angola: Can Angola confirm whether the revisions to the Family Code mentioned in paragraph 151 of the State Party Report will remove any exceptions to a minimum age of marriage of 18 for both women and men?
  - If the revisions do not remove these exceptions, recommend in its concluding observations that Angola develop a concrete plan to pass and implement legislation that protects children under the age of 18 from early marriage without exceptions.

### 3. Free and Compulsory Education (Article 13)

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**By law, education in Angola is free during primary school and compulsory up to the end of lower secondary education.** As of the latest data available (2015), prior to the passage and amendment of the current education law, the out-of-school rate for children of primary age was 22%, and the out-of-school rate for children of lower secondary school age was 16%.<sup>2</sup> Lack of more recent data could be preventing effective monitoring of out-school-rates or identifying worsening out-of-school rates.

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<sup>2</sup> UNESCO. SDG 4 Country Dashboard. Retrieved November 30, 2023 from <https://tcgtest.uis.unesco.org/sdg-4-dashboard/sdg-4-country-dashboard/>



#### RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Angola: can Angola provide up-to-date information on out-of-school children and adolescents collected after the passing of its 2016 education law, disaggregated by sex and level of education?
  - If Angola does not have this up-to-date data, recommend in its concluding observations that Angola collect and report on updated statistics on out-of-school children and adolescents, disaggregated by sex and level of education.
  - Recommend in its concluding observations that Angola collect and report statistics on out-of-school children annually, in order to support implementation of its 2016 education law.
- In its list of issues, ask Angola: can Angola outline any concrete, near-term measures that it is taking to examine and resolve the barriers that are keeping children and adolescents out of school?
  - If Angola does not have plans for concrete near-term measures to examine and resolve these barriers, recommend in its concluding observations that Angola develop a concrete, near-term plan to effectively reduce the rates of out-of-school children and adolescents.
- In its list of issues, ask Angola: does Angola have concrete plans to progressively introduce free education at the secondary level, as described in amended Lei 17/16?
  - If Angola does not, recommend in its concluding observations that Angola develop concrete plans to progressively introduce free education at the secondary level, in accordance with both its education law and article 13.2.b of the Covenant.

#### DETAIL OF LEGISLATIVE FINDINGS

##### 1. Non-Discrimination in Work and Employment (Article 7)

In addition to Article 2(2) and General Comment No. 5 of the Covenant which guarantees equal rights regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and disability status, Article 7 of the Covenant outlines a number of specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment, including specific measures in the areas of remuneration and promotion. We systematically reviewed national labor codes, penal codes, equal opportunity, anti-discrimination legislation and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited workplace discrimination broadly, as well as in employment across the two areas specified in the Covenant:

- Equal remuneration for work of equal value



- Promotions

For each area, we assessed whether there were explicit prohibitions from discrimination across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant.

*ANGOLA'S LEGISLATIVE PROVISIONS: RECENT PROTECTIONS ARE COMPREHENSIVE, BUT GAPS REMAIN*

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**BROAD PROTECTIONS AGAINST DISCRIMINATION**

Angola's recent labor code broadly **protects against workplace discrimination on the basis of race and colour, sex, language, religion, political opinion and social origin.**

*Lei Geral do Trabalho*

*ARTIGO 4º*

*(Direito ao trabalho)*

1. *Todos os cidadãos têm direito ao trabalho livremente escolhido, com igualdade de oportunidades e sem qualquer discriminação baseada na raça, cor, sexo, origem étnica, estado civil, origem e condição social, razões religiosas, opinião política, filiação sindical e lingua.*

*(...)*

Angola's main disability law **offers the same protection on the basis of disability.**

*Lei da Pessoa com Deficiência*

*Artigo 4.º (Princípios Fundamentais)*

*Para além dos demais princípios específicos, o regime jurídico aplicável à prevenção, habilitação, reabilitação e participação da pessoa com deficiência rege-se pelos seguintes princípios fundamentais:*

*(...)*

*c)- Princípio da não discriminação: a pessoa com deficiência não pode ser discriminada, directa ou indirectamente, por acção ou omissão, com base na deficiência e deve beneficiar de medidas de acção positiva com o objectivo de garantir o exercício dos seus direitos e deveres, corrigindo uma situação factual de desigualdade que persista na vida social;*

*(...)*

**Our research found no broad protections against workplace discrimination on the basis of national origin, property or birth.**

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**ON REMUNERATION**

The Covenant states that:

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

*(a) Remuneration which provides all workers, as a minimum, with:*

- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*





*(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;*

The Covenant requires all workers – and more specifically women -- to receive equal pay for equal work, or equal pay for work of equal value. **Angola’s labor code extends this right on the basis of race and colour, sex, language, religion, political opinion and social origin.**

*Lei Geral do Trabalho*

*ARTIGO 4º*

*(Direito ao trabalho)*

- 1. Todos os cidadãos têm direito ao trabalho livremente escolhido, com igualdade de oportunidades e sem qualquer discriminação baseada na raça, cor, sexo, origem étnica, estado civil, origem e condição social, razões religiosas, opinião política, filiação sindical e lingua.*

*(...)*

*ARTIGO 157º*

*(Não discriminação e garantias do trabalhador)*

- 1. O empregador é obrigado a assegurar para um mesmo trabalho ou para um trabalho de valor igual, a igualdade de remuneração entre os trabalhadores sem qualquer discriminação com respeito pelas disposições desta Lei.*

*(...)*

*ARTIGO 242º*

*(Igualdade de tratamento e não discriminação no trabalho)*

*(...)*

- 2. É garantido às trabalhadoras:*

*(...)*

*d) O direito a salário igual para trabalho igual ou de valor igual;*

**All other groups covered by the Covenant, including workers facing discrimination on the basis of national origin, property, birth and disability, do not enjoy this protection.**

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## **ON PROMOTIONS**

The Covenant calls for equal opportunity in promotions, subject only to competence and seniority:

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

*(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*



Among Covenant-protected groups, Angola’s legislative framework protects **against discrimination in promotions only on the basis of sex.**

*Lei Geral do Trabalho*

*ARTIGO 157º*

*(Não discriminação e garantias do trabalhador)*

*(...)*

*3. As categorias e os critérios de classificação e promoção profissional, assim como todas as demais bases de cálculo da remuneração, designadamente os critérios de avaliação dos postos de trabalho devem ser comuns aos trabalhadores dos dois sexos.*

*(...)*

**All other groups covered by the Covenant, including workers facing discrimination on the basis of race, colour, language, religion, political or other opinion, national or social origin, property, birth, and disability are not guaranteed equality in promotions or advancements.**

## 2. Child Marriage (Articles 3, 10)

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Article 10 (1) of the Covenant states that all States Parties must recognize that:

*[...] Marriage must be entered into with the free consent of the intending spouses.*

Additionally, Article 3 guarantees this right to be applied to all persons equally regardless of sex:

*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.*

Child marriage has life-long health, educational, and economic consequences, particularly for girls. Child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Covenant, specifically the right to physical and mental health (Article 12), and the right to education (Article 13). We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization’s NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.



*ANGOLA'S LEGISLATIVE PROVISIONS: UNDERAGE MARRIAGE PERMITTED WITH PARENTAL CONSENT*

Based on our review of Angola's legislation, **the general legal age of marriage is 18 for both women and men. However, girls aged 15 and over and boys aged 16 and over can marry with their parents' consent.**

*Código da família*

*Artigo 24.º Idade núbil*

- 1. Só podem casar os maiores de 18 anos.*
- 2. Excepcionalmente, poderá ser autorizado a casar o homem que tenha completado 16 e a mulher que tenha completado 15 anos, quando ponderadas as circunstâncias do caso e tendo em conta o interesse dos menores, seja o casamento a melhor solução.*
- 3. A autorização a que se refere o número anterior será concedida pelos pais, tutores ou por quem tiver o menor a seu cargo, podendo ser suprida pelo Tribunal, ouvido o parecer do Conselho de Família, quando a não autorização se mostrar injustificada.*

In paragraph 151 of the State Party Report, Angola mentions – in the context of underage marriages -- that the Código da família is being revised.

**In the last year for which there is available data in Angola, child marriage rates were high: 30% of women aged 20-24 at the time of survey had been married before age 18, 8% had been married before age 15, and 18% of girls aged 15-19 were already married,<sup>3</sup> so early age of marriage remains an issue of concern.**

### 3. Free and Compulsory Education (Articles 13)

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Article 13 of the Covenant states that:

- 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*
- 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*
  - (a) Primary education shall be compulsory and available free to all;*
  - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

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<sup>3</sup> 2016 data taken from UNICEF. UNICEF Data Warehouse – Child Marriage. Retrieved November 30, 2023 from [https://data.unicef.org/resources/data\\_explorer/unicef\\_f/?ag=UNICEF&df=GLOBAL\\_DATAFLOW&ver=1.0&dq=.PT\\_F\\_20-24\\_MRD\\_U15+PT\\_M\\_20-24\\_MRD\\_U18+PT\\_F\\_20-24\\_MRD\\_U18+PT\\_M\\_15-19\\_MRD+PT\\_F\\_15-19\\_MRD.&startPeriod=2016&endPeriod=2022](https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD.&startPeriod=2016&endPeriod=2022)



For all 193 UN member states, we systematically reviewed education acts and child protection laws available online through UNESCO's Observatory on the Right to Education Library and International Labour Organization's NATLEX database. Through the review we determined whether national legislation guaranteed free and compulsory education at the primary and secondary level.

*ANGOLA'S LEGISLATIVE PROVISIONS: SCHOOL IS FREE AT THE PRIMARY LEVEL AND COMPULSORY THROUGH LOWER SECONDARY EDUCATION, BUT MANY CHILDREN AND ADOLESCENTS REMAIN OUT OF SCHOOL*

Angola's education legislation makes education free at the primary level and compulsory through the lower secondary level. Free education at levels other than primary is to be progressively promoted by the Angolan state.

*Lei 17/16 de bases do sistema de educacao e ensino, amended to 2020*

*ARTIGO 11.º*

*(Gratuidade)*

- 1. A gratuitidade no Sistema de Educação e Ensino traduz-se na isenção de qualquer pagamento pela inscrição, assistência às aulas, material escolar e apoio social, para todos os alunos que frequentam o Ensino Primário nas instituições públicas de ensino.*

*(...)*

- 3. O Estado deve garantir e promover as condições necessárias para tomar gratuita a frequência da classe de iniciação e o 1 Ciclo do Ensino Secundário, bem como o transporte, a saúde e a merenda escolar nas instituições públicas de ensino.*

*(...)*

*ARTIGO 12.º*

*(Obrigatoriedade)*

- 1. A obrigatoriedade da Educação traduz-se no dever do Estado, da sociedade, das famílias e das empresas, de assegurar e promover o acesso e a frequência ao Sistema de Educação e Ensino a todos os indivíduos em idade escolar.*
- 2. A obrigatoriedade da Educação abrange a classe da iniciação, o Ensino Primário e o I Ciclo do Ensino Secundário.*

In 2015, prior to the passage and amendment of this law, 22% of Angolan children of primary school age were out of school, as were 16% of children of lower secondary school age,<sup>4</sup> so this was a matter of concern. Regular data collection to monitor the implementation of recent changes in legislation, as well as systematic efforts to monitor and reduce out-of-school rates, are needed.

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<sup>4</sup> UNESCO. SDG 4 Country Dashboard. Retrieved November 30, 2023 from <https://tcgtest.uis.unesco.org/sdg-4-dashboard/sdg-4-country-dashboard/>