



The Global Initiative
for Economic, Social and Cultural Rights

**SHADOW REPORT TO THE UNITED NATIONS HUMAN
RIGHTS COMMITTEE**

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Submitted by:
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I. Non-discrimination, equality between men and women (arts. 2, 3 and 26): Concerns Relating to Women’s Land and Property Rights in Angola

1. According to the UN Office of the High Commissioner for Human Rights, “After more than 37 years of war, Angola has enjoyed peace since the ceasefire accords were signed in April 2002. The absence of armed conflict for the first time in the lives of most Angolans is, in itself, the most important indication of progress in human rights. Still, access to justice is limited, the judiciary is weak, and there are serious limits to press freedom and to civil society activities. Even with the country’s massive mineral wealth and economic growth, the most serious human rights challenge is abject poverty, with 68 per cent of the population living below the poverty line. Access to health, education, land, food and adequate housing, water and sanitation need to be improved, particularly for women.”¹

2. Little information exists on the current situation of women in Angola with respect to the status of their land and property rights, and no information is specifically provided within the State Party report regarding women’s access to and control of land. This is despite Angola’s heavy reliance on subsistence agriculture and land being a crucial issue to women’s equality, empowerment and poverty alleviation more generally.

3. Of particular concern in Angola is the implications of customary law for women’s access to and control of land. A study conducted by the Rural Development Institute in 2008 found “the majority of Angolan women remain trapped by illiteracy, limited economic opportunities, and the need to care for children and relatives. With 70 percent of Angola’s population living on less than \$2 per day, *and more than half the population reliant on agriculture for their livelihoods, secure land tenure is a critical issue*” [emphasis added].² This study confirmed that although the Government of Angola has enacted legislation that articulates gender equity in principle, in reality “customary laws and traditional practices prevail in the lives of most Angolans. These customs favor men over women. ...”³

4. Similarly, the Social Institutions and Gender Index (SIGI) of the OECD Development Centre notes that in Angola: “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.”⁴ This discriminatory situation rises to the level of a violation of Arts. 2, 3 and 26 of the International Covenant on Civil and Political Rights for many women in Angola.

5. This gap between law and practice is important to address. While some legislation in Angola recognizes the equal rights of women in principle, it worthwhile to note that the

¹ See: UN Office of the High Commissioner for Human Rights, ‘Angola’ <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/AOIndex.aspx> [last accessed 24 January 2013].

² Rural Development Institute (RDI), ‘Women’s Land Rights in Post-Conflict Angola,’ RDI Reports on Rural Aid & Development, July 2008.

³ Ibid.

⁴ See: SIGI, ‘Angola: Discriminatory Family Code,’ <http://genderindex.org/country/angola> [last accessed 24 January 2013].

2004 Land Law contains *no policy statements regarding the rights of women* and no statement of non-discrimination in land access and the regularization of informal land occupations.⁵

6. During the recent review of Angola by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), the delegation of Angola recognized that there were indeed “gaps” in the 2004 Land Law in the area of women’s rights and that customary laws and practices in the rural areas always favoured male lineage in matters of land inheritance.⁶

7. Lastly, the SIGI also notes that women’s rights to land differ from region to region and between ethnic groups according to their social structures (patrilineal or matrilineal) and the farming systems introduced during colonial times. ... Access to property other than land depends, to a large extent, on whether a woman is married, and under which regime the marriage is recognised.⁷

II. Recommendations

8. In light of the above information, the Global Initiative respectfully suggests that the Human Rights Committee urge the State party to take the following measures:

- 1) Take immediate steps to address and remedy negative customs and traditional practices, especially in rural areas, which affect full enjoyment of women’s land and property rights.
- 2) Design and implement broad legal literacy campaigns for women informing them of their land rights, marital property rights, and inheritance rights. Similarly, local traditional authorities should be trained and assisted to better protect women’s land rights.
- 3) Amend the 2004 Land Law to make explicit provisions related to women’s land rights, including provisions recognizing the right to non-discrimination in land related matters.

⁵ Ibid.

⁶ UN Media Release, ‘COMMITTEE ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN EXAMINES REPORT OF ANGOLA,’ 20 Feb. 2013. Available at: [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/9AB2F1455476ACBBC1257B18005F3F28?OpenDocument#sthash.xu5MDQt2.dpuf](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/9AB2F1455476ACBBC1257B18005F3F28?OpenDocument#sthash.xu5MDQt2.dpuf)

⁷ See: SIGI, ‘Angola: Discriminatory Family Code,’ <http://genderindex.org/country/angola> [last accessed 24 January 2013].