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**Refugee Documentation Centre**

**Country Marriage Pack**

**Angola**

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**1. Types of Marriage**

**Civil Marriage**

A report by the *UN Committee on the Elimination of Discrimination Against Women (CEDAW)* under the heading 'Article 16' states:

“States Parties shall take all appropriate measures to eliminate discrimination against women all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of their children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

- (f) The same rights and responsibilities in regard to guardianship, wardship, trusteeship and adoption of children, on similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (8 June 2004) *UN Committee on the Elimination of Discrimination against Women: State Party Report, Angola – pg.51*)

A report by the *UN Committee on Economic, Social and Cultural Rights (CESCR)* under the heading ‘Implementation of the Law in Practice: Difficulties And Constraints’ states:

“The family is the heart of society; it is subject to State protection, whether it is based on marriage or a de facto partnership; both types of partnership have legal effects if they are solemnized or recognized in law.....The right to marry the person of one’s free choice is enshrined in the Constitution, especially in the Family Code, which defines marriage as a voluntary union between a man and a woman which is formalized according to law, with the aim of establishing a complete communion of life. Marriage is therefore based on equality and reciprocity of rights and duties between spouses. For a marriage to be valid each of the intended spouses must expressly state their willingness to enter into the marriage with the other. Often, especially in rural areas, the woman is not entitled to choose her husband and women are brought up to accept their relatives’ decision...” (UN Committee on Economic, Social and Cultural Rights (CESCR) (28 April 2008) *Implementation of the International Covenant on Economic, Social and Cultural Rights: combined initial, 2nd and 3rd periodic reports, under articles 16 and 17 of the Covenant: Angola – par.50 pg.17*)

A report by the *Social Institutions and Gender Index (SIGI)* under the heading ‘Family Code’ states:

“The Angolan Family Code does not permit polygamous marriages. Although there is no prevalence data, reports suggest the practice is common, particularly in rural areas. The Rural Development Institute found that women in polygamous relationships reported that there were fewer marriageable men due to the conflict, leaving them with no option but to enter a polygamous marriage.” (Social Institutions and Gender Index (SIGI) (Date Unknown) *Gender Equality And Social Institutions In Angola*)

In a section titled ‘Restricted Resources and Entitlements’ it states:

“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. The “acquired (estates) community regime” deems goods and financial resources acquired during the marriage as common property, and gives each spouse a limited right to independently administer his or her assets. Under the “estates separation regime”, each spouse can freely administer his or her own assets.

According to the Commercial Code, married women must have the authorization of their husband in order to run businesses. The Committee on the Elimination of Discrimination against Women (CEDAW) reports that it appears the more recent Constitution effectively revokes this provision and gives women the legal right to engage in various kinds of contracts, to own and manage property, and to open bank accounts...” (ibid)

Another report by the *UN Committee on the Elimination of Discrimination Against Women* under the heading ‘Article 16: Equal rights of men and women in all matters related to marriage and family’ states:

“ Law No. 1 of February 20, 1988, approved the Family Code, which is in perfect harmony with the Constitution and the political principles that govern Angola. It establishes equality in the rights and duties of both men and women, and in all matters related to family life, whether regarding personal relations between the couple, the education of children, or property matters.

Article 3, no. 1 of the Family Code states the following: “Husband and wife are equal within the family; they enjoy the same rights and have the same duties.”

Article 21 of the same Code states: “Marriage is based on the equality and reciprocity of the rights and duties of the spouses.”

Article 20 of the Family Code states: “Marriage is a voluntary union between a man and a woman, formalized pursuant to the law, whose purpose is to establish a fully common life.”

Article 35, no. 1 of the same Code stresses the fact that: “It is essential for the validation of the marriage for each party to expressly state his/her desire to contract marriage with the other party.”

This same legal code also establishes the following:

Article 21 states: “Marriage is based on the equality and reciprocity of the rights and duties of the spouses.”

Article 43 reaffirms: “The spouses are mutually bound by the duties of respect, fidelity, cohabitation, cooperation and assistance.” (UN Committee on the Elimination of Discrimination Against Women (24 September 2011) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Sixth periodic report of States parties; Angola – par.190*)

## **Religious Marriages**

See section above “Civil Marriage”

## **Traditional/Other Marriages**

A report by *the United States Department of State* under the heading 'Children' states:

“Child Marriage: The legal age for marriage, with parental consent, is 15 years. The government did not enforce this restriction effectively, and the traditional age of marriage in lower income groups coincided with the onset of puberty. Data on the rate of marriage for boys and girls under age 18 was not available. Common-law marriage was regularly practiced.” (United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012 Angola*)

A report by the *UN Committee on the Rights of the Child (CRC)* under the heading 'Definition of the Child (art. 1)' states:

“Although the law prohibits marriage for women under the age of 15 and for men under 16, there exist in traditional law de facto unions that begin earlier, following puberty rituals. However, such unions cannot be recognized under the law, for the Family Code sets out the requirements for marriage (such as age and monogamy). These unions are significant only for reasons of inheritance, and are designed in particular to prevent the unwarranted enrichment of one of the “companions of the union”.” (UN Committee on the Rights of the Child (CRC) (10 August 2004) *UN Committee on the Rights of the Child: State Party Report: Angola – par.82*)

## **Proxy Marriage**

No information on the above issue could be found among sources available.

## **2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)**

The *Social Institutions and Gender Index (SIGI)* under the heading 'Family Code' states:

“The legal age of marriage in Angola is 18 years for both sexes, however the law allows for girls to be married at the age of 15 and boys at the age of 16 with parental consent. In its 2010 concluding comments, the Committee on the Rights of the Child expressed concern that exceptions for marriage at even a younger age than set in law are obtainable (Social Institutions and Gender Index (SIGI) (Date Unknown) *Gender Equality And Social Institutions In Angola*)

The *UN Committee on Economic, Social and Cultural Rights (CESCR)* 'Paragraph 50' states:

“All persons aged under 18 years are deemed to be children. The age of majority for various purposes is as follows: only persons aged over 18 are able to enter into marriage. By way of exception the marriage of a man aged 16 years and a woman aged 15 years may be authorized where the weight of circumstances and the interests of the minors concerned demonstrate that

marriage is the best solution. Such authorization is to be given by the parents, guardians or other person responsible for the minor; that responsible person may be replaced by the Courts in the light of the opinion of the family council where non-authorization proves unjustifiable. Majority is 18 for civil purposes, and 16 in criminal matters. Acts which govern informal and formal assistance and protection of the family are as follows: Constitution, Civil Code, Family Code, General Labour Act, Organic Statute on Childhood and Adolescence and the Regulations of the National Department for Childhood and the National Council for Childhood. The right to marry the person of one's free choice is enshrined in the Constitution, especially in the Family Code, which defines marriage as a voluntary union between a man and a woman which is formalized according to law, with the aim of establishing a complete communion of life. Marriage is therefore based on equality and reciprocity of rights and duties between spouses. For a marriage to be valid each of the intended spouses must expressly state their willingness to enter into the marriage with the other. Often, especially in rural areas, the woman is not entitled to choose her husband and women are brought up to accept their relatives' decision." (UN Committee on Economic, Social and Cultural Rights (CESCR) (28 April 2008) *Implementation of the International Covenant on Economic, Social and Cultural Rights: combined initial, 2nd and 3rd periodic reports, under articles 16 and 17 of the Covenant: Angola – pg.17*)

A report by the *UN Committee on the Rights of the Child (CRC)* under the heading 'Definition of the Child (art. 1)' states:

"Under the Family Code, only persons over the age of 18 may marry (art. 24). The law provides that, exceptionally, boys may marry at 16 and girls at 15 with the permission of a person having authority over the minor, or when, after a review of the circumstances and taking into account the minor's interests, the marriage appears to be the best solution." (UN Committee on the Rights of the Child (CRC) (10 August 2004) *UN Committee on the Rights of the Child State Party Report Angola –par.81 pg.18*)

Another report by the *United States Department of State* under the heading 'Birth, Marriage, Divorce and Death Certificates' states:

"(Certidao de Nascimento, Certidao de Casamento, Certidao de Divorcio e Certidao de Obito). Available. These certificates are issued by the Conservatory of Records (Conservatoria dos Registos) where the applicant lived or was registered while in Angola. There are seven Conservatorias in Luanda. Each of the 18 provinces of Angola also has at least one Conservatoria. There is no Central Records facility. To contact the oldest and largest Conservatoria in Luanda, applicants may write to or visit: Primeira Conservatoria de Luanda, Largo Kinaxixe 3 Ave Lenine, Luanda, Angola. Applicants should include full name, date and place of birth, and full names of father and mother. Angolan applicants may contact the U.S. Embassy (Consular Section) for the address of other Conservatorias in Luanda. They should state the district where they resided while in Luanda. However, during the long period of civil war not all Conservatorias were able to maintain civil records. Thus, posts processing Angolans should be aware that not all records may be available." (United States Department of State (Date Unknown) *Angola Reciprocity Schedule*)

The *Embassy of the United States Luanda Angola* under the heading 'Documents And Procedures Required' states:

"Birth Certificate

Residence Certificate (Atestado de Residencia) issued by the local authorities and a valid us passport

ID or Residence Card

Affidavit of eligibility to marry or statement (Capacidade Matrimonial)

The Couple need to be present in one of the Vital Record Offices in Angola (Conservatória de Registo Civil)

Have handy 10 stamps of 10 kz each." (Embassy of the United States Luanda Angola (Date Unknown) *Information About Marriage in Angola*)

In a section titled 'Documentation and Authentication' it states:

"Birth Certificate (Certified copy)

Valid us passport (Certified copy)

Affidavit of eligibility to marry or statement (US citizen must sign it before the Consular Officer)

Notarial fees cost \$30 per service (in cash only)

U.S. documents need to be translated into portuguese by local translators (not by the consulate) and certified by the Consular Officer.

Information Provided By The "Primeira Conservatoria Do Registo Civil De Luanda - Angola." (ibid)

### **3. Divorce**

The *UN Committee on the Elimination of Discrimination Against Women (CEDAW)* under the heading 'Article 16' states:

"Art. 78 states that: "The spouses may apply for divorce whenever the principles on which their union was based deteriorated completely and irremediably and marriage lost its sense to the couple, to the children and to the society." (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (8 June 2004) *UN Committee on the Elimination of Discrimination against Women: State Party Report, Angola – pg 52*)

The *UN Committee on the Rights of the Child (CRC)* under the heading 'Parental responsibilities (art. 18)' states:

"In the event of divorce, the husband ceases to have responsibility for the children, which will be considered highly positive and proof of the woman's fertility for her next relationship" (UN Committee on the Rights of the Child

(CRC) (10 August 2004) *UN Committee on the Rights of the Child: State Party Report: Angola- pg.36*)

It also states:

“Under family law, parental authority is shared, even when minor children of the other parent live under the same roof and in the event of separation (de facto separation, annulment of marriage or divorce). When neither parent is fit to exercise parental authority or if the minor’s physical or moral safety is at risk, the judge may decide to entrust the child to a third party or to an institution that will exercise parental authority (Family Code, arts. 139, 148 and 151). However, this legal provision is rarely applied.” (ibid)

#### **4. Marriage between Non Nationals and Nationals**

A report by *United States Office of Personnel Management* under the heading ‘Angola’ states:

“MARRIAGE: A foreign national who marries a citizen of Angola may apply for citizenship after marriage. A foreign spouse who obtains Angolan citizenship upon marriage may keep the citizenship in the event of a divorce or annulment if the marriage was entered into in good faith.” (United States Office of Personnel Management (March 2001) *Citizenship Laws of the World* Angola - pg.17)

#### **Marriage between two Non Nationals**

No information on the above issue could be found among sources available.

#### **References**

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