

Angola

National Child Protection Legislation

National Legislation

- Age of Consent: **12 years old**
[Penal Code of Angola](#)
Art. 179 – Sexual abuse under the age of 14
The Age of Consent in Angola is 12 years old. Sexual relations with minors aged 12-15 can sometimes be considered sexual abuse.
- Age of Marriage: **18 years old**
[Angola Family Code](#)
Art. 24
Only persons over the age of 18 may marry. However, exceptional circumstances allow for girls to marry at age 15 and boys to marry at 16 with consent of all persons having authority over the minor.
- Age of Criminal Responsibility: **14 years old**
[Penal Code of Angola](#)
Art. 17 – Liability on grounds of age
Minors under the age of 14 are not subject to criminal liability.

- **Extraterritoriality**

- [Penal Code of Angola](#)

- Art. 4 – Application in space, general principle**

- Unless applicable under international law or otherwise, Angolan criminal law shall apply to acts committed in Angolan territory or on board Angolan ships or aircraft, irrespective of the nationality of the agent.

- Art. 5 – Application of the Angolan criminal law to facts occurring outside the national territory)**

- 1. Unless otherwise agreed upon by an international treaty, Angolan criminal law shall apply to acts committed outside Angolan territory when the acts:

- (a) constitute the offenses referred to in Articles 240 to 243, 245 to 250, 281, 282, 295 to 305, 315 to 318 and 322;

- b) constitute the crimes provided for in articles 362 to 368 and 370 to 375, provided that the agent is found in Angola and cannot be extradited;

- c) are committed against Angolans, provided that the agent habitually lives in Angola and is found here;

- d) are committed by Angolans, or by foreigners against Angolans, provided that:

- i. the facts are also punishable by the law of the place where they were committed,

- ii. constitute an offense under Angolan law that allows extradition, but this cannot be granted, and

- iii. the agent is found in Angola.

[Law on International Judicial Cooperation in Penal Matters](#)

Art. 1 - Subject

- 1- This law regulates the forms of international judiciary cooperation in penal matters, namely:
 - a) Extradition;
 - b) Transfer of criminal proceedings;
 - c) Execution of penal sentences;
 - d) Transfer of persons sentenced to punishment or custodial security measures;
 - e) Surveillance of sentenced or conditionally released persons;
 - f) Mutual judiciary help in penal matters;
 - g) Cooperation in the sphere of cybercrime.
- 2- The provisions of the prior point are applied, with due adjustments, to the cooperation of the Republic of Angola with international judiciary entities established by treaties or conventions which are binding for the Angolan State.
- 3- This law is subsidiarily applicable to cooperation in terms of penal infringements, at the stage before administrative proceedings, as well as offenses which constitute unlawful transgressions, whose processes allow for judicial recourse.

Art. 76 – Special Conditions

- 1- So that criminal procedure can be opened or continued in Angola, for an act committed outside of the Angolan territory, the cumulative verification of the following conditions is necessary, in addition to the general requirements of this Act:
 - a) The use of extradition is excluded;
 - b) The foreign State is to guarantee that no criminal proceeding takes place for the same act against the suspected or accused person if the person ends up being tried by an Angolan court;
 - c) The prosecution covers an act that constitutes a crime according to the law of the foreign State and the Angolan law;
 - c) The custodial sentence or detention order corresponding to the act are of a maximum period of less than one year or, in the case of a monetary penalty, the maximum amount is not less than the amount equivalent to Akz 2,000,000.00 (two million Kwanzas);
 - d) The suspect or the accused have Angolan nationality or, in the case of foreigners or stateless persons have their habitual residence in Angola;
 - e) The acceptance of the request is justified by being in the interest of the proper administration of justice, or for better social rehabilitation of the suspect or accused in the case of conviction.
- 2- The initiation or continuation of criminal proceedings in Angola can still be accepted, if the conditions of the preceding paragraph are met:
 - a) When the suspect or accused person is being criminally prosecuted in Angola for another act that carries a custodial sentence or detention order equal to, or greater than, the ones referred to in point d) above, and their presence in court is guaranteed;
 - b) When the extradition of the suspect or accused foreign or stateless person who usually resides in Angola is denied;
 - c) If the requesting State considers that the presence of the suspect or accused person before its courts cannot be ensured, and may be ensured in Angola;

- d) If the foreign State considers that there are no conditions to perform a possible conviction, even after resorting to extradition, and that such conditions are met in Angola.
- 3- The provisions of the preceding paragraphs shall not apply if the criminal reaction that motivated the request falls within the jurisdiction of the Angolan courts by virtue of another clause relating to the application of the Angolan Penal Law in the space.
- 4- The condition referred to in subparagraph e) of paragraph 1 may be waived in cases specified in paragraph 4 of Article 33^o, when the circumstances so require, in particular to avoid a situation in which the trial may not take effect either in Angola or abroad.

Art. 85 – Principle

The criminal proceedings or the continuation of procedures initiated in Angola for acts which constitute crimes can be delegated according to the Angolan law to a foreign State that accepts it under the conditions referred to in the following articles.

Art. 86 – Special Conditions

- 1- The delegation of criminal proceedings or their continuation in a foreign State depends on the verification of the general requirements of this law and also the following special conditions:
- a) That the act integrates crime under Angolan law and under the law of that State;
 - b) The penal sentence leading to the deprivation of the offender's liberty is a maximum period of less than one year or, in the case of a monetary penalty, the maximum amount is not less than the amount equivalent to Akz 2,00,000 (two million kwanzas);
 - c) The suspect or the accused have the nationality of the foreign State or are nationals of a third country or are stateless persons, having their habitual residence there;
 - d) When the delegation is justified by the interest of the proper administration of justice or better social rehabilitation if convicted.
- 2- If the conditions referred to in the preceding paragraph are met, there can still be delegation:
- a) When the suspect or the accused are to fulfill a sentence in the foreign State for a more serious crime than the one committed in Angola;
 - b) When, in accordance with the law of the foreign state, the extradition of the suspect or defendant cannot be obtained, or, where requested, it is denied and they have their habitual residence in that State;
 - c) When the suspect or the accused are extradited to a foreign State by other facts, and it is expected that the delegation of the criminal case ensures better social reintegration.
- 3- The delegation may also be carried out regardless of the agent's nationality, when Angola considers that the presence of the accused at the trial cannot be ensured, but may still be ensured in the foreign State.
- 4- Exceptionally, the delegation can be implemented independent of the requirement of habitual residence when the circumstances require, in particular, so as to avoid instances when the trial may not take place either in Angola or abroad.

- **Dual Criminality**

- **Art. 60 (1) – (2)**

- 1- The offence which motivates the cooperation request should be punishable by criminal law of the Requiring party and the legislation of the Required party, without prejudice to the provisions of article 11°.
 - 2- Non-punishability thereof in the Republic of Angola, shall not preclude the fulfillment of a cooperation request if it is intended for proof of a cause of exclusion of unlawfulness or of the person's guilt against whom the penal procedure was initiated and if the cooperation does not imply the application of coercive measures.

- **Mandatory reporting requirements**

None found.

- **Obligations of Educational Institutions**

None found.

- **Prohibition to hold certain positions**

- [Penal Code of Angola](#)

- **Art. 62 – Prohibition to exert the function**

- 1. The office-holder of a public service, a public servant, or an Administration offender in active service for which he was elected or appointed, who commits a crime sentenced for a period of imprisonment superior to 3 years, is also prohibited to exert those duties for 2 to 5 years when the act:
 - a) is committed in flagrant and serious abuse of position or with a clear and serious violation of the duties that are inherent;
 - b) shows indignity in exerting the function; or
 - c) implies loss of confidence necessary to exert the function.
 - 2. The disposition of the previous number is correspondingly applicable to professions or activities, the exertion of which depends on the public title or on the authorization or the homologation of public authority.
 - 3. The term during which the offender is deprived of liberty by force of legal proceedings, penalty, or measures of insurance does not count for the duration of prohibition.
 - 4. The disposition of number 1 and 2 ceases when by the same fact, the application of measures of insurance and interdiction of activity occurs in terms of the article 96.

- **Employment Law**

- [Angola General Labour Law](#)

- **Art. 46 – Duties of the employee**

Are duties of the employee:

- h) Compliance with all other obligations imposed by law or an employment collective agreement, or established by the employer within his management and organization powers.

Art. 61 – Material liability or the competitive role with disciplinary liability

The exercise of disciplinary power does not affect the employer's right at the same time to demand from the employee indemnification for losses suffered due to their guilty behavior or the promotion of prosecution, through a complaint, if the behavior is considered a crime under criminal law.

▪ **Criminal Law - Defamation**

[Penal Code of Angola](#)

Art. 199 – Defamation

1. Whoever, by any means of expression or communication and with intention to offend, imputes to another person, even if in the form of suspicion, facts, or makes judgments offensive to their honor or reproduces them, if a third person takes or can take cognizance of the imputed facts or judgments, shall be punished with imprisonment for up to one year or with a fine up to 120 days.
2. If the offending facts or judgments are imputed or formulated because of the race, ethnic origin, color, national origin, religion or sexual orientation or a group made up of persons with these characteristics, the penalty is imprisonment of 6 months 18 months or a fine of 60 to 180 days.
3. The staff member shall not be punished where:
 - (a) the imputation of the offensive offense is made for legitimate interests;
 - (b) there is proof of the truth of the offensive acts alleged;
 - (c) they have a serious basis for, acting in good faith, to hold that the imputation.
4. An agent shall be deemed not to act in good faith if he does not comply with the duty to inform himself on the truth of the imputed facts that the circumstances imposed on him.
5. The provisions of paragraph 3 shall not apply where the imputation concerns facts relating to the privacy of private or family life.

Sexual Offenses Against Children

[Children's Act Law No. 25/12](#)

Art. 7 – Prohibited Treatments

The child shall not be treated in a negligent, discriminatory, violent or cruel manner, nor be subjected to any form of exploitation or oppression, and any behavior that violates these prohibitions shall be punishable by law.

Art. 30 – Child protection on the internet

1. The State, the family and the community shall ensure that the use of new information technologies is carried out in the best interests of the child.
2. The family, schools, libraries and other entities shall ensure that the equipment used is equipped with the best technological measures for the protection of the child.
3. The technological measures referred to in the preceding paragraph shall ensure in particular:
 - (a) protection against access to inappropriate cybernetic content for the child;
 - (b) the protection and safety of the child when using electronic mail, virtual chat rooms and other means of direct electronic communication;

- (c) Protection against unauthorized access to virtual environments inappropriate to the child or other cybernetic activities legally prohibited to minors;
- (d) protection against inappropriate exposure, use or discrimination of information relating to the child;
- (e) Measures restricting the access of potentially dangerous material by the child.

Art. 31 – Restriction and advertising for children

Magazines and publications for children and young people may not contain illustrations, photographs, captions or advertisements for alcoholic beverages, tobacco, weapons and ammunition, and must respect the ethical and social values of the child and the family.

Art. 32 – Right to protection against inappropriate content

1. The State shall ensure regulatory and institutional conditions to prevent access to inappropriate content by the child.
2. Materials and information considered to be pornographic or inciting a child to violence shall not be sold or placed within the reach of the child.
3. Magazines and publications containing material that is inappropriate or inappropriate for the child should be marketed in sealed packaging with the warning of its contents.
4. Publishers have a duty to ensure that covers containing pornographic or obscene messages are protected with opaque packaging.

Art. 33 – Protection against abduction and abuse

1. The State shall adopt special legal and administrative measures to prevent and punish the abduction, sale and trafficking of children, irrespective of their purpose and form, and to ensure the effectiveness of their execution.
2. The measures referred to in the preceding paragraph shall also ensure the protection of the child against forms of sexual abuse and exploitation, preventing, in particular:
 - (a) That the child is incited or coerced to engage in sexual activity by the parents, guardian, host family, legal representative or third person;
 - (b) the exploitation of the child in prostitution or related activities;
 - (c) exploitation of the child in pornographic performances or activities;
 - (d) The use of the child in acts of pedophilia.
3. The relevant legislative measures shall ensure that severe penalties are applied to those who incite, coerce, abuse, use or exploit the child in one of the forms provided for in the preceding paragraph.

Art. 68 – Aggravating Circumstances

2. It is an aggravating circumstance, if the perpetrator committed the crime:
 - j. against a child, elderly or pregnant woman.

Art. 78 – Creation of SOS Child Help Line

1. The competent entities of the State shall establish a child support line, called SOS Criança, as an anonymous and confidential service to support children, youth, families, professionals and the community in general.

2. The service referred to in the preceding paragraph is intended to constitute an instrument for the service of the child in Angola, especially the child at risk, in danger, abused, sexually abused and the child suffering in silence.

Penal Code of Angola

Art. 168 – Definitions

For the purposes of this Chapter, the following definitions shall apply:

- a) “Sexual act” means any act performed for release or for the satisfaction of the sexual instinct;
- b) “Sexual aggression” means any sexual act carried out by means of violence, coercion, threatening or placing the victim into unconsciousness or impossibility to resist;
- c) “Sexual penetration” means copulation, anal or oral intercourse and vaginal or anal intercourse with fingers or objects used in circumstances of sexual nature.

Art. 179 – Child sexual abuse 14 years

1. Whoever commits sexual intercourse with a minor of 14 years or causes him to practice it with another person shall be punished with imprisonment from 1 to 5 years.
2. If there is sexual penetration, the penalty is imprisonment from 3 to 12 years.
3. Whoever applies artificial procreation in women younger than 14 years is punished with imprisonment from 2 to 8 years.
4. Whoever practices exhibitionist acts to children under 14 is punishable with 6 months imprisonment to 3 years or a fine of 60-360 days.

Art. 180 – Child sexual abuse 16 years

1. Whoever, being larger, takes advantage of a child under 16 years or a situation of particular need, and meets and does sexual activities, or leads them to practice them with a third party shall be punished with imprisonment up to 3 years.
2. If there is penetration, the penalty is imprisonment of 6 months to 5 years.

Art. 181 – Sexual abuse of dependent minor

1. Whoever has sexual activities with a child under 18 years, who they guard, assist or educate, by taking advantage of this situation, it is punishable with imprisonment of:
 - a) 6 months to 3 years if the minor is 16 years or more;
 - b) 1 to 4 years, if the child is 14 or more years of age and under 16;
2. If there is sexual penetration, the penalty is imprisonment from 1 to 4 years in the case of subparagraphs a) above and from 2 to 8 years in the case of b) thereof.

Sentences can be aggravated if there is incest, if there is a relationship of dependence between a child victim and perpetrator, if the perpetrator carries a STD likely to endanger the victim’s life, or if the crime resulted in the victim’s pregnancy, suicide or death.

Art. 82 – Prostitution of minors

1. Whoever promotes, encourages, favors or facilitates the prostitution of a minor under 18 years or repeated practice of sexual acts shall be punished with imprisonment from 6 months to 6 years.

2. If the agent uses violence, threat or fraud, acts with intent to profit or makes a profession of the activity described in the preceding paragraph, or the minor suffers psychologically, or is under the age of 14, the penalty is between two and ten years.

Art. 183 – Sexual trafficking of minors

1. Anyone who incites a child under 18 years of age to practice prostitution in a country as a foreign national or, for the same purpose, transports, hosts or welcomes him or in another way, favors that exercise is punishable by imprisonment from 2 to 10 years.

2. If the agent uses violence, threat or fraud, acts for profit or makes a profession of the activity described in the preceding paragraph, or the minor suffers psychologically or is less than 14 years of age, the penalty is imprisonment from 3 to 12 years.

Art. 184 – Child Pornography

1. Whoever:

- a) promotes, facilitates or allows children under the age of 16 to participate in obscene reading, watch shows, film screenings, listen to recordings, display photographs or observe or examine pornographic instruments;
 - b) uses pornographic photography, film or recording of children under 16 years;
 - c) gives a minor under 16 years written, photographs, films, recordings or pornographic instruments,
- shall be punished by imprisonment for up to two years.

2. A person who:

- a) produces child pornography to be disseminated through a computer system;
- or,
- b) broadcasts or transmits child pornography through a computer system,
- is punished with imprisonment for up to 3 years.

3. If, in the cases of the previous articles, the victim is under 14 years of age, the penalty is imprisonment from 6 months to 3 years.

4. If the agent makes a profession of the acts described in the previous articles or for profit, the penalty is imprisonment of 1 to 4 years.

5. For the purposes of paragraph 2, the following definitions shall apply:

- (a) child pornography means any pornographic material which represents visually a person under the age of 16 or a person who appears to be under the age of 16, in sexually explicit behaviors;
- b) computer system as defined in b) of article 233.

Art. 185 – Aggravation

1. The penalties provided for in Articles 169 to 171 and 174 to 184 are increased by one third in its minimum and maximum limits, if the victim is:

- a) ascendant or descendant, adopter or adopted, relative or related to the third degree of collateral agent or is under his guardianship or trusteeship; or
- b) is in a relation of hierarchical dependence, economic or employment agent and the crime is committed with the use of this relationship.

2. The penalties provided for in Articles 169 to 174 and 179 to 181 are aggravated by a quarter in its minimum and maximum limits, whenever the agent is carrying an STD likely to endanger the life of the victim.

3. The penalties provided for the crimes referred to in the preceding paragraph shall be increased by half in its minimum and maximum limits, whenever the behavior described therein results in pregnancy, suicide or death of the victim, serious harm to their physical integrity or transmission of an incurable disease endangering the victim's life.