

**Intermediate Report of the Universal Periodic Review on  
34th Cycle of the UPR of the Republic of Angola  
May 2022**

**Joint Submission of Angolan LGBTIQ+ groups, movements and associations**

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## Background

The LGBTQIAP+ community in Angola is made up of people who, because of their gender identity and expression, sexual orientation and sexual practices, challenge traditional gender social norms in relation to the roles expected for women and men in society. Due to this, they are subject to a high levels of prejudice, stigma, discrimination and violence in public and private sectors, including in schools, health centers, public services and within families. These human rights violations are the main barriers to access to health, education, employment and justice.

The third Universal Periodic Review (UPR) of the Republic of Angola was carried out during the 34th session of the Working Group on the Universal Periodic Review in 2019. The Republic of Angola received 270 recommendations and supported 259 recommendations in January 2020.

The government's acceptance of 259 recommendations was a welcome step. In addition, we commend the Republic of Angola for criminalizing discrimination based on sexual orientation in 2019. However, there is much more that needs to be done to implement many of the accepted recommendations.

In this submission, we raise specific concerns about the Republic of Angola's failure to implement the recommendations made during the third review cycle of the UPR in 2019. The recommendations discussed in this submission, many of which reaffirm the legislation and obligations of the Republic of Angola, relate to the following areas:

1. Equality and non-discrimination
2. Access to justice
3. Right to health
4. Access to sexual and reproductive health and services
5. Education, training and human rights awareness
6. Violence against women
7. Human rights control mechanisms
8. Economic, social and cultural rights

## Equality and non-discrimination

**146.63** Adapt the legal framework in the area of equality and non-discrimination, defining these concepts.

- There has yet to be an adaption of a legal framework on equality and non-discrimination. Angola has several concepts of discrimination in the legal framework, including discrimination based on sexual orientation. However, discrimination based on gender identity is still not protected in the law.

**146.69** Take further steps to guarantee the rights of gay, lesbian, trans, bisexual and intersex people by thoroughly investigating all allegations of attacks against them and by developing and implementing a national action plan to combat and prevent violence and discrimination based on sexual orientation and gender identity.

- This recommendation has yet to be fully implemented. There is very little effort made to investigate allegations of attacks against LGBTQI people, in part because there

continues to be stigma amongst police officers. In addition, police officers are in some cases the perpetrators of the violence and thus there is a failure to investigate. The Action Plan of the National Human Rights Strategy, which could address some of these concerns, has not yet been implemented. However, we look forward to the positive impacts of the Action Plan once it is fully implemented. In addition, LGBTQI people should be included in campaigns against discrimination and stigma by the Ministry of the Interior, which oversees the national police. Further, Law 08/04 on HIV/AIDS should be reviewed to protect the LGBTQI+ community from discrimination. Protection against discrimination based on gender identity should be included in the Penal Code. And labour legislation amended to include non-discrimination on the basis of sexual orientation and gender identity.

**146.71** Put in place institutional mechanisms that can effectively protect lesbian, gay, bisexual, transgender and intersex persons against all forms of violence, harassment and discrimination.

- No institutional mechanisms have been created to address cases of violence against LGBTQI. We appreciate the inclusion of LGBTQI groups by the Ministry of Social Action, Family and Promotion of Women in technical meetings on issues that affect the LGBTQI community, and efforts to include violence indicators that capture violence suffered by trans women, lesbians and bisexuals. However, institutional mechanisms still need to be established and there should be further dissemination of materials within public services and state institutions, such as the 2020 Legal Environment Assessment, Penal Code, and the National Human Rights Strategy. Further, law enforcement mechanisms addressing stigma and discrimination and violations of the right to health should be strengthened by establishing disciplinary procedures in the health, police and education sectors.

## Access to justice

**146.103** Step up efforts to assist vulnerable groups such as women and children to access justice by enacting a law on legal aid.

- There are actions being undertaken to implement this recommendation. However, even with those actions there are still several challenges in implementation and achieving access to justice and rights for vulnerable groups, including procedural delay, poor infrastructure, lack of adequately trained and qualified staff, low levels of information and legal education, and barriers due to customary law. Further, it is unclear whether LGBTQI people are included amongst vulnerable groups for access to justice and legal assistance. We recommend that LGBTQI be included as vulnerable groups needing access to justice in any law on legal assistance.

## Freedom of opinion, expression, and meeting

**146.129** Abolish or amend all laws and policies which limit the activities carried out by civil society and human rights defenders and adopt a national law for the promotion and protection of human rights defenders.

- Currently, there is no national law for the promotion and protection of human rights defenders.

## Right to health

**146.165** Continue to promote the health-care sector and ensure access to health-care services for all citizens without discrimination.

- We congratulate the efforts of National Institute for the Fight Against AIDS (INLS) and the Luanda Provincial Health Delegation to promote the implementation of sexual and reproductive health services to LGBTQI people and other key populations. However, there continues to be barriers to access to health services for LGBTQI people, including LGBTQI people facing high levels of discrimination when accessing health services. We recommend replicating LGBTI- and KP-inclusive health services with existing health services to address the health needs of LGBTQI people.

**146.173** Take concrete measures, including the allocation of sufficient funds, to ensure access to adequate health care for all, including women and those in vulnerable situations such as poor persons, children and migrants.

- The implementation of this recommendation is ongoing. However, there are many challenges, including the lack of funds for the health sector and insufficient investment at national level in access to care and treatment, means of prevention and health promotion. We suggest including LGBTI people in concrete measures and budgeting at national level in access to health care, prevention, and health promotion.

## Access to sexual and reproductive health and services

**146.178** Amend the Penal Code to decriminalize abortion in all cases, enhance access for women to inclusive health-care services by trained personnel and ensure that all women and girls have access to affordable and modern forms of contraception.

- This is partially implemented as the Penal Code has been amended to permit abortion in certain circumstances. However, abortion is not fully decriminalised.
- Further, access to sexual and reproductive health services, including access to modern methods of contraception needs to be improved, and should include the needs of LGBTQI, including assisted reproduction programs and medical follow-up for trans people with respect to transition and hormone therapy. National plans and strategies on HIV should be revised to include LGBTIQ people as a key population to increase their access to sexual health for lesbian, bisexual, intersex, and trans-male people.
- To address barriers to sexual and reproductive health services, there should be greater access to comprehensive sex education, which includes issues of sexual orientation and gender identity, in schools to reduce stigma and discrimination against LGBTQI youth.
- Continued criminalization of HIV transmission compromises access to sexual health services. The Penal Code still needs to be amended especially as it conflicts with Law 08/04 on HIV/AIDS that protects the right of people living with HIV against disclosure of their status without their informed consent.

## Education, training and human rights awareness

**146.46** Further intensify efforts in human rights education and training for duty bearers and the public.

- There is a lack of educational and informative material (IEC) that includes sexual orientation and gender identity for LGBTQI people, and a lack of capacity amongst teachers and trainers on LGBTQI issues. Human rights education and training efforts also must take place at all levels and within all social spheres.

**146.97** Provide law enforcement agents with adequate training on policing of assemblies in accordance with international human rights standards.

- To fully implement this recommendation, a number of the other recommendations, including recommendation 146.69 on fully investigating violence against LGBTQI people need to be fully implemented as well in order to change the behaviour of law enforcement officers towards LGTBQI people. The government should provide training for police and justice operators on sexual orientation and gender identity by taking steps to promote access to justice for LGBTQI people.

## Violence against women

**146.223** Deepen the measures initiated to combat traditional stereotypes and gender inequality, particularly in relation to female genital mutilation and marriages.

- This recommendation has not yet been fully implemented. Any full implementation of this recommendation should include trans, bisexual, intersex and lesbian women.

**146.234** Strengthen measures to prohibit all forms of violence against women and girls in both the public and the private spheres, including through the adoption of comprehensive legislation to prevent, combat and punish all forms of violence against women and girls.

- Though aspects of this recommendations are being implemented, the violence suffered by LBTQI+ women is still very neglected and unaddressed.

**146.235** Increase the number of shelters and allocate units in police stations and medical centres to support victims of gender-based violence.

- There were initial steps taken to implement this recommendation, however there has been a significant setback as the State General Budget has cut financial support for victims of domestic violence and sexual abuse. We are unaware of any government-created shelter to support victims of gender-based violence in Angola. There are shelters for LGBTQI+ victims of gender-based violence, such as the Shelter No Cubico, run by the Angolan Identity Archive, a civil society organization that could be replicated by the government to support victims of gender-based violence. The Shelter No Cubico is located in Newfoundland, Rangel district, in Luanda and has a capacity to support eight (8) people for a maximum period of 60 days.

**146.225** Adopt concrete policies and measures to combat domestic violence, including information and training campaigns for police and medical personnel and psychosocial support programmes for victims.

- The implementation of this recommendation is in progress; however, relevant policies and concrete measures need to be more widely disseminated. Further, Law 25/11 on domestic violence needs to be revised to include gender-based violence, including violence based on sexual orientation and gender identity and expression.

## Human rights control mechanisms

**146.96** Establish an independent police complaints mechanism for independent civilian oversight.

- There has been no implementation of this recommendation as no independent mechanism of police complaints has been established.

**146.30** Continue consolidating the implementation of the National Human Rights Strategy 2019–2022, which was crucial in the fight against discrimination and social exclusion.

- This recommendation is in the process of being implemented. However, LGBTQI groups have not been adequately included in the discussion and implementation of the recommendation to ensure that the implementation of the National Human Rights Strategy includes LGBTQI needs.

## Economic, social and cultural rights

**146.179** Increase efforts to ensure equal access to education and health care for all, especially for social groups in situations of vulnerability, including women and girls, persons with disabilities and persons belonging to certain linguistic minorities.

- Though the government is taking initial steps to implement this recommendation, there remain significant barriers to full implementation. These include weak investment in the social sector; limited access to health and education services; lack of availability of many necessary health and educational services; a lack of social accountability; and corruption.