



Submission to the Committee on Economic, Social and Cultural Rights Pre-Sessional Working Group (74th Pre-Session) Review of the Republic of Angola

About submitting organizations

Association for the Defense of Women (ADM) is an NGO led by sex workers whose objective is to promote the human rights of sex workers and their access to health.

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Aliança de Trabalhadores de Sexo de Angola (ATSA) is a community-based organization led by LGBTIQ+ sex workers whose objective is to promote the human rights of sex workers and their access to health.

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Arquivo de Identidade Angolano (AIA) is a group of Angolan feminist women LGBTIQ (Lesbian, Bisexual, Transgender, Intersex and Queer) who celebrate the multiple identities of women and create content about gender and sexuality in the Angolan context.

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Introduction

1. We write in advance of the 74th pre-session of the Committee on Economic, Social and Cultural Rights (CESCR) regarding its review of the Republic of Angola's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). This submission addresses how stigma and discrimination against sex workers violates their rights to work and health.

Sex workers lack basic worker protections (articles 2(2), 3, 6, 9, 12)

2. Article 6 of the ICESCR guarantees the right to all forms of work. This Committee has stressed that countries should take measures to ensure that people working within the informal sector have access to their rights.¹ The International Labour

¹ See e.g. Committee on Economic, Social and Cultural Rights. List of issues to be taken up in connection with the consideration of the fifth periodic country report of Germany concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (2010), para. 9.



Organization recognizes voluntary sex work as a form of labour as does the Committee on the Elimination of all Forms of Discrimination Against Women.²

3. Sex work is not criminalized in Angola. However, due in part to the high levels of stigma and discrimination they face, sex workers do not enjoy safe, working conditions as required under article 7(b) of the ICESCR.
4. Sex workers still face high levels of violence and harassment by police officers, who use laws criminalizing “assaults on modesty” to detain and harass street-based sex workers.
5. Further, sex workers report they are subjected to forced HIV testing when detained by law enforcement. As the criminalization of HIV transmission, non-disclosure and exposure is a crime in Angola, forced HIV testing following arbitrary arrests undermines their right to health guaranteed under article 12 of the ICESCR.³
6. Finally, based on our work with sex workers, it is clear that as sex work is not recognized as work, sex workers do not have access to social security as taxi drivers, artists and other workers do.

We recommend the Committee ask the Republic of Angola the following:

7. What steps have been or are being planned to address unrecognized and unjust working conditions for sex workers? Please specify the worker rights protection sex workers are currently able to access?
8. What social protection and financial support schemes in Angola can sex workers access? Please provide the Committee with information on the numbers of sex workers who access such schemes?

Sex workers have limited access to quality, affordable healthcare services (articles 2(2), 3, 9, 12)

9. The Basic Law of the National Health System aims to promote the equality of all citizens in accessing consolidated health services. It provides for the right of citizens to public health services in accordance with their legitimate interests, to choose the services and the agents that provide them, to be informed about their health status and possible treatments, and to be treated with humanism, respect and privacy. The

² Lim. The Sex Sector: the economic and social basis of prostitution in Southeast Asia (ILO 1998); Committee on the Elimination of Discrimination against Women. Concluding observations on second and third German periodic country report (2000), para. 325.

³ See The Law on the Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS), Law 8/04 of 2004; Sections 206 and 287 of the Revised Penal Code; AIDS and Rights Alliance for Southern Africa, HIV Justice Worldwide, Southern Africa Litigation Centre. Discussion Document: The Criminalisation of HIV in Angola (November 2020). Available at <https://www.southernafricalitigationcentre.org/wp-content/uploads/2020/12/SALC-HIV-Criminalisation-report-English.pdf>



National Health Service aims to be free, universal and equitable, and to be available to all citizens as well as foreigners and stateless persons residing in Angola.⁴

10. For sex workers, the stigma and discrimination they face also limits their ability to fully realize their right to health. Sex workers we work with report that they do have access to HIV services, however, they do not have access to other non-SRH services.
11. To address this discrimination, studies have shown that sex worker-friendly healthcare services increase the likelihood of sex workers accessing health services.⁵ However, currently, Angola does not offer comprehensive, sex worker-friendly healthcare services throughout the country. Further, many healthcare workers lack the capacity to address the non-HIV-related SRH needs of sex workers.

We recommend the Committee ask the Republic of Angola the following:

12. What steps have been taken to remove barriers, including stigma and discrimination, to sex workers access all SRH services? What sex worker-friendly services are currently available in public healthcare facilities? What steps is the government taking to provide such services over the next 3 years?

⁴ WeBelongAfrica, UNDP. The Inclusive Governance Initiative: Angola Baseline Report (2022). Available at <https://www.undp.org/africa/publications/inclusive-governance-initiative-angola-baseline-report>.

⁵ Id.; Goldenberg, S.M., Morgan Thomas, R., Forbes, A., Baral, S. (2021). Overview and Evidence-Based Recommendations to Address Health and Human Rights Inequities Faced by Sex Workers. In: Goldenberg, S.M., Morgan Thomas, R., Forbes, A., Baral, S. (eds) Sex Work, Health, and Human Rights. Springer, Cham