

**Civil society report to the Universal Periodic Review on
48th Cycle of the Republic of Angola
July 2024**

Joint submission of Angolan LGBTIQ civil society organization

This submission was prepared by the following civil society organizations all of whom work on issues of sexual orientation and gender identity in Angola:

Angolan Identity Archive - AIA is a group of LGBTIQ (Lesbian, Bisexual, Transgender , Intersex and Queer) feminist Angolan women who celebrate women's multiple identities and create content about gender and sexuality in the Angolan context.

Contact +244937574608

Email : Arquivodeidentidadeangolano@gmail.com

Website: www.aiaangola.org

Instagram:aia _angola

Facebook : Angolan Identity Archive

The **IRIS Angola Association** is an NGO that aims to promote the human rights of sexual minorities and their access to healthcare.

Contact : +244937407189

Facebook : Iris Angola Association

Email : associacaoirisangola@gmail.com

Website: www.associacaoirisangola.com

Instagram: associationoirisangola

The **I Am Trans Movement** aims to raise awareness in society about the needs of the trans population as well as promoting the rights of the community.

Contact : +244929272833

Facebook : I Am Trans Angola Movement

Email : eusoutransangola@yahoo.com

Movimento T is a collective of trans youth whose mission is to empower trans youth in Angola.

Contact :+ 244932543431

Facebook : T Movement

Email : Movimentot@gmail.com

Queer People is an Angolan LGBTQI digital magazine whose mission is to make visible and defend the plurality of identities and expressions of gender and sexuality in the media.

Contact : +244946057194

Facebook : QueerPeople

Email : queerpeople123@gmail.com

ATSA - Alliance of Sex Workers in Angola is a network of Angolan LGBTQI+ sex workers and focuses on empowering young LGBTQI+ sex workers.

Contact : +244928130116

Facebook : Alliance of sex workers in Angola

Email : joelsongildo18@gmail.com

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Introduction

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

The third Universal Periodic Review (UPR) of the Republic of Angola was carried out during the 34th session of the Universal Periodic Review Working Group 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. Furthermore, 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 2022, we submitted a mid-term submission raising specific concerns that the Republic of Angola had not implemented recommendations made during the third UPR review cycle in 2019. However, from 2022 to 2024, it emerged that the same recommendations were still not fully implemented. Therefore, in this submission we discuss the recommendations discussed in our mid-term submission. This submission focuses on the following issues:

- Equality and non-discrimination
- Access to justice
- Right to health
- Access to sexual and reproductive health and services
- Education, training and awareness raising on human rights
- Violence against women
- Human rights control mechanisms
- Economic, social and cultural rights

Equality and non-discrimination

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

- We applaud the government for prohibiting discrimination based on sexual orientation in the Criminal Code and for repealing the criminalization of same-sex sexual conduct.
- However, there has not yet been an adaptation 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 not yet protected by law.
- Further, transgender people cannot change their names and gender on official documents, because gender identity is not yet legally protected.

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

- This recommendation has not yet been fully implemented. There is very little effort to investigate allegations of attacks against LGBTQI people, in part because stigma continues to exist among law enforcement officials. Furthermore, police officers are, in some cases, the perpetrators of violence and, therefore, there is no investigation. The National Strategy for Human Rights Action Plan, which could respond to some of these concerns, has not yet been implemented.
- Furthermore, LGBTQI people must be included in campaigns against discrimination and stigma carried out by the Ministry of the Interior, which oversees the National Police.
- Protection against discrimination based on gender identity must be included in the Penal Code.
- There is an increase in attacks and hate speech against LGBTQI people on social networks and in the media, which constantly portray issues related to the LGBTQI community in a negative and uninformed way.
- Although discrimination based on sexual orientation has been a crime since 2021, in practice no individual has yet been detained or convicted of this crime in the country.

- Currently, there are three cases of physical aggression and discrimination against LGBTQ people with cases opened with the police authorities, which occurred in 2023 and 2024: In two of the cases, the victims are trans women, who suffered physical and verbal attacks on the street, one by a group of young people, and another by police officers. The third case, the victim is a gay man, but for artistic purposes he assumes a female identity, known as “Biba”, a singer, who has suffered serious threats, including death, and incitement to discrimination and violence by another singer, “Father Prophet” who used his social media to call for violence against Biba and all LGBTQI people in Angola. In June 2024, the case was sent to the Attorney General's Office at the Luanda District Court and awaits a trial date. The three cases are being monitored by the legal department of the Angolan Identity Archive.
- It is recommended that a joint action plan be created between churches and LGBTQI organizations to reduce stigma and discrimination based on sexual orientation and gender identity, within religious institutions, other public and private institutions, as Discriminatory practices are in many cases committed by people based on religious beliefs.

146.71 Create institutional mechanisms that can effectively protect lesbian, gay, bisexual, transgender and intersex people against all forms of violence, harassment and discrimination.

- No institutional mechanisms were created to deal with cases of violence against LGBTQI. We appreciate the fact that the Ministry of Social Action, Family and Women's Promotion has included LGBTQI groups in technical meetings on issues affecting the LGBTQI community, and the efforts to include violence indicators that capture violence experienced by trans, lesbian and bisexual women. However, it is still necessary to establish institutional mechanisms and greater dissemination of materials in public services and state institutions, such as the 2020 Legal Environment Assessment, the Penal Code and the National Human Rights Strategy.
- Furthermore, law enforcement mechanisms that address stigma, discrimination and violations of the right to health must be strengthened through the creation of disciplinary procedures in the health, police and education sectors.
- There is an increase in verbal and physical attacks, including deaths, against LGBTQI people, without the authorities responding to the resolution of these cases.

Access to justice

146.103 Intensify efforts to help vulnerable groups, such as women and children, access justice, through the enactment of a law on legal assistance.

- Steps are being taken to implement this recommendation. However, even with these actions, there are still several challenges in implementing and obtaining access to justice and the rights of vulnerable groups, including procedural delays, deficient infrastructure, lack of properly trained and qualified personnel, low levels of information and education legal and barriers due to common law. Furthermore, it is not clear whether LGBTQI people are included in vulnerable groups for access to justice and legal assistance. We recommend that LGBTQI people are included as vulnerable groups in need of access to justice in any legal aid law.
- The Angola Identity Archive has been offering legal support services to guarantee access to justice for LGBTQI people who are victims of violence, but it is still insufficient, given the demand and scarcity of resources.
- Justice professionals are not very sensitive to issues of sexual orientation and gender identity, which is also due to the lack of correct information about LGBTQI people.

Freedom of opinion, expression and assembly

146.129 Abolish or amend all laws and policies that limit 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 legislation for the promotion and protection of human rights defenders, including LGBTQI defenders.
- There is a culture of fear among LGBTQI organizations due to society's intolerance towards sexual orientation, expression and identity and gender.
- LGBTQI organizations still struggle to register due to administrative barriers, due in part to stigma against LGBTQI.

Right to health

146.165 Continue to promote the health sector and guarantee access to health services for all citizens, without discrimination.

- We commend the efforts of the National Institute for the Fight Against AIDS (INLS) and the Luanda Provincial Health Delegation for promoting the implementation of sexual and reproductive health services for LGBTQI people and other key populations. However, barriers to accessing health services for LGBTQI people continue to exist, including LGBTQI people who face high levels of discrimination in accessing these services.
- The Íris Angola Association offers counseling and testing services for the LGBT community and the general population at the Rangel Medical Center. However, we recommend replicating inclusive sexual and reproductive health services for LGBTI and KP individuals with existing health services to meet the sexual and reproductive 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 people in vulnerable situations, such as the poor, children and migrants.

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

Access to sexual and reproductive health and services

146.178 Amend the Penal Code to decriminalize abortion in all cases, improve women's access to inclusive health services by trained personnel, and ensure that all women and girls have access to modern and affordable forms of contraception.

- This measure was partially implemented as the Penal Code was amended to allow abortion in certain circumstances. However, voluntary termination of pregnancy is not fully decriminalized.
- Furthermore, access to sexual and reproductive health services, including access to modern methods of contraception, must be improved and must include the needs of LGBTQI people, including assisted reproduction programs for lesbian, bisexual and intersex women, including trans men, and medical support for trans and intersex people regarding transition and hormone therapy. National HIV plans and strategies should be reviewed to include LGBTIQ people as a key population to increase their access to sexual health particularly for lesbian, bisexual, intersex and trans men.
- There are no sexual and reproductive health services that specifically respond to the needs of intersex people, who are constantly neglected due to a lack of information about the specificities of intersexuality.
- To eliminate barriers to sexual and reproductive health services, there must be greater access to comprehensive sexuality education, which includes issues of sexual orientation and gender identity, in schools to reduce stigma and discrimination against LGBTQI youth.
- The continued criminalization of HIV transmission makes access to sexual health services difficult, as the Penal Code criminalizes non-disclosure of HIV status, even without actual transmission, and exposure.
- Law 08/04 on HIV/AIDS, of 1 November 2004, which protects the rights of people living with HIV, is being revised, considering the need to align with scientific advances and international standards in terms of human rights.

Education, training and awareness raising on human rights

146.46 Further intensify human rights education and training efforts for officials and the public.

- There is a lack of educational, informative and communicative material (IEC) that includes sexual orientation, gender identity and the characteristics of LGBTQI people, and little capacity among teachers and trainers, administrative staff, including security guards and staff cleaning department, on LGBTQI issues in educational establishments. Human rights education and training efforts must also occur at all levels and in all social spheres.

- The school environment continues to be one of the most oppressive and hostile towards LGBTQI identities and intolerant towards sexual and gender diversity.
- There is still a lot of resistance from the Ministry of Education in updating educational materials and implementing comprehensive sexual education, including information on sexual orientation and gender identity in school curricula.

146.97 Provide law enforcement officials with adequate training on policing gatherings in accordance with international human rights standards.

- For this recommendation to be fully implemented, it is necessary that a number of other recommendations, including recommendation 146.69 on the full investigation of violence against LGBTQI people, are also fully implemented to change the behavior of law enforcement officials towards people LGTBQI.
- The government must reinforce the training of police and judicial agents on sexual orientation and gender identity, as well as create awareness programs, taking measures to promote access to justice for LGBTQI people.
- There is also weak engagement between government institutions and LGBTQI organizations in the training of law enforcement on sexual orientation and gender identity issues.

Violence against women

146.223 Deepen the measures initiated to combat traditional stereotypes and inequality between genders, particularly with regard to female genital mutilation and marriages.

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

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

- Although some aspects of these recommendations are being implemented, the violence suffered by lesbian, bisexual, intersex and trans women continues to be greatly underestimated and little addressed.
- The law against domestic violence (25/11, 14 July) reinforces gender stereotypes, which means that cases of violence against trans women are not included in statistics on violence against women.
- The law against domestic violence (25/11, 14 July) is in the process of being revised and we hope to change its nomenclature to the law against gender-based violence, in order to protect and include the violence suffered by lesbian women, bisexual, intersex and trans people beyond the domestic sphere.

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

- Initial steps were taken to implement this recommendation, but there was a significant setback, as the General State Budget reduced financial support for victims of domestic violence and sexual abuse. We are not aware of any shelter created by the government to support victims of gender-based violence in Angola. There are shelters for LBTQI women victims of violence, such as the "No Cubico" shelter, managed by the Angolan Identity Archive, a civil society organization, since 2018, which should be replicated by the government to support victims of gender-based violence.
- The "No Cubico" Shelter is located in Terra Nova, Rangel district, in Luanda and has the capacity to support eight (8) people for a maximum period of 60 days.
- There is no inter-ministerial connection to ensure communication and access for victims to these shelters.

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

- Implementation of this recommendation is ongoing; however, relevant policies and concrete measures should be more widely publicized.
- The Law against domestic violence (25/11 to 14 July) is being revised and we hope that it will be expanded to include all situations of gender-based violence.

146.96 Create an independent police complaints mechanism for independent civilian oversight.

- Regarding violence support lines, complaint mechanisms remain insufficient.
- LGBTQI people who are victims of violence do not register their complaints with police authorities due to repression by police officers regarding sexual orientation and gender identity.

146.30 Continue to consolidate the implementation of the National Human Rights Strategy 2019-2022, which was crucial in the fight against discrimination and social exclusion.

- This recommendation is being implemented. However, LGBTQI groups have not been adequately included in the debate and implementation of the recommendation to ensure that the implementation of the National Strategy for Human Rights includes the needs of LGBTQI people.
- It appears that since the National Human Rights Strategy was approved it has not yet been implemented, awaiting its implementation until today.

Economic, social and cultural

146.179 Increase efforts to ensure equal access to education and healthcare for all, especially for social groups in vulnerable situations, including women and girls, people with disabilities and people belonging to certain minorities linguistics.

- Although the Government is taking the first steps to implement this recommendation, there remain significant obstacles to its full implementation.
- These include poor investment in the social sector, limited access to health and education services, lack of availability of many necessary health and education services, lack of social responsibility and corruption.
- There is resistance on the part of the government to recognize LGBTQI identities as part of the Angolan historical and cultural process, claiming that these identities do not exist in Africa, particularly in Angola.