

Human Rights Violations Against Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQI+) People in Angola

**Shadow Report on The Government of Angola's Compliance with the African Charter on
Human & Peoples' Rights, the Protocol to the African Charter on the Rights of Women in
Africa (Maputo Protocol), and the African Union Convention for the Protection and Assistance
of Internally Displaced Persons in Africa (Kampala Convention)**

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Prepared by¹

Arquivo de Identidade Angolano (AIA)

IRIS Angola Association

Dmitri Fernandes

The I am Trans Movement

Movimento T

Queer People

Alliance of Sex Workers in Angola (ASTA)

Diversidade Masculina

Direitos Humanos Intersexuais Angolano

With the support of:

Pan Africa International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (PAI)

Synergía – Initiatives for Human Rights

¹ Organization details can be found in Annex 1.

Table of Contents

1. Introduction	3
2. Issues of concern	6
2.1 Discrimination & Stigma (Articles 2 and 3 of the African Charter)	6
2.2 Violence (Articles 4, 5, 6 of the African Charter)	9
2.3 Access to healthcare (Article 16 of the Charter)	11
2.4 Access to Sexual and Reproductive Health Services (Article 16 of the Charter and Article 14 of the Maputo Protocol)	11
2.5 Access to Justice (Articles 3, 7, and 26 of the Charter)	12
2.6 Economic, Social and Cultural Right (Articles 15, 16, 17, 22, 24 of the Charter)	13
3. Recommendations	14
4. Proposed Questions for the Government of the Republic of Angola	16
Annex 1 : Submitting Organizations	17

1. Introduction

This shadow report on the human rights violations against lesbian, gay, bisexual, transgender, queer (LGBTQI+) individuals in Angola is a joint effort by Arquivo de Identidade Angolano (AIA), IRIS Angola Association, Dmitri Fernandes - an independent activist, The I am Trans Movement, Movimento T, Queer People, Alliance of Sex Workers in Angola (ASTA), Pan Africa International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (PAI) and Synergía - Initiatives for Human Rights. This shadow report is prepared and submitted to the African Commission on Human and Peoples' Rights (ACHPR) to supplement Angola's state report under article 62 of the African Charter on Human and Peoples' Rights (the Charter), and it focuses on the situation of the human rights of LGBTQI+ individuals in the country from 2016 to 2023. Information used in this report is from the submitting organizations' work experience in Angola, from Angolan based CSOs and from relevant public sources.

Angola ratified the African Charter on Human and Peoples' Rights on March 2nd, 1990 as part of its commitment to advancing human rights. By ratifying the Charter, Angola committed to upholding the principles enshrined in the Charter including non-discrimination, human dignity, equality before the law, political, civil, economic, social and cultural rights, and ensuring that its domestic laws align with the provisions set out in the Charter, including the protection of vulnerable and marginalized groups. Since ratifying the African Charter, Angola has made significant and commendable efforts to incorporate the Charter's provisions into national legislation. However, challenges still remain in fully implementing protections for all citizens, including sexual minorities.

Article 23 of the Constitution of the Republic of Angola guarantees the right to equality and non-discrimination. This legal provision enshrines the principle of equality before the law and the right to the same protections irrespective of characteristics such as sex, race, gender, social class, ethnic identity or political beliefs. This constitutional commitment aligns with Angola's international obligations under human rights instruments, including the African Charter on Human and people's rights, the Protocol to the African Charter on the Rights of Women in Africa

(Maputo Protocol), and the Universal Declaration of Human Rights, which all promote non-discrimination as a core principle. The inclusion of these protections in the Constitution reflects a significant advancement in Angola's legislative approach toward safeguarding human rights. Whether in employment, education, healthcare or access to justice, individuals should not face different treatment or be denied opportunities on discriminatory grounds. The law acknowledges the diverse social fabric of the Angolan population and provides legal protection against discrimination in both public and private spheres. This is particularly important for historically marginalized groups including ethnic minorities, women, and LGBTQI+ individuals who have long suffered from various forms of structural discrimination.

Angola's current periodic report reaffirms its commitment to the African Charter as a key regional instrument that Angola adheres to, focusing on the protection of civil, political, economic, social and cultural rights. In addition, Angola highlights its alignment to article 23 of its Constitution, which represents a critical provision toward ensuring the rights of all Angolans, creating the framework for a more inclusive society. Efforts to strengthen enforcement mechanisms and address societal biases are essential to fully realise the intent of this constitutional protection against discrimination. This is in alignment with Article 2 of the African Charter which prohibits discrimination on various grounds, including race, ethnic group, colour, sex, language, religion, political and any other opinion, national and social origin, fortune, birth, or other status. By guaranteeing the rights to non-discrimination the African Charter ensures that all individuals are treated with respect and are free from actions that subject them to discriminatory treatment or violate their rights based on personal characteristics. In Angola's context, while the legal framework has made strides to protect these rights, further work is required to ensure that all marginalized groups, including women and LGBTQI+ individuals, fully enjoy these protections and practices.

Among the significant strides made is the 2019 Criminal Code reform (Law no. 38/20 of November 11, 2020) which marked a significant step forward in the protection of human rights of LGBTQI+ individuals. The new criminal code, the first since decolonization in 1975, eliminated its provision criminalizing "vices against nature," that was interpreted as to criminalize same-sex

conducts between consenting adults. Additionally, article 212 of the Criminal Code punishes any act of discrimination based on race, gender, sexual orientation, physical or mental disability, national origin, or any other arbitrary grounds in employment and occupation, as well as in the provision of goods and services. Based on this provision, offenders face up to two years in prison. The new criminal code is an unequivocal indication of Angola's commitment to promoting equality and ensuring that acts of discrimination are not only socially condemned but also punishable by law.

In addition, the Criminal Code reform complies with the provisions of the ACHPR's Resolution 275/2014, highlighting that Articles 2 and 3 of the African Charter respectively entitle every individual to live free of discrimination and to equal protection of the law, and calls on States to end all acts of violence and abuse, "by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the bases of their imputed or real sexual orientation or gender identities."

While Angola's Constitution and new Criminal Code lay out important rights and protections recognized by the African Charter, the challenge remains in effective implementation and enforcement of these provisions. Deeply ingrained social attitudes, cultural traditions and economic disparities continue to perpetuate discrimination in practice. To address this, Angola must bolster its mechanisms for monitoring and addressing instances of discrimination and violence. This could include the establishment of specialised bodies to receive complaints of discrimination, conducting training programs for law enforcement and judicial officials, and public education campaigns aimed at fostering a culture of equality and non-discrimination. There remain gaps in the protection of LGBTQI+ peoples from violence and discrimination, as well as in the recognition of sexual rights, particularly for women and LGBTQI+ individuals. This report highlights the discrepancies between Angola's legal framework and the lived realities of its citizens concerning sexual rights and offers recommendations for improvement.

2. Issues of concern

2.1 Discrimination & Stigma (Articles 2 and 3 of the African Charter)

Article 2 of the African Charter provides that all individuals “shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the presented Charter” without discrimination of any kind, including on the basis of sex or any other status.² Article 3 of the African Charter guarantees that every individual “shall be equal before the law” and “shall be entitled to equal protection of the law.”³ Article 28 of the Charter further provides that “[e]very individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.”⁴

The African Charter’s guarantees of equality and non-discrimination extend to sexual minorities. The African Commission made this explicit in *Zimbabwe Human Rights NGO Forum v. Zimbabwe*:

Together with equality before the law and equal protection of the law [as provided for by article 3 of the Charter], the principle of non-discrimination provided under article 2 of the Charter provides the foundation for the enjoyment of all human rights (...) [E]quality and non-discrimination “are central to the human rights movement.” The aim of this principle is to ensure equality of treatment for individuals irrespective of nationality, sex, racial or ethnic origin, political opinion, religion or belief, disability, age or *sexual orientation*.⁵

² African Charter, Art.2

³ *Id.* at Art. 3.

⁴ *Id.* at Art. 28.

⁵ *Zimbabwe Human Rights NGO Forum v. Zimbabwe* (2006), para 169, AHRLR 128 (ACHPR 2006) available at http://www.achpr.org/files/sessions/39th/comunications/245.02/achpr39_245_02_eng.pdf (emphasis added).

This was reaffirmed by Resolution 275.⁶ By condemning human rights violations targeting sexual minorities, the African Commission has reaffirmed that the African Charter's commitment to equality and non-discrimination extends to LGBTQI+ individuals.

During the reporting period, Angola successfully complied with human rights obligations established by the African Charter and other international human rights law treaties by decriminalizing same sex conducts between consenting adults and prohibiting discrimination based, among others, on sexual orientation.

Despite the important progress, incidents of discrimination and abuses against LGBTQI+ individuals are significantly underreported, as stated in a 2022 report⁷, because of the resistance or refusal of law enforcement officers to register their reports. Societal bias against LGBTQI+ individuals, and particularly against trans individuals, is the root cause of the structural discrimination, particularly in employment, education, and access to health services.

According to the civil society organization EU SOU TRANS, at least 10 cases of violations against transgender women sex workers were reported in Luanda in 2020; such cases included arbitrary detention, sexual violence, and pretrial detention. As highlighted in a 2021 baseline report published by the United Nations Development Program (UNDP), the lack of legislation protecting the rights of transgender and gender non-conforming individuals⁸ adds to the stigma these populations face, contravening Angola's commitment to non-discrimination.

In a joint submission to the 34th cycle of the Universal Periodic Review of Angola in May 2022⁹, a coalition of Angolan LGBTQI+ groups, movements and associations reported that little effort has been made so far by authorities to investigate allegations of attacks against LGBTQI+ people

⁶ Resolution 275.

⁷ 2022 Country Reports on Human Rights Practices: Angola <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/angola/>

⁸ As above.

⁹ Joint Submission of Angolan LGBTQI+ groups, movements and associations for th 34th UPR cycle <https://www.ohchr.org/sites/default/files/2022-06/Angola-Mid-term-review-2022.pdf>

because of the continued stigma among law enforcement officers, who are sometimes perpetrators of violence against LGBTQI+ individuals. No institutional mechanisms have been created to effectively address cases of discrimination and violence against LGBTQI+ individuals. While LGBTQI+ groups have been successfully included in meetings held by the Ministry of Social Action, Family and the Promotion of Women, clear disciplinary procedures and measures to address cases of discrimination against LGBTQI+ people in all public sectors should be established.

Despite the reform of the Criminal Code, the lack of comprehensive anti-discrimination legislation to protect LGBTQI+ individuals in employment, housing, healthcare, and the justice system leaves this population vulnerable to systemic inequalities and discrimination. Without specific legal protections, LGBTQI+ individuals are likely to continue to face barriers in accessing essential services and opportunities. This gap perpetuates stigma, marginalisation, and unequal treatment.

Article 23 of the Constitution of the Republic of Angola enshrines the principle of equality stating that all citizens are equal before the law, regardless of their origin, race, gender, religion, political affiliation, or social status. Article 35 specifically guarantees the protection of individuals from discrimination in the exercise of their rights, including civil, political, and social spheres, establishing that all citizens should have equal access to fundamental rights. Despite the existing constitutional protections, Angolan civil society organizations (CSOs) have reported prevalence of discrimination and persistent stigma against LGBTQI+ individuals in the country. This situation highlights a misalignment between the legal framework and the lived reality of the LGBTQI+ individuals in Angola.

A survey conducted in 2018 demonstrated that 33% of men who have sex with men (MSM) in five of the provinces in Angola were unemployed for at least one year, 18% were victims of violence, 17% suffered violence from police officers, 19% suffered unlawful detention, and more

than 80% were not able to receive proper legal aid to tackle issues of violence and stigma.¹⁰ The effective application of the existing legal protections is yet to be seen.

2.2 Violence (Articles 4, 5, 6 of the African Charter)

Resolution 275 of the African Commission denounces the alarming situation of individuals, in many parts of Africa who endure, “discrimination and other human rights violations [...] because of their actual or imputed sexual orientation or gender identity”. Such violence includes, in the words of the Commission, “‘corrective’ rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail,” in violation of articles 4 and 5 of the Charter.

LGBTQI+ individuals in Angola experience physical violence due to a lack of comprehensive legal protections, and inconsistent enforcement of the new Criminal Code. As stated above, of the primary challenges is the lack of awareness and understanding of the legal reforms among the Angolan public and law enforcement officials. In many instances, LGBTQI+ individuals themselves are unaware of their rights or they fear seeking justice due to anticipated discrimination from authorities. As a result, many incidents of violence and harassment go unreported, perpetuating a cycle of abuse and impunity.

On February 26, 2024, Carlos Fernandes, one of the leaders of the Angolan LGBTQI+ movement and founder of the NGO *Associação Íris Angola*, the first registered LGBTQI+ civil society organization registered in the country, was found dead at his residence in Luanda. According to the authorities, the cause of death was asphyxiation¹¹. The body showed multiples hematomas on his arms. In this case, currently being investigated as a murder, like in other cases of killings of LGBTQI+ individuals that occurred in the last two years, police authorities initially claimed it

¹⁰ INLS, UNC, & FHI360. (2018). Relatório Final: Mapeamento Programático e Prevalência de VIH e outras ITS entre Populações Chave de Angola: Estudo PLACE. Available at <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-portuguese-angola-report-june%202018.pdf>

¹¹ <https://www.novojornal.co.ao/sociedade/interior/policia-investiga-morte-de-lider-da-associacao-lgbtqip--sic-suspeitade-homicidio-por-asfixia---carlos-fernandes-foi-encontradomorto-em-casa-117129.html>

was a “passional crime,” instead of considering this a hate crime. Eight months after the killing, no progress has been made in the investigation.

As stated above, transgender individuals and gender non-conforming individuals are the most exposed to violence. Over the last year and a half, the *Arquivo de Identidade Angolano* has processed at least three cases of violence against transgender individuals. In the first case, a transgender singer was targeted in March-April 2023 because of her gender expression; the person received death threats, and the hate campaign went viral on social media. The perpetrator is currently facing a trial before a first instance court in Luanda. In September 2023 a transgender woman was attacked by a group of youth while walking home in Luanda. She suffered physical injuries that required immediate medical attention. The case is currently being investigated by the Crimes Investigations section of the 9th Division (*Esquadra da Lixeira*) in the Sambizanga district. In June 2024 a transgender woman was attacked by police officers because of her gender identity. She suffered physical injuries, was arbitrarily detained by the Esquadra 43 in Viana and was subjected to degrading treatment. Her case is being investigated by the judicial military police of the Provincial Command of Luanda.

Angolan civil society organizations report that anecdotal evidence shows that cases of violence are higher than documented; data remain scarce and fragmented limiting the understanding of the situation of violence against LGBTQI+ individuals and, therefore, limits the efforts to ensure LGBTQI+ people are protected against violence.

Article 30 of the Angolan Constitution recognizes the right to life and the duty of the state to protect it, while Article 36 explicitly prohibits torture, cruel, inhuman or degrading treatment and protects the physical and moral integrity of individuals. Article 31 guarantees the right to security and emphasizes that everyone has the right to be protected against arbitrary arrest and detention, or violence at the hands of public authorities, and Article 80 provides for special protection for vulnerable groups. These constitutional provisions establish Angola’s commitment to protecting individuals from violence, including LGBTQI+ persons. As indicated above, LGBTQI+ individuals, and particular transgender individuals, remain vulnerable to violence and

discrimination which needs to be addressed with strengthened enforcement of existing laws and proper training by the police and the judiciary.

2.3 Access to healthcare (Article 16 of the Charter)

Article 16 of the Charter affirms that “[e]very individual shall have the right to enjoy the best attainable state of physical and mental health. States parties to the present charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”¹²

LGBTQI+ individuals in Angola face significant barriers in accessing healthcare services and face discrimination and marginalization in the health system due to persistent societal stigma and inadequate healthcare policies to ensure that they are included in medical and health service provision. The National Institute for the Fight Against AIDS (INLS) and the Luanda Provincial Health Delegation made commendable efforts to promote the implementation of sexual and reproductive health services for LGBTQI+ individuals and other key populations. However, LGBTQI+ people and key populations continue to face discrimination when accessing health services.

2.4 Access to Sexual and Reproductive Health Services (Article 16 of the Charter and Article 14 of the Maputo Protocol)

Accessing sexual and reproductive healthcare is especially challenging for LGBTQI+ individuals in Angola due to the structural barriers in the healthcare system. Many healthcare providers in the country still hold conservative and traditional views about sexuality and gender, often rooted in religious or cultural beliefs. Therefore, LGBTQI+ individuals are often denied care, they receive inadequate or inappropriate treatment or discriminatory behaviour during medical visits. Accessing services related to contraception or sexually transmitted infections is even more

¹² African Charter, Art. 16.

challenging for LGBTQI+ individuals as providers are often unwilling to provide necessary services.

The lack of targeted sexual and reproductive services for LGBTQI+ individuals exacerbates the problem. While legal reforms have addressed some aspects of LGBTQI+ rights in Angola, accessing sexual and reproductive healthcare remains a critical challenge especially for transgender and intersex persons. Other legal challenges, such as the criminalization of HIV transmission, makes access to sexual health services difficult given that the Criminal Code punishes the non-disclosure of HIV status regardless of whether one has been exposed to HIV or not.

2.5 Access to Justice (Articles 3, 7, and 26 of the Charter)

Access to justice for LGBTQI+ individuals in Angola remains an urgent issue despite legal reforms that took place in the country.

Significant barriers persist, impeding that LGBTQI+ individuals have access to justice in Angola. A major obstacle is constituted, once again, by the deeply rooted societal stigma against sexual minorities that permeates the legal and law enforcement systems. LGBTQI people in Angola often face harassment and victimisation while interacting with police officers or judicial authorities. This leads to under-reporting of cases of violence and discrimination by LGBTQI+ individuals which inevitably prevents them from accessing justice. The underreporting issue is even more of a challenge in rural areas where overall, access to justice is a challenge. Fear of being outed as a consequence of reporting further compounds the issue of under-reporting. Such fear is based on the fact that the protections for privacy are weak, including when one seeks justice.

Lack of legal aid services tailored to the specific needs of LGBTQI+ individuals are not available, and there is a shortage of specialised legal services that understand the unique challenges faced by sexual minorities. Without dedicated legal resources, many LGBTQI+ individuals are unable to

pursue cases of discrimination or violence, which effectively denies them the right to access justices

2.6 Economic, Social and Cultural Right (Articles 15, 16, 17, 22, 24 of the Charter)

The Government of Angola is taking steps to increase efforts to ensure equal access to education and healthcare for all, especially for social groups in vulnerable situations - which includes LGBTQI+ individuals. However LGBTQI+ individuals in Angola still face economic, social and cultural challenges which greatly lowers their quality of life.

Despite legal prohibitions, workplace discrimination is still widespread. Many LGBTQI+ individuals experience exclusion from employment opportunities, or they endure harassment in the workplace due to their sexual orientation or gender identity. This is exacerbated by lack of explicit protections in labour laws, creating barriers to employment and career advancement. Angola's Labour Law does not specifically protect LGBTQI people from discrimination despite its anti-discrimination clause in Article 3.

Traditional cultural and religious values dominate Angolan society, often leading to marginalisation of sexual minorities. This social exclusion manifests in different ways, including family rejection, community isolation and these are all contributing factors for the earlier mentioned issues faced by LGBTQI+ individuals in Angola.

3. Recommendations

The African Commission on Human and Peoples' Rights should:

1. Commend the Government of Angola for having eliminated from the Criminal Code the provisions criminalizing same-sex conducts between consenting adults and having enacted legislation protecting individuals on grounds of their sexual orientation, among others, in compliance with the content of Resolution 275/2017 and regional and international human rights law.

The Government of the Republic of Angola should:

1. Strengthen legal protections for LGBTQI+ individuals by enacting comprehensive anti-discrimination laws that explicitly protect individuals on grounds of their sexual orientation, gender identity and expression in all areas including employment, education, healthcare, housing, and public services to provide clear legal safeguards against discrimination and abuses based on sexual orientation and gender identity.
2. Properly investigate killings of LGBTQI+ individuals and ensure that the responsible parties are held accountable.
3. Promote public awareness and education on the Criminal Code reform and launch public campaigns to fight stigma and discrimination against LGBTQI+ individuals. These campaigns should involve LGBTQI+ human rights defenders and civil society organizations, media, legal professionals, law enforcement agencies, healthcare providers and labour organizations.
4. Improve access to healthcare by expanding access to sexual and reproductive health services for LGBTQI+ people - including training healthcare providers on LGBTQI+ human

rights issues and non-discrimination as well as development of LGBTQI+ inclusive health policies.

5. Establish a robust and inclusive data collection and management system that tracks instances of discrimination, violence, health disparities, and social exclusion affecting LGBTQI+ individuals with the purpose of supporting, among others, effective informed policy-making, resource allocation and monitoring the progress of LGBTQI+ rights in the country.
6. Intensify efforts to support access to justice for LGBTQI+ individuals through the enactment of a law on legal assistance. Provide access to legal aid for LGBTQI+ individuals to ensure they have full access to justice when facing discrimination, violence or other legal challenges. Carry out mandatory training programs across all law enforcement departments to ensure fair and sensitive handling of cases involving sexual minorities, preventing harassment and secondary victimisation.
7. Make available healthcare services for gender reassignment surgery or hormone replacement therapies and review the legal framework to allow transgender individuals to change their gender marker on official documentation.

4. Proposed Questions for the Government of the Republic of Angola

1. What specific steps has the government taken to ensure the enforcement of anti-discrimination laws, particularly regarding discrimination based on sexual orientation, as outlined in the 2019 Criminal Code reforms and Article 23 of the Constitution?
2. What are the authorities doing to ensure that the death of Carlos Fernandes is properly investigated and the responsible parties are held accountable, and what steps have been taken to ensure the protection of LGBTQI+ individuals and their human rights defenders from acts of violence?
3. How does the government plan to improve access to healthcare services for LGBTQI+ individuals, especially with regard to sexual and reproductive health, HIV prevention, and mental health support, and what measures are in place to address discrimination within healthcare settings?
4. Can the government provide details on any initiative for data collection aimed at tracking instances of violence, discrimination, and social exclusion faced by LGBTQI+ individuals, and how is this data being used to inform policy decisions and resource allocation?
5. What measures is the Angolan State implementing to ensure that human rights of transgender and intersex are protected, including the right to self-determination, access to adequate health care, legal gender recognition, and protection against discrimination both in the health system and in society in general?

Annex 1 : Submitting Organizations

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

E-mail: arquivodeidentidadeangolano@gmail.com

Website: www.arquivodeidentidadeangolano.com

IRIS Angola Association is an NGO whose objective is to promote the human rights of sexual minorities and their access to health.

E-mail: carlos.irisangola@gmail.com

Dmitri Fernandes is an independent social activist working for the rights of key populations, with a focus on people who use drugs and lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Angola.

Email: fernandesdmitri@gmail.com

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.

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.

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.

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

Diversidade Masculina

Contact : +244936665310

Email : emergiodossantos9@gmail.com

Facebook : Diversidade Masculina

Direitos Humanos Intersexuais Angolano – is an organization led by intersex people who defend and fight for their rights.

Contact:+244927129506

Email: dhiangolano@gmail.com

Instagram: DHINANGOLANO

Pan Africa ILGA (PAI) - PAI is a network of organizations in Africa working to improve human rights for individuals on all grounds, including sexual orientation, gender identity, gender expression and sex characteristics

Address: 21 Village Road, Selby, Johannesburg, 2001

Email: admin@panafricailga.org Telephone (w) +27 (0) 11 339 1139

Synergía – Initiatives for Human Rights is a cross regional organization for the protection and promotion of the human rights of all people – particularly those whose rights are most systematically and egregiously violated

Website: www.synergiahr.org

Email: contact@synergiahr.org