

**Statement on the 48th UPR pre-session on Angola  
July 2024**

**21st November, Geneva**

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**Organisational Background**

This statement is made on behalf of the Angolan LGBTIQ+ civil society nongovernmental organisations, Arquivo de Identidade Angolano, a feminist women's organisation working for the rights of LGBTIQ+ women in Angola, Associação Íris Angola, Movimento Eu Sou Trans Angola, Movimento T, Queer People, Aliança de Trabalhadores do Sexo em Angola.

The information in this statement comes from the organisations' work experience in developing the submission and participating in compiling the report, as well as from civil society organisations based in Angola, independent LGBTIQ+ activists, and human rights defenders.

The submission focuses on addressing human rights violations against lesbian, gay, bisexual, intersex, transgender and queer people in Angola concerning equality and nondiscrimination, access to justice, human rights education, training and sensitisation, economic, social and cultural rights.

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**Issue 1: Equality and non-discrimination**

In 2019, at the third Universal Periodic Review (UPR) of the Republic of Angola, during the 34th session of the Working Group, the Angolan government was recommended to "**146.63** Adapt the legal framework in the field of equality and non-discrimination".

We congratulate the Angolan government for eliminating from the penal code (Law No. 38/20 of 11th November) the provisions that criminalised consensual conduct between adults of the same sex and for enacting legislation that protects people on the basis of sexual orientation under Resolution 275/2017 and the Universal Charter of Human Rights.

However, a legal framework on equality and non-discrimination has not yet been adopted. Angola has several concepts of discrimination in the legal framework, including discrimination based on sexual orientation. However, the law does not yet protect discrimination based on gender identity. In addition, transgender people cannot change

their names and gender on official documents because gender identity is not yet legally protected.

Although discrimination based on sexual orientation has been a criminal offence since 2021, in practice, no individual has been arrested or convicted of this crime in the country. There are currently three cases of physical aggression and discrimination against LGBTQ people with open cases before the police authorities, which took place in 2023 and 2024: in two of the cases, the victims are trans women who suffered physical and verbal aggression in the street, one of them by a group of youths, and another by police officers. In the third case, the victim is a gay man, but for artistic purposeshe assumes a female identity, has suffered serious threats, including death.

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#### **So we recommend it to the Angolan government:**

1. Strengthen legal protections for LGBTIQ+ people by enacting comprehensive anti-discrimination laws that explicitly protect people on the basis of their sexual orientation, gender identity and gender expression in all areas, including employment, education, health, housing and public services, to provide explicit protections against discrimination and abuse on the basis of sexual orientation and gender identity.
2. Promote awareness and public education on the reform of the penal code and launch public campaigns to combat stigma and discrimination against LGBTIQ+ people. These campaigns should involve LGBTIQ+ human rights defenders, civil society organisations, the media, legal professionals, law enforcement agencies, healthcare providers, and labour organisations.

#### **Issue 2: Access to Justice**

Several states recommended that the Angolan government " **146.103** Intensify efforts to help vulnerable groups, such as women and children, gain access to justice by enacting a law on legal aid.

Measures 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, poor infrastructure, lack of adequately trained and qualified personnel, low levels of information and legal education, and barriers due to common law. Furthermore, it is unclear whether LGBTIQI people are included in vulnerable groups for access to justice and legal aid.

#### **In line with the above, we recommend the Angolan government:**

1. Intensify efforts to support access to justice for LGBTIQ+ people by enacting a law on legal aid. Provide access to legal assistance for LGBTIQ+ people to ensure they have full access to justice when facing discrimination, violence or other legal

challenges. Conduct mandatory training programmes in all law enforcement agencies to ensure fair and sensitive handling of cases involving sexual minorities, preventing harassment and secondary victimisation;

2. Properly investigate the murders of LGBTIQ+ individuals and ensure those responsible are brought to justice.

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#### **Issue 3: Human rights education, training and awareness-raising**

It was recommended that the Angolan government " **146.46** Further intensify human rights education and training efforts for authorities and the public".

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

The school environment continues to be one of the most oppressive and hostile to LGBTIQ identities and intolerant of sexual and gender diversity.

There is still a lot of resistance from the Ministry of Education to updating educational materials and implementing comprehensive sex education, including information on sexual orientation and gender identity in school curricula.

#### **We recommend it to the Angolan government:**

1. Provide law enforcement officials with adequate training on policing meetings in accordance with international human rights standards;
2. The government should strengthen the training of police and judicial agents on sexual orientation and gender identity, as well as create awareness programmes, taking measures to promote access to justice for LGBTIQ people;
3. There is also weak involvement between government institutions and LGBTIQ organisations in training police authorities on issues of sexual orientation and gender identity.

#### **We recommend it to the Angolan government:**

Establish a robust and inclusive data collection and management system that monitors cases of discrimination, violence, health disparities and social exclusion affecting LGBTIQ+ people to support, among other things, informed and effective policy-making, resource allocation and monitoring of progress on LGBTIQ+ rights in the country. We hope the recommendations mentioned above will be adopted and implemented in line with the Angolan government's mandate to defend the rights of Angolan LGBTIQ+ people.

