

Declaration on the 48th UPR pre-session on Angola

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Presented by: Líria de
Castro, AIA.

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Topics

- Presentation of the organization
- Equality and non-discrimination
- Access to Justice
- Education, Training and Awareness on Human Rights
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Presentation of the organization

This statement is made on behalf of the Angolan LGBTIQ+ civil society non-governmental organizations, Arquivo de Identidade Angolano, a feminist women's organization that works for the rights of LGBTIQ+ women in Angola, Associação Iris Angola, Movimento Eu Sou Trans Angola, Movimento T, Queer People, Aliança de Trabalhadores do Sexo em Angola.

The information used in this statement comes from the work experience of organizations in developing the submission and participating in the report compilation process, from civil society organizations 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 relating to equality and non-discrimination, Access to justice, Education, training and awareness raising on human rights and Economic, social and cultural rights.

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, it was recommended to the Angolan government "146.63 Adapt the legal framework in the field of equality and non-discrimination".

We congratulate the Angolan government for having eliminated from the penal code (Law No. 38/20 of 11 November) the provisions that criminalized consensual conduct between adults of the same sex and for having enacted legislation that protects people based on sexual orientation in accordance with Resolution 275/2017 and the Universal Charter of Human Rights.

However, there has not yet been an adoption 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, the law does not yet protect discrimination based on gender identity. Furthermore, 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 crime since 2021, in practice no individual has been arrested or convicted for this crime in the country. Currently, there are three cases of physical aggression and discrimination against LGBTQ people with open proceedings 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 aggression on the street, one by a group of young people, and the other by police officers. The third case involves a gay man, artistic purposeshe assumes a female identity, has suffered serious threats, including death.

Therefore, we recommend to the Angolan government:

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

Access to Justice

Several states recommended to the Angolan government "146,103 Intensify efforts to help vulnerable groups, such as women and children, to access justice, through the enactment of a law on legal aid.

Steps are being taken to implement this recommendation. However, even with these actions, several challenges remain in implementing and ensuring access to justice and rights for vulnerable groups, including procedural delays, poor infrastructure, lack of adequately trained and qualified personnel, low levels of legal information and education, and common law barriers. Furthermore, it is unclear whether LGBTQI people are included in vulnerable groups for access to justice and legal assistance.

In accordance with the above situations, we recommend to the Angolan government :

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

Education, Training and Awareness on Human Rights

It was recommended to 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, informational and communication (EI) materials that include sexual orientation, gender identity and the characteristics of LGBTQI people, and low capacity among teachers and instructors, administrative staff, including security guards and cleaning staff, on LGBTQI issues in educational settings. Human rights education and training efforts should also take place at all levels and in all social spheres.

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

We recommend to the Angolan government:

1. Provide law enforcement officials with adequate training on policing of meetings in accordance with international human rights standards humans;
2. The government must strengthen the training of police officers and judicial agents on sexual orientation and gender identity, as well as creating programs awareness, taking steps to promote access to justice for LGBTQI people;
3. There is also weak engagement between government institutions and LGBTQI organizations in training law enforcement officials on issues of sexual orientation and gender identity.

Recommendation and conclusion

Establish a robust and inclusive data collection and management system that monitors cases of discrimination, violence, health disparities and social exclusion affecting LGBTI+ people with the aim of supporting, among others, the formulation of informed and effective policies, the allocation of resources and the monitoring of the progress of LGBTI+ rights in the country.

We hope that the aforementioned recommendations will be adopted and implemented in line with the Angolan Government's mandate to defend the rights of the Angolan LGBTIQ+ people and individuals.