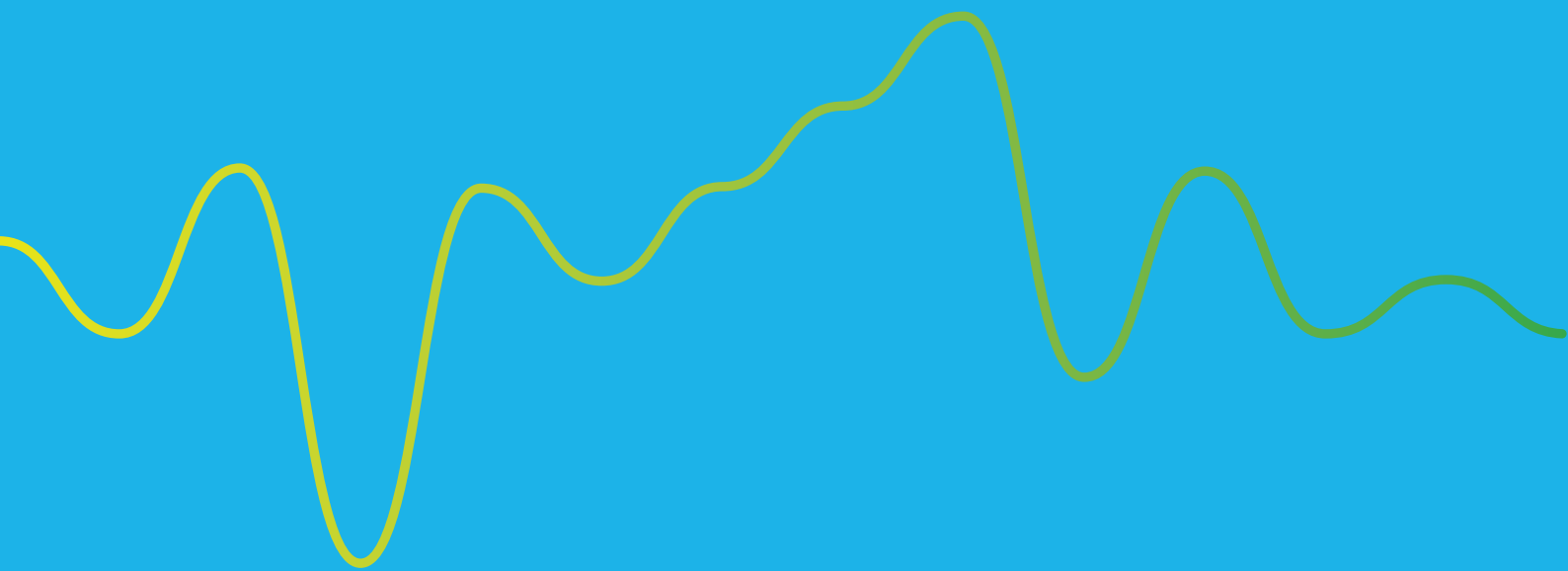


Inclusive Governance Initiative

Angola

Baseline Report



#WeBelongAfrica
Inclusive Governance Initiative





#WeBelongAfrica brings together multiple initiatives that enable inclusive, just, affirming, safe, productive and fulfilling lives for all people in Africa, irrespective of sexual orientation, gender identity, gender expression or sex characteristics, and irrespective of HIV status or risk.

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Introduction

The Inclusive Governance Initiative (IGI) is a regional project that aims to support countries to include sexual and gender minorities in national efforts to achieve the Sustainable Development Goals (SDGs) and to promote and protect human rights. The project is led overall by the United Nations Development Programme (UNDP). The goal of the project is to see that state entities in sub-Saharan Africa are increasingly accountable to, and inclusive of, their entire populations, including LGBTI people. If this is achieved, participating countries will see better laws, more responsive public sector services, and social norms that affirm LGBTI rights.

This baseline report provides a high-level analysis of the legal and policy context in Angola, and specifically of key

indicators relevant to IGI's country level activities. As such it contributes to a baseline assessment for the monitoring and evaluation needs of the project going forward. The information and analysis provided paint a broad picture of the legal and social environment in respect of human rights and LGBTI inclusion in Angola. The report is based primarily on a desktop review, supplemented by conversations with relevant stakeholders. In its description of country-level indicators, the report also raises key questions aimed to further expand the information base for the baseline, and to inform and support IGI's future strategy and programming in Angola over the coming years.

Indicator Analysis

Punitive Laws

There are no laws in Angola that explicitly punish either same-sex relations or non-binary gender identities and expressions. In article 71.4 of the Angolan Penal Code of 1886, inherited from colonial rule, it stated that security measures were applicable to those who engaged in “vices against nature”.¹ This provision could have been interpreted as criminalizing same-sex relationships, however there is no conclusive evidence that it was ever enforced as such.

Significantly, the new Penal Code criminalises particular forms of discrimination, including those based on sexual orientation. As the legislation goes some way in offering protection to LGBTI communities, it will be dealt with more fully under the section on protective laws. At the same time, however, the Code now criminalises HIV transmission, which has punitive consequences for sexual and gender minorities who are living with HIV, and more generally.² The LGBTI community in the country has reported that article 187, which typifies “sexual fraud”, is used to effect unlawfully detentions, specially of trans women who are sex workers.

Whilst current criminal law in Angola shows a trend towards the advancement of sexual and gender rights, the extent of support for this from the National Assembly is unknown, and there are currently no prosecutorial or judicial guidelines on how to apply the new legal provisions that criminalise discrimination. This presents an opportunity for IGI to engage both the legislature and the judiciary in the development of the new law’s interpretation and application in respect of LGBTI inclusion.

Protective Laws

Neither the Constitution nor the country’s legal framework explicitly guarantee the fundamental rights and freedoms of LGBTI persons and communities. However, the new Penal Code expressly protects against discrimination explicitly on the basis of sexual orientation, and could be interpreted as extending such protection on the basis

of sex characteristics and gender identity as well. At the same time, there are a number of laws that promote and protect equality and non-discrimination; however, public policies and plans that given effect to these principles are limited and fragmented in both their analysis and approach.³

The **Constitution of the Republic of Angola (2010)** establishes in Article 1 that ‘Angola is a Republic ... based on the dignity of the human person and ... whose fundamental objective is the construction of a free, just, democratic solidary, of peace, equality and social progress’. It goes on to establish a series of individual and collective rights and freedoms as well as their guarantees,⁴ including economic, social and cultural rights and duties.⁵ Article 56 of the Constitution recognises that these fundamental rights and freedoms are inviolable and that the state is to create the political, economic, social and cultural conditions, and the peace and stability, that guarantee their realisation and protection. To that end, all public authorities have a duty to respect and guarantee the free exercise of fundamental rights and freedoms, and to fulfil their constitutional and legal duties. Whilst the Constitution does not expressly recognise discrimination based on sexual orientation or gender identity, it does enshrine the principles of equality and non-discrimination (in Article 23), stating that ‘everyone is equal before the Constitution and the law’ and establishing a general rule of equality complemented by a prohibition on discrimination on several grounds.⁶ It also defines the state’s tasks as ‘promoting reciprocal equality, respect and tolerance between men and women,’ without any discrimination.⁷

Other constitutional precepts relevant for IGI are those that establish the right to life (Article 30) and the right to identity, privacy and intimacy (Article 32). The latter specifically recognises the right to ‘personal identity ... a good name and reputation ... and privacy in personal and family life for all’. Furthermore, it states that the law shall establish effective guarantees against the procurement and use of information relating to individuals and families in a manner which is abusive or offends human dignity. As such, there is an opportunity to advance LGBTI inclusion through constitutionally enshrined principles of equality and non-discrimination, and also those related to the right

1 It is important to note that the wording of this article was changed by Decree-Law in 1955 which prevented it being used against LGBT persons.

2 See Discussion Document: The Criminalisation of HIV in Angola, SALC/ARASA/HIV Justice Worldwide. Available at <https://www.southernafricalitigationcentre.org/wp-content/uploads/2020/12/SALC-HIV-Criminalisation-report-English.pdf>.

3 UNDP, 2021, Angola - Legal Environment Assessment for HIV and the Right to Sexual and Reproductive Health. Available at <https://www.ao.undp.org/content/angola/pt/home/library/angola---legal-environment-assessment-for-hiv-and-the-right-to-s.html>.

4 Arts. 56-75. Angola, Republic of, 2010, Constitution of the Republic of Angola. Available at <https://www.parlamento.ao/constituicao-an/files/mobile/index.html#1>.

5 Idem. Arts. 76-88.

6 Art. 23. of the Constitution establishes that no one may be discriminated against, privileged, deprived of any right, or exempted from any duty on the basis of ancestry, sex, race, ethnicity, colour, disability, language, place of birth, religion, political, ideological or philosophical beliefs, level of education, or economic, social or professional status.

7 Art 21, al. h) e k); Art 22, nº 3, al. b) e Art 23, CRA (2010).

to identity, intimacy and privacy. Although the Constitution recognises such rights, there is no evidence that the legislature, the judiciary or the executive understand the normative content of these to include LGBTI persons.

The fundamental rights established in the Constitution are also to be interpreted in harmony with the Universal Declaration of Human Rights (UDHR), the African Charter on Human and Peoples' Rights (ACHPR), and other relevant international treaties ratified by Angola. In addition, when adjudicating disputes on matters pertaining to fundamental rights, the Angolan courts must apply these human rights standards, even if they are not invoked by the parties to the case.⁸

Article 35 of the Constitution is particularly important for LGBTI inclusion in that it deals with family, marriage and filiation, and establishes associated recognition and rights. The family is the basic unit of social organisation and attracts special protection by the state, based on marriage or a *de facto* union between a man and a woman. Alongside this gendered definition, it is also stipulated that everyone shall have the right to freely found a family under the terms of the Constitution and the law. Read restrictively, this has resulted in sexual and gender minorities being excluded from forming families and marriages that don't conform to heteronormative prescripts. Article 35 also states that 'Men and women are equal within the family, society and the state, enjoying the same rights and having the same duties'. This further highlights the heteronormative conception of gender that underpins the legal order in Angola and denies LGBTI persons the benefits associated with recognised marriages and families, such as the right to inheritance. This same underpinning is evident in Article 20 (1) of the **Family Code**,⁹ which defines marriage as the voluntary union between a man and a woman. *De facto* unions are regulated in Article 112 of the Code and can only be recognised if all legal requirements for the celebration of marriage are met.¹⁰ Hence, *de facto* unions are also limited to unions between men and women. This regime of family law significantly curtails LGBTI peoples' fundamental rights, and also impacts other laws, resulting in the rights derived from marriage and family being denied to LGBTI persons (e.g. the right of a spouse not to testify before a court of law). The Family Code is currently under review by the Commission for the Reform of Justice and the Law, and marriage is one of the main topics under

discussion.¹¹ Interviews revealed that this process is currently 'on hold', which presents a key opportunity for law reform.

Angolan law makes it obligatory to register any change of name and all legal facts that modify the identification or the civil status of a person. The possibility of a name change is also enshrined in Article 130 of the **Civil Registry Code**,¹² however, this only permits changes of first name that do not create doubts as to the sex of the registered person. As such, transgender persons in Angola face tremendous difficulties in having their identities recognised, and have long advocated for the introduction of legal changes to make this possible. There are no laws advancing the rights of transgender and gender non-conforming people, including in respect of the alteration of gender description, and this, together with social stigma, presents a significant obstacle to inclusion.¹³

In January 2019, the National Assembly passed a new **Penal Code** that effectively decriminalises same-sex sexual relations, making it illegal to discriminate based on sexual orientation. The entry into force of the code, in February 2021, introduces several measures aimed at fostering a culture of non-discrimination, including:¹⁴

- Article 71 provides that discrimination in the conduct of a crime is an aggravating factor in sentencing. The grounds of discrimination are inclusive and include race, colour, ethnicity, place of birth, sex, sexual orientation, disease or physical or mental disability, belief or religion, political or ideological beliefs, social status or origin, or any other form of discrimination.
- Article 172 criminalises threats against persons' physical integrity, liberty, sexual self-determination, or property. Sentence is aggravated where the threats were directed at a person because of their race, colour, ethnicity, place of birth, sex, sexual orientation, illness or disability, belief or religion, political or ideological beliefs, status or social origin, or any other form of discrimination.
- Articles 210 and 211 criminalise the failure to provide aid or health care where a person's life is in danger.
- Article 214 specifically criminalises discrimination in the workplace because of race, colour, ethnicity,

8 Art. 27 of the Constitution establishes that the principles governing fundamental freedoms shall apply to the rights, freedoms and guarantees and to fundamental rights of a similar nature set out in the Constitution or enshrined in other laws or international conventions.

9 Law No. 1/88 "Family Code" of 20 February. Available at <http://www.consuladogeralangola-porto.pt/download/pt/1-codigo-familia.pdf>.

10 These rules are complemented by the Legal Regime for the Recognition of Domestic Partnerships by Mutual Consent and the Dissolution of Recognised Domestic Partnerships.

11 Angola's Seventh periodic report to CEDAW; para. 142, CEDAW/C/AGO/7 of 18 December 2017. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAGO%2f7&Lang=en.

12 Decree No. 47 678 of 5 May 1967, "Civil Registry Code". Available at <http://citizenshiprightsafrika.org/wp-content/uploads/2019/12/Angola-codigo-do-registo-civil-decreto-lei-no-47-678-de-5-de-maio-de-1967-1996.pdf>.

13 Also See VOA Português, February 2015, [Soap Opera show "Jikulumessu" suspended after showing gay kiss scene](#) and O Globo, April 2019, Brazil, ["I was very scared", says Angola's first transsexual singer](#).

14 This analysis of the Code is provided in the Southern Africa Litigation Centre's Shadow Report, Angola's 3rd Universal Periodic Review 34th Session (Oct-Nov 2019). Available at <https://www.southernafricalitigationcentre.org/2019/07/03/salc-shadow-report-angolas-3rd-universal-periodic-review-34th-session-oct-nov-2019/>.

place of birth, sex, sexual orientation, illness, physical or psychological disability, belief or religion, political or ideological beliefs, social status or origin, or any other form of discrimination.

- Article 382 prohibits the incitement to discrimination and hatred against a person or group of persons because of race, colour, ethnicity, place of birth, sex, sexual orientation, illness, physical or psychological disability, belief or religion, political or ideological beliefs, social origin, or any other cause.
- Article 384 includes under crimes against humanity the persecution on political, ideological, racial, ethnic, social, cultural or national grounds, gender, religion, illness or physical or mental disability, or sexual orientation.
- Article 249 recognises the vulnerable position of women and children in society and criminalises the abandonment of support for a spouse or child.
- Article 212 establishes the crime of discrimination as a crime against the dignity of persons, according to which one can be punished with a prison sentence of up to 2 years or a fine – if specific conduct is committed on the basis of race, colour, ethnicity, location, birth, sex, sexual orientation, physical or mental illness or disability, belief or religion, political or ideological beliefs, social status or origin, or any other form of discrimination. Other crimes against honour (also classified as crimes against the dignity of the person), such as injury,¹⁵ defamation¹⁶ and calumny,¹⁷ have the potential to be applied to hostile conduct against LGBTI persons.

The above provisions in the Penal Code should be carefully considered as entry points for a variety of interventions with, for example, the judiciary (e.g. to develop guidelines for the code's adjudication), the executive (e.g. to promote policies and programmes to support the code's interpretation, implementation and enforcement), and CSOs (e.g. through advocacy efforts to progress the legal rights of LGBTI persons through strategic litigation). However, as the Southern African Litigation Centre points out, 'whilst these provisions are encouraging, criminalisation of discriminatory behaviour might not be the best way to address it'.¹⁸ In addition, and of particular concern for LGBTI persons, is the Code's criminalisation of HIV transmission, exposure and non-disclosure. This is both harmful to human rights and

detrimental to public health. Moreover, for those LGBTI persons who are HIV positive, such a provision is likely to compound the stigma they face, and create further barriers to accessing health services.

Whilst other ordinary laws recognise universality and equality as guiding principles, there is currently no comprehensive law on equality or non-discrimination in Angola, and so developing equality legislation has long been recommended by international human rights mechanisms.

The **Basic Law of the National Health System** aims to promote the equality of all citizens in accessing consolidated health services.¹⁹ 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.²⁰ The 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.²¹ The legal framework of the health sector favours interventions for advancing health rights and services for LGBTI communities. These include the provision of appropriate and relevant health services for LGBTI persons, and the training of health professionals on LGBTI needs and rights and on compliance in respect of ethics, stigma, discrimination, equality and confidentiality, etc. The Basic Health Act is currently under revision and presents a further opportunity to advance such efforts.

The **Law Against Domestic Violence** (which is complemented by Rules, the Executive Plan Against Domestic Violence, and the Schedule of Actions) enshrines gender equality.²² Its scope of application is not limited to the family, and covers other spaces such as hospitals, schools, and places where conditions of proximity, affection, and natural or educational relationships exist.²³ However, this law does not explicitly include violence against LGBTI persons. Notwithstanding this, nothing impedes LGBTI communities from using the law to redress acts of violence against them, noting that it does recognise various forms of domestic violence, including sexual, patrimonial, psychological, verbal and physical violence, and family abandonment. Also, family abandonment is defined as any conduct that seriously and repeatedly disrespects the benefit of assistance, and could potentially be applied to cases where persons are expelled from home because of their sexual orientation

15 Art 213, Penal Code (2020).

16 Idem. Art 214.

17 Idem. Art 215.

18 SALC, 2019. See <https://www.southernafricalitigationcentre.org/2019/07/03/salc-shadow-report-angolas-3rd-universal-periodic-review-34th-session-oct-nov-2019/>.

19 Article 2b) of Law no. 21-B/92, of 28 August 1992, Basic Law of the National Health System. Available at <https://www.mindbank.info/item/3456>.

20 Idem, Arts 5 and 13.

21 Idem, Arts 23, 24.

22 Law No. 25/11; "National Assembly Against Domestic Violence", Diário da República, Series I, No. 133 of 14 July 2011. Available at https://assets.website-files.com/5a8e71e3c7881c000130ff13/5fc0b8e705040da154d6cc03_Lei25_11%20Violencia%20domestica.pdf.

23 Idem. Art.2.

or gender identity.²⁴ However, structural weaknesses in the public administration and the justice sector have contributed to this law not being fully implemented.

The rights and protection of children are enshrined in the Constitution, and the basic principle is one of ‘the best interests of the child,’ with the aim of guaranteeing their full physical, psychological and cultural development.²⁵ This is further elaborated in the **Law on the Protection and Comprehensive Development of the Child**,²⁶ which recognises rights related to family and community coexistence. For example, Article 21 states that ‘the child has the right to have a family, to know and to live with his or her parents and other family members, in a healthy and harmonious way’. Furthermore, under Article 22, every child ‘has the right to be raised and educated within the family and to be assured of family and community harmony’. The law also recognises the child’s right to grow up surrounded by love, affection, care and understanding, and in an atmosphere of family harmony, security and peace. Expanding the application of these laws presents an opportunity for LGBTI inclusion. For example, when applied in conjunction with the provisions against family abandonment, the legal protection of LGBTI children against discrimination could be expanded.

The **Law on HIV and AIDS**²⁷ does not take into account the specific needs of key populations, including LGBTI populations. Moreover, it ignores the high risk of HIV in some communities, leaving them legally unprotected from discrimination, violence, police abuse, and lack of access to relevant information. This risk is further exacerbated by the criminalisation of HIV transmission in the new Penal Code. The National Institute for the Fight against AIDS is currently revising the Law on HIV/AIDS, which is an opening for LGBTI rights efforts to expand recognition of, and responsiveness to, key populations.²⁸ The revision process is led by the Institute with the collaboration of the Ministry of Justice and Human Rights, and supported by UNDP’s Linking Policy to Programming (LPP) project.

The Constitution and the law provide for the right of association, but extensive delays in the NGO registration process continue to be a problem. Whilst Angolan law does not prohibit the formation of LGBTI organisations and associations, these entities face tremendous administrative hurdles to be legally constituted.²⁹ Government is also known to arbitrarily restrict the activities of associations it considers subversive by

refusing to grant permits for activities.³⁰ Íris Angola, a well-known LGBTI association, was only recently formally registered as a human rights organisation – the first LGBTI organisation to be granted this legal status. The Arquivo de Identidade Angolano (AIA) also recently received its formal registration. This positive trend on the part of the Ministry of Justice and Human Rights could be further capitalised upon.

Whilst a range of other laws include equality protections, none expressly recognise the rights and realities of LGBTI individuals, families, households and communities. In addition to those already identified, opportunities for further law reform could include engaging the Ministry of Justice and Human Rights to conduct a legal assessment on the rights of LGBTI persons and associations – and supporting the Ombudsman to develop a thematic report on the rights of LGBTI persons.³¹

Issues for further follow up:

- *Using the springboard of the recent formal recognition of an LGBTI association to further develop LGBTI recognition in the state and in law and policy.*
- *Exploring how key decision-makers might use the inclusion of ‘sexual orientation’ in the new Penal Code to promote discussion and information sharing on the rights and realities facing LGBTI populations, and to systematically track and document LGBTI-related human rights violations.*
- *Identifying the risks associated with the new Penal Code’s criminalisation of HIV and how these can be addressed.*

Official Policies/Plans/ Technical Guidance related to SRHR, UHC and Sexuality Education

Historically, national sexual and reproductive health (SRH) plans were developed by the Department of Reproductive Health of the National Directorate of Public Health; however, this department was dismantled in 2020. There is currently a **Draft National Integrated Strategy**

24 See Angola: Legal Environment Assessment for HIV, and the Right to Sexual and Reproductive Health Rights, p.76, UNDP 2020.

25 Idem. Art 81. Children have fundamental rights to harmonious and comprehensive education, the protection of their health and living and teaching conditions, and for these to be observed by the family, society and the state.

26 Law No. 25/12; National Assembly “Law on the Protection and Comprehensive Development of the Child”; Diário da República, Series I, No. 162 of 22 August 2012. Available at <https://www.mindbank.info/item/3455>

27 Law 8/04 on HIV and AIDS. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125156.pdf.

28 The State Secretary for Human Rights and Citizenship, Ana Celeste Januário, provided an overview of human rights in Angola during a course targeted at civil society, mainly sex workers and transgender people: see Jornal de Angola, July 2020, [Justice defends reviewing of the HIV/AIDS law](#).

29 LEA, 2020.

30 Country Reports on Human Rights Practices for 2019, United States Department of State, Bureau of Democracy, Human Rights and Labour.

31 As recommended in the LEA, 2020.

for **Sexual and Reproductive Health, Maternal Health, Newborn, Child, Adolescent and Nutrition (2019-2025)**; however, the Strategic Plan for Reproductive Health (2009-2015) is reportedly still in use and focuses primarily on reproductive health with little attention to sexual health.³² There is also a **Strategy for Comprehensive Health Care for Adolescents and Youth (2016-2020)**, but there is no evidence that this has ever been budgeted for or implemented. In general, SRH in Angola focuses largely on physical health with a strong emphasis on reproductive health, including family planning and women's health. The history of sexual and reproductive health planning in Angola suggests a trend towards incorporating issues of sexual health, and this can be further explored in synergy with UNFPA, UNICEF, UNAIDS and UNHCR. Further consultations indicate that at some decision-making levels within the Ministry of Health and the National Directorate of Public Health, which is responsible for SRH policies in general, there is resistance to key population and LGBTI issues. However, the National Institute for the Fight against AIDS ('INLS'), which is part of the same Ministry, is portrayed as an allied institutions and an entry-point.

Sexuality education has long been debated in Angola, particularly in the health and youth sectors,³³ but there is no evidence that such education is included in national educational strategies or plans. In the context of public health, however, reference to sexuality education does appear in programmes and strategies related to sexual and reproductive health and to HIV and AIDS. The new **Draft Strategy on Sexual and Reproductive Health** can also potentially strengthen health services for adolescents and support the operationalisation of the **School Health Policy**,³⁴ including the development of comprehensive sexuality education. Article 18 of the Law on HIV and AIDS provides for the Ministry of Education to introduce sexuality education and education on STI/HIV/AIDS into all school curricula.³⁵ In 2014, the Ministry of Education, with the support of UNICEF, prepared a peer education manual on sexuality and a guide for peer educators. However, no information could be found on the integration and implementation of these educational materials within school curricula.³⁶ Although the Angolan government has indicated that the national education plan does make provision for preventing discrimination based on sexual orientation,³⁷ it was not possible to verify this as a copy of

the plan could not be obtained. No reports or evaluations of sexuality education programmes could be found, and it appears that existing programmes do not cover content related to sexual orientation, gender identity and gender expression.

The **Draft National Strategic Plan for Responding to HIV/AIDS, Viral Hepatitis and other Sexually Transmitted Diseases**³⁸ promotes sexual and reproductive health, especially among young people (12-24 years). It has not yet been formally approved; however, it does contain several objectives, goals and actions related to comprehensive sexuality education. For example, the pillar on 'health promotion' acknowledges the lack of information, education and communication, as well as the scarcity of training for civil society, as key factors that hinder health promotion in Angola. This pillar also establishes the promotion of sexual and reproductive health actions, especially among young people, as one of its main objectives. The strategy covers prevention, treatment and care-related interventions for key populations, although this is limited to a biomedical focus. There is also a National Action Plan for a Favourable Legal Environment (including young key populations), which is a key opportunity for LGBTI inclusion.³⁹

Parliamentary Speeches/ Parliamentarians

No parliamentary speeches that reference sexual orientation or gender identity could be found, and it was not possible to access parliamentary work and debates on the inclusion of sexual orientation as a ground for discrimination in the new Penal Code.

Some relevant parliamentary structures to consider for LGBTI inclusion are the 10th Commission on Human Rights in the Angolan Parliament, which is charged with investigating citizen complaints of alleged human rights violations and making recommendations to the National Assembly; the Group of Parliamentarian Women,⁴⁰ who are viewed as a conservative group when it comes to sexual and gender rights; and other parliamentarian commissions⁴¹ that deal with youth, health, family, or

32 LEA, 2020.

33 LEA, 2020, p.54.

34 It was not possible to obtain further information on the School Health Policy.

35 LEA, 2020.

36 Idem. p. 125. The manuals cited in the LEA are: Ministry of Education, Government of Angola "Peer education on sexuality. Enjoy life carefully. Facilitator's Guide", 2014 and Ministry of Education, Government of Angola "Manual of peer education on sexuality", 2014. LEA Angola, 2020, p. 125.

37 See List of issues and questions in relation to the seventh periodic report of Angola, CEDAW, Seventy-second session, 18 February–8 March 2019. Available at <https://digitallibrary.un.org/record/1655253?ln=en>.

38 This refers to the sixth draft of the National Strategic Plan for Responding to HIV and AIDS, Viral Hepatitis and other Sexually Transmitted Diseases (2019-2022), National Institute for the Fight against AIDS/Ministry of Health, Government of Angola.

39 A confidential version of this plan is available in Portuguese.

40 This is a formal structure of parliament established under Art. 27 et seq, Rules of the National Assembly, Act 11/17: Grupo de Mulheres Parlamentares.

41 The National Assembly's Specialised Commissions are: 1st Commission: Constitutional and legal affairs; 2nd Commission: defence, security, internal order, former combatants and veterans of the Fatherland; 3rd Commission: foreign relations and international cooperation and Angolan communities abroad; 4th Commission: state administration and local power; 5th Commission: economy and finance; 6th Commission:

constitutional affairs. UNDP's LPP developed the Civil Society Engagement Scan⁴² that provides information on the role, scope and structures of the legislature, and can inform future initiatives within the Angolan parliament.

Issues for further follow up:

- *Information gathering on the debates that resulted in the inclusion of sexual orientation in the new Penal Code.*
- *Gauging the receptivity of parliamentarians to receiving training/information sessions related to gender equality and LGBTI inclusion in light of the opening created by the new Penal Code.*

Court Judgments/Judges

As has already been established, many Angolan laws include provisions broad enough to accommodate LGBTI concerns in their jurisdictional application, and Angolan courts are bound by fundamental human rights and freedoms as per their constitutional mandate. Judges play a decisive role in the articulation of law, and the judicial function is a powerful one in respect of interpreting the law and clarifying the competences of different institutions, including the courts. However, the systemic weakness of the judiciary has negatively impacted the further development of the law. In this context, and as stated by Judge António of the Court of Appeals of Luanda, the issue of 'emerging human rights' needs to be brought to the Angolan judiciary.⁴³

No court judgement that relates directly to the rights of LGBTI persons could be found. It was reported by some interviewees that, a few years ago, in a criminal case before the Provincial Tribunal of Luanda (Court of Appeals), the offender's conduct appeared to have a homophobic motive. The accused person was sentenced for 'homicide'; however, homophobia was not considered in the court's interpretation of criminal law in the case.

In an interview conducted with a judge of the Superior Council of the Judiciary, it was explained that domestic laws do not recognise sexual and gender minorities, and that since judges are bound to positive laws, there is not much appreciation of the need to develop national laws to protect vulnerable groups. Although judges are obliged to apply constitutional law and international human rights

when interpreting domestic legislation, there are no known cases in which these have been used in judicial reasoning related to LGBTI rights.

Data gathering on court judgments in Angola is extremely difficult. Also, the Angolan judicial system is weak, exemplified by the lack of implementation of Law 2/15 on Judicial Reform, which has been urged by international human rights mechanisms. These weaknesses are also acknowledged in the **National Development Plan 2018-2022**,⁴⁴ and relate to the lack or inadequacy of the following: infrastructure, IT and human resources, central and provincial archives, service centers for citizens, court buildings, judicial officers and prosecutorial services, and judicial training. These structural barriers have implications for working with the Angolan judiciary on LGBTI inclusion. Such work could include, amongst others, information sharing and training on LGBTI rights and issues; jurisprudential analysis on matters concerning equality and non-discrimination; and the development of technical guidelines on the new crime of discrimination for judicial officers.

Official Reports

With the exception of the Ministry of Justice and Human Rights,⁴⁵ official reports are not available on government websites. Reports that include reference to sexual and gender minorities are limited to the health sector and more specifically the national response to HIV/AIDS, and so LGBTI issues are overlooked in broader SRH policies and strategies.

A Legal Environment Assessment for HIV and the Right to Sexual and Reproductive Health (LEA) was published in November 2020,⁴⁶ led by the National Institute for the Fight against AIDS with the support of the Ministry of Justice and UNDP. The LEA points to high levels of stigma and discrimination against the LGBTI community in Angola, including human rights violations in both public and private spheres. Key recommendations made in the LEA of relevance to LGBTI inclusion efforts are detailed in Appendix 1.

The **Situational Analysis on Vulnerable and Key Populations**⁴⁷ was produced by the National Institute for the Fight against AIDS in 2018; however, it is not publicly available. The report includes reference to men who have sex with men and transgender persons in the context

health, education, higher education, science and technology; 7th Commission: culture, religious affairs, media, youth and sports; 8th Commission: family, childhood and social action; 9th Commission: mandates, ethics and parliamentary decorum; 10th Commission: human rights, petitions, complaints and suggestions from citizens.

42 Available at <https://www.africa.undp.org/content/dam/rba/docs/Reports/Angola-civil-society-engagement-scan-por.pdf>.

43 Stakeholder interview.

44 Program 4.2.3: Reform and modernisation of the administration of justice, in Presidential Decree No. 158/18, of 29 June which approves the National Development Plan 2018-2022 (that makes no mention of LGBTI populations).

45 See <http://www.servicos.minjusdh.gov.ao/>.

46 LEA, 2020. Available at <https://www.ao.undp.org/content/angola/pt/home/library/angola---legal-environment-assessment-for-hiv-and-the-right-to-s.html>.

47 Available at https://www.africa.undp.org/content/dam/rba/docs/Reports/ProjectBrief_angola.pdf. This report was developed in conjunction with the National Strategy for Vulnerable and Key Populations 2018-2022 and the Guidelines for Integrating HIV and AIDS Prevention, Care and Treatment Services for Key and Vulnerable Populations in the Health Sector.

of health-related prevention and care. In addition, the **Draft National Strategy for the Prevention, Care and Treatment of STIs/HIV/AIDS for Key and Vulnerable Populations in Angola (2018-2022)** recognises several factors that increase key and vulnerable populations' susceptibility to HIV and AIDS, including stigma and discrimination; limited prevention services; poor access to HIV diagnostic, care and treatment services; little evidence on key and vulnerable populations; and weak integration and multisectoral approaches.⁴⁸ Significantly, the Ministry of Justice and Human Rights, in partnership with UNDP Angola and the National Institute for the Fight against AIDS, organised a two-day capacity building course for vulnerable groups and their representative CSOs.⁴⁹

Some attention has been given to the LGBTI community by the Ministry of Justice and Human Rights in the context of human rights reporting to international treaty bodies and to the Human Rights Council. The UPR 3rd cycle (2020) for instance shows increased attention to LGBTI issues compared to previous UPR processes.⁵⁰ There is a perception that this development is a response to the strengthened capacity of the LGBTI movement to participate in public and political life, resulting in greater visibility in Angola.⁵¹ The written proceedings of the UPR also indicate that recommendations may have been the result of the alternative reports of CSOs. However, Angola's country report to the Human Rights Council failed to mention LGBTI issues. Many countries congratulated Angola for establishing the crime of discrimination on the basis of sexual orientation, and it was widely recommended that the country adopt additional measures to improve the rights of LGBTI persons, as follows:⁵²

- Develop and implement a national plan to combat and prevent discrimination based on sexual orientation and gender identity (Germany).
- Investigate promptly, fully, independently and impartially all allegations of attacks, arbitrary arrests and detentions of individuals based on their sexual orientation or gender identity (Honduras).

- Develop and implement a national plan to combat and prevent discrimination based on sexual orientation and gender identity (Iceland).
- Take further steps to guarantee 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 sexual orientation and gender identity (Ireland).

Put in place institutional mechanisms that can effectively protect lesbian, gay, bisexual, transgender and intersex persons against all forms of violence, harassment and discrimination (Norway).

In respect of the CEDAW reporting process, the AIA submitted an alternative report,⁵³ and the Committee recommended that the country undertake awareness-raising activities to change negative attitudes towards women, girls and LGBTI persons, ensuring also that strict penalties are imposed on the perpetrators of violations against them. The Committee was also concerned by the lack of a comprehensive age-appropriate school curriculum on sexual and reproductive health and rights. It therefore recommended that Angola introduce, without delay, a mandatory and age-appropriate curriculum on sexual and reproductive health and rights at all educational levels, ensuring that this is offered as an intact subject by instructors who are adequately trained to teach it.⁵⁴

The UN Human Rights Committee recommended that Angola adopt measures to effectively protect lesbian, gay, bisexual and transgender persons and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed. It further recommended the enactment of comprehensive legislation that provides full and effective protection against discrimination in all spheres and a comprehensive list of the prohibited grounds of discrimination.⁵⁵

This context provides further opportunity to encourage and support the development of LGBTI-related reports by CSOs, the Ombudsman, and the Ministry of Justice and Human Rights.

48 Draft National Strategy for Key and Vulnerable Populations, 2018, National HIV/AIDS Institute, Ministry of Health, pp. 13.

49 See *Jornal de Angola*, July 2020. [Ministry of Justice organizes courses for vulnerable groups.](#)

50 In the 1st UPR cycle Angola received only one recommendation from France on decriminalisation of homosexuality. See Angola, UPR, 1st cycle, Human Rights Council, 14th Session, Report of the Working Group on the Universal Periodic Review Angola A/HRC/14/11, 24 March 2010, para 98. [...] To ensure that articles 70 and 71 of the Penal Code [old Penal Code] are not construed and applied so as to criminalise homosexuality. During the 2nd UPR cycle there were not discussion on LGBT+ issues (See 2nd cycle Report of the Working Group on the Universal Periodic Review Angola A/HRC/28/11 5 December 2014).

51 See Dezanove, May 2019, Portugal, [Angolan associations join forces for LGBTIQ visibility.](#)

52 Human Rights Council 34th session 24 February - 20 March 2020 UPR, Report of the Working Group on the Universal Periodic Review, Angola; A/HRC/43/11.

53 Available at <https://drive.google.com/file/d/1Hegs04I5t-KSXTMwRzQc-8Npj8AlbW/view>.

54 Concluding observations on the seventh periodic report of Angola, CEDAW/C/AGO/CO/7, March 2019, paras. 36 and 44. Available at <https://undocs.org/en/CEDAW/C/AGO/CO/7>.

55 UN Human Rights Committee, concluding observations on the second periodic report of Angola, CCPR/C/AGO/CO/2, May 2019, para. 14. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/AGO/CO/2&Lang=En.

Political Parties/Platforms

There is little information on the official positions of Angola's main political parties on LGBTI rights and they generally present a conservative approach to the issue. However, from the interviews conducted, there is a perception that the younger generation of political leaders are more open. The current government, elected in 2017, has specifically targeted younger politicians to serve in high-level positions; for example, the Minister of Finance, the State Secretary for Youth, the State Secretary for Family and Women Empowerment, and the State Secretary for Human Rights and Citizenship. Such appointments are also the result of a governance approach that aims to improve the rule of law and fight corruption by appointing a new generation of politicians that are not linked to the previous government. However, such an approach doesn't appear to have extended to parliament or the judiciary.

Issues for further follow up:

- *Exploring how the political manifesto (linked to political principles, such as gender equality, non-discrimination, etc.) of the governing party might be of relevance to LGBTI inclusion.*
- *Tracking public utterances by politicians on LGBTI issues (in parliament, in public and in the media) in the wake of the passing of the new Penal Code?*

Cross-Movement Joint Initiatives to Influence and/or Hold Authorities to Account

Although there are examples of cross-movement initiatives – such as when CSOs on women's rights jointly organised against abortion being a crime – these largely happen on an *ad hoc* basis. Although CSOs hold collaborative conferences and initiate joint campaigns, there are limited examples of cross-movement organising to hold authorities accountable, and this happens mainly around international human rights monitoring mechanisms. One such example is the Joint Submission of LGBTIQ groups to the UPR (3rd cycle) on the Protection of the Rights of LGBTI Persons in Angola.⁵⁶ On this occasion, LGBTI organisations jointly asked the Human Rights Council to recommend that Angola revise its current Law against Domestic Violence to broaden its scope to include gender-based violence faced by LGBTIQ people. The submission also highlights the need to increase clinical competencies and sensitisation for health provision to the LGBTI population and revise the national plan on HIV and AIDS to include LGBTIQ people as a key population.

Angola's government is increasingly open to engaging with civil society in law and policy-making processes, and CSOs are frequently invited to be part of commissions, groups and committees that develop plans, strategies and laws. However, Angolan CSOs lack human and financial resources and they are largely concentrated in Luanda and provincial capitals, and are almost non-existent in more remote areas.

The Angolan Network of AIDS Service Organisations (ANASO) is an influential network of NGOs working against the HIV/AIDS epidemic and a member of the Global Fund's Country Coordination Mechanism. In the last two years, as a result of increased interest by the state to invest in key populations (in the context of HIV), LGBTI organisations have been invited to join the platform.

According to the LEA, the LGBTI community is led by the Íris Angola Association, which in turn supports groups such as Divas (transgender women) and Movimento H Maiúsculo (men who have sex with men). It also notes that 'advocacy around LGBTI policy issues have opened important spaces, demonstrated by the legal recognition of Íris and the criminalisation of discrimination based on sexual orientation in the new Penal Code'.⁵⁷ However, there are divisions within the LGBTI activist sector and the connections amongst these CSOs remain limited. The interviews reveal that, partly due to lack of recognition, it is difficult for LGBTI organisations to raise funds for programmatic work. As such, these organisations frequently rely on larger NGOs to act as intermediaries with donors, which has limitations.

Issues for further follow up:

- *Identifying key policy and advocacy issues around which LGBTI organisations hold shared objectives, and that could be rallying points for collaboration.*
- *Identifying common issues (related to, for example, human rights, CSO recognition and participation, GBV, inequality, and state accountability) that present opportunities for cross-sector organising amongst human rights CSOs.*

LGBTI Activists Involved in Processes Related to Broader Rights, Development and Gender Equality Issues

In the interviews it was suggested that LGBTI organisations and activists are not involved in law, policy and strategy development processes beyond those linked to the health sector, and to the national HIV response in particular. Also, there is little participation by

56 Joint Submission LGBTIQ GROUPS Submission to the UPR regarding the Protection of the Rights of LGBTI Persons in Angola, 3rd Cycle 2019, submitted on March 27. Available at <https://drive.google.com/file/d/1RGxf6vflL8JU3sNqzvT6IOIPbcKtVgvd/view?usp=sharing>.

57 LEA, 2020, p.21.

LGBTI activists in broader processes related to human rights, development and gender equality. That said, the consistent engagement over time with national health institutions (especially the National Institute for the Fight against AIDS) has given LGBTI organisations and activists a degree of visibility and acceptance among ministerial HIV focal points and with other state authorities, such as some national directors and state secretaries. Also, the fact that CSOs and movements working for LGBTI inclusion exist and actively organise has placed them in a stronger position to advocate for policy and law reform. These factors have contributed to strengthening the visibility, tolerance and acceptance of LGBTI issues among some Angolan decision-makers. As a consequence, LGBTI leaders were invited to participate in a government workshop on gender where the State Secretaries for Family and Women Empowerment and for Human Rights and Citizenship were present. LGBTI leaders were also invited to input into the draft sexual and reproductive health strategy and the National Youth Policy. At the same time, interviews with ministerial civil servants reveal that their ministries have never worked directly on LGBTI issues, except for the State Secretary of Human Rights and Citizenship. There is interest from LGBTI leaders and organisations to be further supported in establishing links and engagements with government authorities. Here, the Civil Society Engagement Scan of LPP might provide a useful entry point.

Allies from Other Movements Involved in LGBTI Processes

LGBTI organisations are relatively new in Angola and their increased visibility in recent years has exposed them to other NGOs and movements, especially those in the health sector. In this context, LGBTI communities are supported to participate in health-focused initiatives and processes, whereas less attention is given to other NGOs and movements being supported to participate in LGBTI-focused initiatives. In terms of the former, LGBTI groups are involved in activities directed at the authorities to advance HIV/AIDS prevention and care, and this offers entry points to the circle of influence of institutions in that sector, such as Mwenho, ANASO.

Turning to gender equality and women's rights organisations, ASSOGE and Ondjango Feminista have expressed a willingness to collaborate with LGBTI groups, and AIA has already worked with Ondjango Feminista. Another CSO likely to support LGBTI inclusion efforts is the Human Rights Center at Universidade Católica de Luanda, and LGBTI organisations have already participated in their workshops on HIV/AIDS and human rights.⁵⁸ At the regional level, Íris Angola has work with

LAMBDA and with the Other Foundation, whilst AIA has collaborated with ARASA and SALC at the regional level.

IGI might further support LGBTI CSOs to establish links with other CSOs already known to UNDP or to other UN agencies. IGI can also provide convening space for CSOs to discuss the current condition facing the LGBTI population in Angola and to identify potential joint strategies that capitalise on recent gains at the level of law, policy, strategy and public participation.

Involvement of LGBTI Populations in Policy Development Processes

As already mentioned, the participation of LGBTI populations in broader processes relating to human rights is almost exclusively linked to the national response to HIV/AIDS as a key population. The visibility of LGBTI organisations in the health sector has captured the attention of the higher authorities. As a result, LGBTI organisations and leaders report having been involved in processes to develop the Draft National Strategic Plan for Responding to HIV/AIDS, Viral Hepatitis and other Sexually Transmitted Diseases 2019-2022; the Draft National Strategy for the Prevention, Care and Treatment of STIs/HIV/AIDS for Key and Vulnerable Populations in Angola 2018-2022; the National Action Plan for a Favorable Legal Environment (an outcome of the LEA); the integral revision of the Law on HIV and AIDS;⁵⁹ the new strategy for sexual and reproductive health; and the National Youth Policy.

LGBTI CSO leaders recognise that their involvement is sometimes limited by the lens of 'key population', an epidemiological term, such that the needs and priorities of LGBTI communities are mostly expressed from a public health vantage point which can be limiting. Although the National Institute for the Fight against AIDS recognises that its programmes should improve the legal environment for key populations – including LGBTI persons – the HIV/AIDS ministerial focal points have not yet recognised this need. Despite the insistence of the National Institute for the Fight against AIDS that HIV/AIDS ministerial focal points implement the National Action Plan, there is no evidence that ministries have made any progress in doing so.

58 The Advanced Course on Human Rights was opened by the Vice-President of Angola and organised by the Human Rights and Citizenship Center of the Universidade Católica de Angola, the biggest private university in the country. See *Jonal de Angola*, July 2020, [Advanced Course on Human Rights starts in Luanda](#).

59 See *Diário de Notícias*, July 2019, Portugal, [Angola needs "a more favorable legal environment" for people with HIV / AIDS - institute](#).

Coordinated Advocacy and Policy Messaging Amongst LGBTI Groups (to Influence Law, Policies or Programming)

Until recently Íris was the only LGBTI organisation in Angola. In 2017 the AIA came into existence and it focuses on sexual orientation and gender identity/expression from the perspective of women's rights. Not much is known about the extent to which these organisations coordinate their efforts; however, there is interest in advancing common messages.⁶⁰ Despite an apparently fragmented CSO landscape, there are also synergies and common goals among leaders and organisations. IGI could potentially focus on identifying those synergies and goals, and invest in the advancement of related joint initiatives and messaging.

Coordinated Advocacy and Policy Messaging Amongst LGBTI Groups and Other Development Actors (to Influence Law, Policies or Programming)

UNDP was identified as the primary development partner of LGBTI groups in Angola through LPP and the Global Fund, working to advocate for policy and law reform in the context of HIV/AIDS and key populations. The LPP has contributed to widening the scope for LGBTI-inclusive messaging through its focus on comprehensive policy and law reform, towards a favourable legal environment for the rights and non-discrimination of key populations.⁶¹

Interviews with UN officials indicate a trend towards supporting LGBTI inclusion among development partners, particularly UNAIDS, UNFPA and UNHCR. USAID has engaged with the LGBTI community with a focus on HIV/AIDS and key populations, through for example the Linkages Project.

With a few exceptions (such as advocating to include LGBTI movements in ANASO), there are no known

strategies to coordinate advocacy and policy messaging amongst LGBTI organisations in Angola.

Issues for further follow up:

- *Coordination of LGBTI CSO advocacy beyond HIV/AIDS.*
- *SOGIESC-related training and capacity building needs of development actors in Angola.*
- *Capacity development and training needs of LGBTI CSOs on other development topics/issues (e.g. SDGs).*

Official Policies/Strategies Per Sector (Poverty, Gender, Equality, Health and Justice Education)

Both the national human rights⁶² and national HIV strategies⁶³ explicitly acknowledge needs and rights related to sexual orientation, although it appears that no other government strategies have yet taken this step.

The **National Human Rights Strategy** was enacted in 2020 and is based on the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, among other international treaties ratified by Angola.⁶⁴ This is the only official strategy that mentions LGBTI persons in its promotion of a culture of human rights. It includes an action plan with specific objectives, actions, outputs, responsible entities/organisations and time frames. Both the strategy and the plan offer considerable potential for the integration of LGBTI concerns. For example, the strategy has objectives that can enable LGBTI inclusion such as to 'ensure the enjoyment of human rights by every person in Angola, in equal conditions and without any kind of discrimination' and to 'ensure the effective participation of the civil society in the management and implementation of human rights'.⁶⁵ Moreover, 'LGBT' is explicitly mentioned as a theme to be addressed in future workshops and seminars.⁶⁶ Other objectives and actions present further opportunities: for example, introducing human rights in scholar curricula, creating a human rights alert system, and strengthening local human rights structures at provincial and municipal levels.⁶⁷ Of particular importance for expanding protections for

60 See footnote 73 above.

61 See Angola: Removing Legal and Policy Barriers for young key populations in Angola's HIV response: Policy Brief, March 2021. Available at <https://www.ao.undp.org/content/angola/pt/home/library/removing-legal-and-policy-barriers-for-young-key-populations-in-.html>.

62 Presidential Decree No. 100/20; President of the Republic, "Approves the National Human Rights Strategy" Diário da República Series no. 48 of April 14, 2020. Available at http://www.servicos.minjusdh.gov.ao/files/Dec_pres_100_20_ENDH_.pdf.

63 Draft six of the National Strategic Plan on HIV/AIDS, Viral Hepatitis and other STD (not officially approved).

64 Section 9.3e and Objective 4.

65 Section 2.4 of the National Human Rights Strategy.

66 Strategy (section 9.3 e) and Action Plan (national plan, objective iv action h).

67 Key structures in the implementation of the strategy are the Office of the Secretary of State for Human Rights and Citizenship; the National Human Rights Directorate; and the Intersectoral Commission for Developing National Human Rights Reports.

LGBTI persons is that the National Human Rights Strategy seeks to, amongst others, establish special mechanisms and procedures for groups requiring special protection; provide training on human rights to law enforcement agents; enable assistance services to victims of human rights violations; institute a national system for reporting human rights violations, including a national human rights observatory that produces national warning reports; and create mechanisms to monitor and prevent human rights violations in public services, including in police investigations. Civil society is identified as having a major role to play in the action plan in various forms, and media coverage of human rights issues in the country is also emphasised, along with the intention to promote the involvement of all citizens in defending and protecting human rights.⁶⁸ Although it was not possible to conduct an interview with the State Secretary for Human Rights, she is likely to be a strong supporter of LGBTI inclusion efforts.

The **National Human Rights Prize** was enacted in 2020 and is intended to publicly acknowledge distinguished individuals and entities contributing to the defense, promotion and deepening of human rights and citizenship culture in Angola. Based on stated criteria, Associação Íris and AIA are the only LGBTI associations that could apply for the prize; however, there is a perception that an LGBTI focus is not likely to be considered for the award at present.⁶⁹

The new **National Youth Policy**⁷⁰ establishes in Article 3.5c that the state has the obligation to develop programmes with different stakeholders (including CSOs, government departments and international cooperation agencies) with the aim of improving the quality of life of the youth, including access to sexual and reproductive health services. The policy also contains provisions to promote sexual and reproductive health among adolescents and young people, and is based on principles such as ‘proximity’ and ‘flexibility’ that open the space for LGBTI inclusion. It also endorses gender equality and this is likely to be viewed in heteronormative terms. The policy also contains a series of rights and duties for the youth that could be avenues for LGBTI inclusion. However, it does not have an action plan, making it less likely to be budgeted for and implemented. The policy does not expressly include LGBTI communities; however, as was pointed out in an interview with a civil servant in the youth sector, it doesn’t explicitly exclude anyone either. One

interviewee pointed out that the Ministry of Youth and Sport had difficulty accepting the participation of LGBTI organisations in the process of the policy’s development. The State Secretary for Youth was identified as resistant to LGBTI inclusion.

The **National Policy for Gender Equality and Equity (2013)**⁷¹ is driven by the Ministry of Social Action, Family and Women Empowerment and establishes the promotion of equality through eliminating gender disparity and discrimination; changing social attitudes and behaviors; and eliminating factors that constrain women’s access to and control over resources and decision-making bodies. Interviews confirmed that engagement with this Ministry is key to broadening the concepts of gender and family in national gender policy, and to advocating for policy reform that considers gender and sexual diversity and rights. There is, however, a general perception that the relevant Minister is conservative.

Country-Specific Knowledge Products Related to LGBTI Inclusion

Knowledge products that relate specifically to LGBTI rights and inclusion in Angola are scarce. Some identified sources of relevance include:

- Legal Environment Assessment for HIV and the Right to Sexual and Reproductive Health (LEA) and Civil Society Engagement Scan.
- Carregue seus Direitos (Take your Rights)⁷² pocket book, a compilation of legal norms regarding key populations’ rights.
- AIA’s virtual library,⁷³ which includes the African LGBTI Manifest (translated into Portuguese), a Discrimination Observatory,⁷⁴ materials for raising awareness on LGBTIQ rights in Angola, and joint submissions and reports for international human rights mechanisms.
- The Facebook and Instagram accounts of LGBTI organisations and movements. See Associação Íris Angola,⁷⁵ Arquivo de Identidade Angolano,⁷⁶

68 The plan also aims at reinforcing local Human Rights Committees (province level) and its activities of promotion and interaction with civil society. See *Jornal de Angola*, April 2020, [Justice prepares system for denouncing human rights violations](#).

69 *Diário da República*, Series I, No. 46 of 9 April 2020. Available at <https://www.tralac.org/documents/resources/covid-19/countries/3823-angola-ministry-of-interior-executive-decree-no-141-20-9-april-2020-portuguese/file.html>.

70 Presidential Decree No. 273/19; President of the Republic, “Approves the National Youth Policy” *Diário da República*, Series I, No. 114 of 2 September 2019.

71 National Policy for Gender Equality and Equity and the respective Advocacy Strategy and Resource Mobilisation, Implementation and Monitoring Policy; Presidential Decree No. 222/13; President of the Republic, Official Gazette, Series 1, No. 247 of 24 December 2013. Available at: <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC130718/>.

72 See https://drive.google.com/file/d/1Xwbh118J_02GU3niY4b22ocPmsZtdLen/view?usp=sharing.

73 Link to “Kutanga” library: <https://www.arquivodeidentidadeangolano.com/kutanga>.

74 The Observatory has four sections: Justice, Petitions, Oral Testimonies and Written Testimonies. Available at https://drive.google.com/drive/folders/1-6u8igARMuWCLDqvZhFSRkUCiuq-aCEi?fbclid=IwAR2d7B6ASi-46mUDC5BbUTC_SmHh9dHeALdDAj1Htcdi5WoAzE3KZK98uB8.

75 See <https://www.facebook.com/associacaoiris/>.

76 See the website <https://www.arquivodeidentidadeangolano.com/> and the Facebook page <https://www.facebook.com/aia.angola>.

Diversidade Masculina,⁷⁷ and Movement Eu sou Trans.⁷⁸

On the topic of health, a number of knowledge products offer information on the specific realities facing MSM and transgender persons in the context of HIV/AIDS, including:

- *Multiple Indicators and Health Survey (IIMS), 2015-2016*, National Institute of Statistics of Angola.⁷⁹
- PLACE, 2017, Prevalence of HIV and other STIs among Key Populations in Angola, INLS/PEPFAR/USAID/Linkages/Univ. North Carolina/Tchicos.⁸⁰
- Population Size, HIV, and Behavior Among MSM in Luanda, Angola: Challenges and Findings, C. Kendal

et al., in *Journal of Acquired Immune Deficiency Syndromes*. 2014.⁸¹

- HSRC, 2011, Securing the voice of African men who have sex with *men within HIV & AIDS development policy and programming in Eastern and Southern Africa*, country level reports.⁸²

Some interviewees expressed an interest in growing the availability of knowledge products on LGBTI issues in Angola, noting that they lack the capacity to develop these. The Ministry of Human Rights and Justice was identified as well positioned to develop a comprehensive situational analysis on LGBTI issues and rights in Angola.

77 See <https://www.facebook.com/Diversidade-Masculina-110563087151439>.

78 See <https://www.facebook.com/Movimento-EU-SOU-TRANS-Angola-605035873297682>.

79 See <https://dhsprogram.com/pubs/pdf/SR238/SR238.pdf>.

80 See <https://www.msh.org/resources/programmatic-mapping-and-prevalence-of-hiv-and-other-stis-among-key-populations-of-angola>.

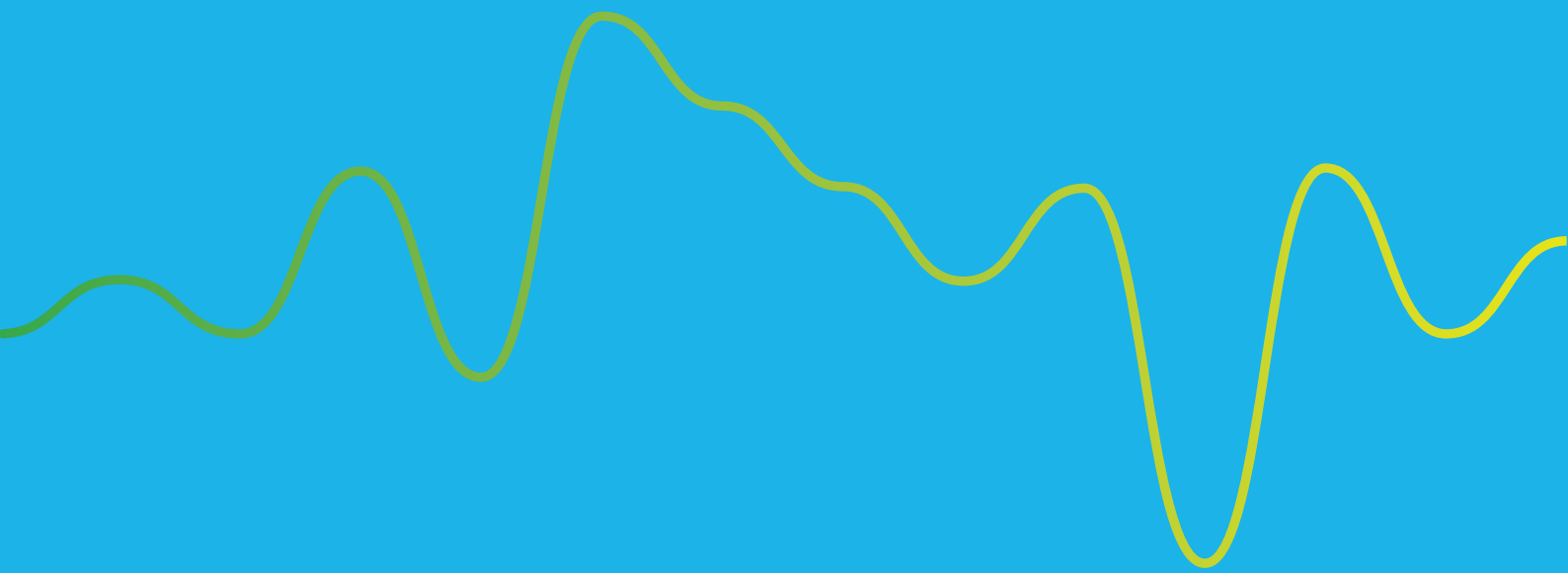
81 See Kendall C, Kerr LR, Mota RM, et al. 2014. Population size, HIV, and behavior among MSM in Luanda, Angola, *Journal of Acquired Immune Deficiency Syndromes*. 2014;66(5):544-551. Available at <https://doi.org/10.1097/qai.0000000000000213>.

82 See Reddy, V. & Sandfort, T.G.M. 2011, Securing the voice of African men who have sex with men (MSM) within HIV & AIDS development policy and programming in eastern and Southern Africa, country level reports. (Submitted to the United Nations Development Programme/United Nations Joint Programme on AIDS). Available at <http://hdl.handle.net/20.500.11910/3438>.

Appendix 1

Key recommendations from the LEA that are of particular relevance to LGBTI inclusion:⁸³

- Revise the Law on HIV and AIDS to protect the LGBT+ community against stigma and discrimination.
- Strengthen enforcement mechanisms against stigma, discrimination and health rights violations (e.g. disciplinary procedures in the sectors of health, police, education, etc.).
- Strengthen the protection of LGTB+ minorities' rights and inclusion in health programmes, through resource mobilisation and training of health professionals of the rights of LGBT+ persons, including young LGBT+ persons.
- Provide training for police officers and legal practitioners on sexual orientation and gender identity.
- Allow transgender persons to have their gender affirmed and recognised in identification documents and official forms.
- Adopt measures to promote access to justice for LGBT+ people.
- Provide access to comprehensive sexual education that includes issues of sexual orientation and gender identity in schools, to reduce stigma and discrimination against young LGBT+ persons.
- Raise awareness amongst the general population on the rights of LGBT+ populations.
- Validate and implement the draft National Key Populations Strategy (2018).
- Promote a comprehensive anti-discrimination law in political, social and cultural spheres, that includes non-discrimination for people living with and affected by HIV, and key populations.
- Include and implement concrete actions in policies, strategies and plans to combat inequality and discrimination against PLHIV, and key and vulnerable populations, including young key populations.
- Inform, educate and disseminate material that contributes to eliminating stigmatising and discriminatory attitudes, and increases awareness of rights and how to access justice.
- Incorporate actions aimed specifically at combating stigma and discrimination in the National Youth Development Plan.
- Incorporate actions aimed at combating stigma and discrimination into national plans for SRH.
- Develop and implement a stigma index study to measure stigma and discrimination against PLHIV, and key and vulnerable populations.
- Introduce a special quota for key populations in political participation bodies.
- Conduct studies to understand the dynamics of key populations in relation to HIV.
- Conduct a legal audit of sexual orientation and gender identity rights.
- Adopt legislative and other measures to reduce discrimination and violence amongst families towards their young LGBT+ members.



UNDP HIV, Health & Development team, Africa