

Discrimination against Lesbian and Bisexual women in Angola

Submitted for the consideration of the periodic report of Angola for the
Session of the Committee on the
Elimination of all forms of discrimination Against Women (CEDAW)

June, 2018

Prepared by a Arquivo de Identidade Angolano

Arquivo de Identidade Angolano - Angolan Identity Archive is a feminist queer group that creates LGBTIQ content as a response to the lack of gender and sexuality information in Angola. Focusing in creating an archive, the group works in education, documentation and promotion securing the translation of African LGBTIQ books into Portuguese, creating books about gender, sexuality and stigma and discrimination, creating visual content such as videos with testimonies from the Angolan LGBTIQ community and bringing visibility to the LGBTIQ community in the country.

As a queer feminist group the Archive comprehends the need to create LGBTIQ content due to the lack of such material in the country but has been slowly focusing more in LBT issues.

Recently the group created an office space which is also a safe space for LGBTIQ people with workshops, meals and cultural activities.

You can find the group information and projects at:

Website: www.aia-ao.org

Facebook: <https://www.facebook.com/aia.angola/>

Summary:

The socio economic reality of the LGBTIQ community in Angola is still one of the poorest ones. Any policies that addresses issues such as sexual orientation and gender identity are still inexistent in the country. The access to employment, health, stigma and discrimination is still very much a daily struggle for LGBTIQ individuals.

According to the 2011 study “Population Size, HIV, and Behavior Among MSM in Luanda, Angola: Challenges and Findings in the First Ever HIV and Syphilis Biological and Behavioral Survey”¹ 797 eligible participants reported that 30.5% have no occupation and 52.9% reported no income last month. When it come to discrimination almost half of Men who have sex with men (MSM) (171, 46.2%) reported having experienced some type of violence in their life, that is, were physically assaulted or discriminated against With respect to homophobia, 133 (70.4%) report episodes. Among those who reported episodes of discrimination because of sexual orientation (165), 40.1% reported that it occurred many times in the last 12 months and at work, school, business, and recreational areas.

This study is a reflection on how underrepresented are the issues of Lesbians and Bisexual (LB) women are not only at HIV fight or public health responses but also in an socio and economic inclusion. One could argue that at least LB women are been represented at least at the gender issues, but even in women and gender issues LB women are still been erase from the agenda of gender issues. As consequence there’s very few data about LB women in Angola, there’s no specific response or inclusive reposes in employment, health or any other areas. LB women are still very much invisible in the politics, programs and legislations.

¹ <https://www.pepfar.gov/about/research/pubs/date/2014/263600.htm>

Discrimination and violence against lesbian and bisexual women in Angola

Lesbian and bisexual women in Angola face multiple forms of discriminations. According to various testimonies, the main challenges are family issues, access to health and access to employment. LB women still face stigma and discrimination due to the perception that they brake gender boundaries with their gender expression and sexual orientation. Angola is still a country where talking and discussing about sexuality is very much a taboo.

A recent analysis² of Angola’s current legal framework conducted by the Angolan law firm FBL Advogados, indicates that there’s no criminalization in Angola based on sexual orientation³. Testimony from members of the LGBTI community however, makes it clear that there is still exist a culture of discrimination that creates an obstacle for people of different sexual orientation to seek support from governmental institutions.

“ Most of Lesbians in Angola are through out of their house, when their family found out their sexual orientation. Some prefer not to disclose to their families and drink and use drugs to take their frustration away. Family is for sure one for the main issues. Daily discrimination on the street is a still a reality that many lesbians face, living with the risks of been raped and constantly threaten. As consequences, we pretend not to be lesbians to maintaining the family financial support, choosing only to come out as soon as we get our financial independence ” Testimony from Chris

Analyses of Lesbians and Bisexuals women issues one by one

1. Non-discrimination and equality

The constitution of Angola provides the principle of equality and non-discrimination, article 23.^o as a fundamental right. However, there is still no specific law that includes the needs of non-discrimination behavior against LB women or any kind of law that expressly condemns violence or discrimination based on sexual orientation or gender identity. Although the proposed revision of the penal code expressly refers to sexual orientation and non-discrimination in the working space.

Questions to the Government:

- Please indicate whether the human rights laws and norms ratified by Angola have been incorporated in national law and how are their responding to LB women’s rights
- Please provide information on the number of cases collected about violence or discrimination cases based on sexual orientation and gender identity
- Please indicate what mechanisms are available in the country for lesbian and bisexual women facing violence or discrimination

2. Access to health

LB women are still facing discrimination when accessing health services. This is in part because sexual orientation and gender identity is still a very new topic that has just now started to be addressed in the health system services specially on how health workers should provide a more humanize service for all.

Access to health for LB women has been indirectly connected to the continues work that has been done towards Men who have sex with Men (MSM), where a risk evaluation form with sexual practice with question such as same-sex practice has been included in some health facilities. The inclusion of LGBTIQ people in focal groups is usually in programs and activities related to MSM and trans women. Therefore, the health programs are focusing only in one part of the LGBTIQ acronym, and since in Angola LB women are not consider key population, there is no specific response for access to HIV and STI servicers for them.

² The analysis was commissioned by the USAID-funded, LINKAGES Project through Management Sciences for Health (MSH).

³ Article 56.^o of the constitution estipulate the non discrimination principle; article 197 from the proposed penal code estipulates discrimination as a crime; The main conclusion form the FBL firm is that the constitution revoges the security measures sanctions from the current penal code regarding homosexuality and bissexuality

One could argue that the LB response is included in the health programs for women, but there is no specific inclusion or mention of LB women specially in the sexual and reproductive rights plan. When it comes to sexual orientation and gender identity, there is still much to be done when it comes to health workers to better understand and deliver a more differentiated service for LB women.

The LINKAGES project⁴ is USAID’s flagship key populations program working in 30 countries and in Angola since 2015. In partnership with the Ministry of Health and the National HIV and AIDS Institute (INLS), LINKAGES has trained over 300 health professionals and administrative personnel on how stigma and discrimination can create obstacles to access to health services for key populations. The trainings have taken place in over 19 health facilities in Luanda province. The training includes the importance of assessing risk for HIV with patients and offers a simple questionnaire that can help providers ask about multiple partners, same-sex sexual practices and frequency of condom use to help providers address risk-taking behaviors with their patients.

Although some of this work had influence health workers to deliver a more humanized service and to understand the impact of discrimination and its consequence to access to health, this does not eliminate the fact the intended objective of programs, such as this one, is to collect information sole about Trans women and MSM. The collection of information on LB women has not been requested by the government.

Questions to the Government:

- Please indicate whether the existing laws and norms include lesbians and bisexual women into the sexual reproductive plan.
- Please provide information on the prevalence and prevention of HIV and STI among lesbian and bisexual women and indicate whether they are considered as key populations in your country
- Please indicate any laws or norms that include and respond to the health needs of LB women

3. Access to Education

Having access to education is still one of the main issues for LB women, especially lesbian women that are not feminine and can be perceived as breaking the gender norms. The struggle to continue studies is not only bound by school norms that dictates gender expression, but also by family imposition due to the lack of financial support. Many lesbians give up studying because they are not well accepted in school and cannot pay for their own school when family decides to stop supporting financially when found they sexual orientation.

Questions to the Government:

- Please indicate whether the National Education Plan refers to inclusion of issues such as sexual orientation and gender identity
- Please provide information on the number of self-identified lesbians and bisexual in school
- Please indicates laws, plans and norms that reflects the inclusion of LB women in the education system

4. Access to employment

Access to employment is still a very huge struggle for LB women in Angola. While formally everyone is protected by the Labor Law, there are still situations of discrimination against LB women in work environment.

The draft Penal Code has been in discussion in the past years, and article 197 (“Discrimination”) of the draft stated that it *“is criminalized with a two years prison sentence and 240 days fine if someone fires or refuse to hire someone based on race, religion, ethnicity, sex or sexual orientation.”*

This is one of the fewest provision that expressly mentions sexual orientation. If approved, the new penal code will allow LB women to have a legal instrument in case of rights violations in the work place.

⁴ <https://www.usaid.gov/what-we-do/global-health/hiv-and-aids/partnerships-and-projects/linkages-project>

Questions to the Government:

- Please indicate whether the proposed penal code still have the provision regarding discrimination as it referring to sexual orientation
- Please provide information on the number of laws that ensure non-discriminatory provisions towards LB women

FINAL REMARKS

Angola civic participation has been changing slowly, different movents and different civil society organization have been creating spaces of conversation that never existed. This shifty can, and its's already, influencing LB women. Platforms such as Ondjango Feminista⁵ that has been mobilizing, informing and educating women in the past 2 years in Angola about feminist and women's rights have been pushing the LBT agenda to their platform, making it possible to LBT women to speak up about their struggles. Arquivo de Identidade Angolano is not only a partner of Ondjango Feminist but has also two of its members sitting at Ondjango's feminist coordination, guaranteeing that all the issues raised can incorporated LBT women needs also.

The LINKAGES project has been one key partner in bringing the conversation about gender, sexuality and stigma and discrimination to service providers and among LGBTI community members themselves as well. The conversation highlights how all these aspects interlink with access to health. While the public health definition of "key populations" in Angola does not include LB women, LINKAGES is trying to provide LB groups with a platform for discussion on these topics as well.

The continues efforts of platforms and programs like these ones will help us bring discussions around the struggles face by people within different orientation and gender identity and slowly integrate LB women voices make them visible and bringing pressure to the government to include them in their political agenda and priorities.

⁵ <https://www.ondjangofeminista.com/>