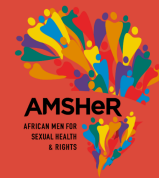




AMSHer strengthens capacity, partnerships and collaborations amongst SOGIE focused civil society organisations in Africa and deepens alliances with other social movements that champion health, human rights, social justice and development.



## Angola: New Penal Code Brings Hope for LGBT Communities in Africa!

On 23 January 2019, Angola passed a new Penal Code decriminalising consensual same-sex relationships among adults. At the same time, Angola prohibited discrimination on the basis of sexual orientation or gender identity and expression. These events are hailed widely as a success story for the lesbian, gay, bisexual and transgender (LGBT) communities in the region.

While celebrations take root, the occasion offers an opportunity for reflection on the process that brought about change into the new law. It becomes important to analyse the contours and share views about where and how the Angolan process of not only decriminalising same-sex relations but also protection of LGBT people against discrimination began. It should also be asked who were the role-players involved, what steps were taken and what is to be expected in future following the passing of the law. Based on the Angolan experience this brief shares some lessons that may be needed for similar advocacy processes elsewhere.

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In 2014, at the margins of the 55th Ordinary session of the African Commission on Human and Peoples' Rights (African Commission), held in the capital city of Angola, Luanda, an organisation called Population Services International (PSI) in collaboration with the African Men for Sexual Health and Rights (AMSHer), initiated discussions on how to address HIV challenges in Africa and particularly in Angola. Gay men and other men who have sex with men (MSM) were stressed as one of the most vulnerable groups in need of focused attention.

The meeting was attended by 26 organisations. Some called for improvement of services and said lubricants had to be introduced as part of treatment needed for MSM because of the high risk of infection among them during sexual intercourse. The conversation continued in a context where local players lacked the structure and technical capacity to implement advocacy and to lobby around the issues. It was important to work with the youth and young people and empower communities to understand the rights of key populations, including LGBT persons. At the time, there was not much discussion with policy makers on issues of sexual orientation and gender identity and expression.

An organisation called IRIS, the first ever LGBT organisation in Angola was formed with support of PSI, UNAIDS and the Mozambican based LGBT movement, LAMBDA. In 2016, the Angola Justice Department gave formal authorisation for the registration of IRIS. However, lack of funds and technical capacity held up formal registration of IRIS until June 2018.

### Where It Started...

Before the law was enacted, the Angolan LGBT community was hardly organised. It took efforts from several actors to bring LGBT persons together as a formalised community and support them in taking the initial steps in advocating for their rights and particularly, for scrapping of the old penal legislation which criminalised consensual same-sex relationships. These collective efforts led to the adoption of the new law.

IRIS was among the chief local players advocating for change. Their work includes empowering LGBT community, strengthening the capacity of LGBT persons to understand their rights and providing assistance for gay men, MSM, lesbians and transgender people facing violation of their rights. When advocacy started, IRIS worked in partnership with mainstream organisations focusing on human rights, generally. Complementing the work of IRIS, other local players, sub-regional, regional and international organisations supported this process. AMSHer is among the actors who provided technical assistance in programme development for local organisations working on the right to health for members of key populations including LGBT persons. While AMSHer was part of the preliminary conversation in 2014 on the margins of the 55th session of the African Commission, it is in 2016 that AMSHer provided local LGBT activists with technical assistance needed to develop a concept note for funding under the Global Fund and supported the development of strategic interventions addressing discriminations, equality in the health sector and other human rights violations faced by key population in Angola.

**AMSHer Director, Dr Olusegun Odumosu notes that. "in Angola progress began as a result of initiatives led by local actors while external partners played a supportive role. The Angolan experience is a good example of community involvement without patronage with a delineation of roles between goals earmarked by developmental agencies and community needs. "**

In 2017, AMSHeR rolled out and started implementing the "Linking Policy to Programming for young key populations in 5 Southern African countries", an initiative which became its first form of direct intervention in Angola. Under the auspices of this initiative, AMSHeR encouraged community participation in policy and law reform or development processes, and implemented several activities such as organising marches, sensitisation of communities on the rights of key populations (LGBT persons included) by using the radio and TV shows.

There were some ongoing programmes being implemented by different government actors needing consultations. For instance treatment programmes administered by the Health Department needed consultation with the affected communities (including key populations). In this same vein, the UNDP lead dialogue on barriers affecting the enjoyment of human rights by LGBT persons, an initiative discussed further below, also needed consultation with the affected communities. AMSHeR organised some of the key consultative meetings which brought visibility to LGBT persons and built momentum for them to claim their rights and space to have a voice. The organisation further supported the process by establishing a group that became the task-force responsible for representing the voices of LGBT persons during consultative dialogues with government and other stakeholders.

For Bernadino Culombola, National Programme Officer at AMSHeR the UNDP and AMSHeR-led programme in Angola sought to support creation of an "inclusive environment where everyone is treated with dignity".

As mentioned above, in 2016 UNPD initiated an assessment analysing barriers in the Angolan legislative and policy frameworks impeding the enjoyment of human rights by key populations, including by LGBT persons. The initiative brought together various stakeholders and served as a platform for the establishment of a multidisciplinary working groups comprising representatives of civil society organisations and government departments. The forum further opened space for dialogue between participating members of LGBT community and the government.

**Bernadino Culombola, National Programme Officer at AMSHeR the UNDP and AMSHeR-led programme in Angola sought to support creation of an "inclusive environment where everyone is treated with dignity".**

### **How were LGBT persons treated before enactment of the new Penal Code**

In the Angolan context, there has been general reluctance to speak about LGBT persons and challenges facing them. In part, this was due to lack of understanding of the rights of LGBT persons and an overall ignorance of the subject. There has also been misinformation about the realities of LGBT people in a context where culture and religion are used to negatively portray LGBT people in Angola. Many incidents highlight these challenges including instances where police failed to protect LGBT persons seeking redress when they were abused sexually. A few years ago, a novel showing gay men kissing was banned from TV.

Members of the LGBT community faced severe stigma and discrimination in their families and in public spaces. Some were chased away from their homes and others dropped out of school due to discrimination by teachers and their peers. In the past, LGBT persons also faced barriers accessing treatment and other health services. There are also record of cases where staff in hospitals refused to provide services to LGBT persons or humiliated them by sharing private information of LGBT patients with other people beyond the medical circle. In 2018, a Brazilian citizen who was Professor at a University in Angola was killed in a suspected homophobic attack. Previously, another gay man had been killed under similar circumstances.

The passing of the new law marks the beginning of a new era for the Angolan society and particularly for LGBT persons. It brings hope that the challenges indicated above will start being addressed. In addition to opening space for LGBT persons to lead their lives freely, the law gives hope that LGBT persons will institute cases against perpetrators who tramp their rights.

**"The overall aim of this intervention was to attain greater inclusion for key populations (including LGBT) and really to translate the SDG principle of "leave no one behind" into reality. "**

**AMSHer's Law and Human Rights Programme Manager, Berry Nibogora**

### **The Process leading to the Law**

LGBT human rights organisations engaged the government at various levels. In a period of two years, several meetings with the Department of Health supported LGBT communities to raise concerns on barriers hindering their access to health services and other basic rights. UN agencies in Angola advised authorities and provided technical assistance during the drafting of the law. Recently, the UNDP released a report of the Legal Environment Assessment (LEA) highlighting the major gaps in legal protection of key populations, including LGBT persons in Angola.

The report may have played an evidentiary role in convincing the authorities to enact the new Penal Code. As AMSHer's Law and Human Rights Programme Manager, Berry Nibogora, stated the overall aim of this intervention was to attain greater inclusion for key populations (including LGBT) and really to translate the SDG principle of "leave no one behind" into reality.

### **Next steps**

Angola is the first country to decriminalise consensual same-sex relationships among adult persons in 2019. Going forward, the implementation of the law will be critical to protect members of the LGBT community in Angola. There is urgent need for dissemination of the law among the authorities at all levels and to the Angolan public.

Training and sensitisation therefore, should be organised at a large scale for law enforcement officers and all those who come into contact with LGBT people in Angola for awareness and enforcement of the new dispensation. These efforts should be seen as part and parcel of national efforts for inclusive development, as part of the UN SDG and the African Union Agenda 2063, as they relate well to each other.

Stakeholders remain committed to supporting Angola to comply with its human rights and constitutional obligations of protecting all people, including key populations.

For AMSHer there is need to scale up programmes, support the government and other stakeholders in developing programmes that enforce the new law and ensure that development programmes are inclusive of LGBT people. There are plans to use the Angolan experience as a case study or model to inspire work in other countries.

In this regard, AMSHer Director, Dr Olusegun Odumosu notes that, "in Angola progress began as a result of initiatives led by local actors while external partners played a supportive role." Odumosu submitted that the Angolan experience is a good example of community involvement without patronage with a delineation of roles between goals earmarked by developmental agencies and community needs. Carlos Fernandes, Director at IRIS, believes that law enforcement authorities know they are supposed to protect everyone in the same manner. For Fernandes, the challenge is to ensure that police take action when complaints are brought forward by members of the LGBT community.

It is hoped that this new light that shined in Angola early in the year will shine in other parts of the African continent where there is still a long distance to ensure none among diverse groups of citizens, including LGBT, is really left behind.

### **Visuals**



# Timeline of Events



On the Registration of IRIS

**Carlos Fernandes, Director at IRIS, believes that law enforcement authorities know they are supposed to protect everyone in the same manner.**

**For Fernandes, the challenge is to ensure that police take action when complaints are brought forward by members of the LGBT community....**

- April –May 2014** ● At the margins of the 55th Ordinary Session of the African Commission in PSI and AMSHeR convenes a conversation with 25 organisations in Angola to address HIV incidents amongst MSM in Angola
- 2016** ● AMSHeR provides Technical Assistance to local LGBT activists in Angola to develop a concept note for funding under the Global Fund
- 2016** ● Angola Justice Department gives formal authorisation for the registration of IRIS
- 2016** ● UNDP commences a Legal Environment Assessment (LEA) on barriers impeding access to health for KPs in Angola
- 2017** ● AMSHeR rolls out the implementation of the Linking Policy to Programming project (YKP Project) in consortium with UNDP and HEARD (2016 – 2020) funded by Netherlands Embassy
- June 2018** ● IRIS is formally registered
- Jan.23 2019** ● Angola adopts a new Penal Code Decriminalising consensual same sex relations

## Advocacy Engagement with IRIS, AMSHeR, UNDP With Stakeholders from Governments, Civil Society & Community Members

