

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON ANGOLA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted-References in the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
Criminalization of same-sex consensual practices			Criminalization and security measures against homosexuals (23)
HIV/AIDS	National programme and legislation (103)	Protective legislation (2)	Spread of STDs and HIV facilitated by poverty (42)
Sexual Violence		Against deportee migrants by security forces (42)	
Sexual Abuse and Violence against children		Widespread. Sexual abuse at homes, schools and institutions (13)	Street children. Prostitution (18)
Sexual orientation and gender identity			See Recommendations (24)
Trafficking Forced prostitution	Lack of typification in Penal Code (53)	Protective legislation (2) No aware of trafficking by state (17)	
Trafficking/sexual exploitation /violence against children	Measures for prevention: awareness-raising, sensitization, official agents training. Action plan, Committee and Observatory (54) Reinforcement of fight measures against sexual exploitation and prostitution (55)	Extended sexual exploitation, internally displaced and street children more vulnerable (17)	

	National Plan against child commercial sexual exploitation (56)		
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Criminalization of same-sex consensual practices

A joint submission by five organizations JS2¹ reported that Angola maintains criminal sanctions against homosexual activity between consenting adults, imposing security measures against people who habitually practice acts "against the order of nature", and stating that such people shall be sent to labour camps (Para 23, Summary)

See Recommendations, African Commission on Human & Peoples' Rights - ACHPR (16); Fundación Mundial Déjame Vivir En Paz FMDVP (24)

HIV/AIDS and other STDs

La prévalence du VIH/SIDA en Angola est proche des 2,1%, ce qui est faible en comparaison avec la moyenne de l'Afrique australe, épice de la maladie. La Commission nationale de lutte contre le sida et les grandes endémies, () adopte les programmes qui sont exécutés par l'Institut national de lutte contre le sida, sur la base des dispositions de la loi n° 8/04 et du décret n° 43/03 (Para 103, NR)

In 2009, the United Nations Country Team (UNCT) indicated that the current revision of the Constitutional Law reinforces protective legislation in relation to inter alia persons living with HIV/AIDS (Para 2, Compilation)

ACHPR said the control of sexually transmitted diseases (STDs), including HIV/AIDS, remains a major challenge for the Government as the spread of these diseases is facilitated by the prevailing situation of poverty (Para 42, Summary)

Sexual abuse and violence against child

The Committee on the Rights of the Child (CRC) was also concerned at the growing number of cases of abuse and violence against children, including sexual abuse in their homes, in schools and in other institutions (Para 13, Compilation). ACHPR said the decades of civil war had wreaked havoc in the country, and caused, inter alia, the emergence of phenomena such as children displaced by war and street children, prostitution of minors (Para 18, Summary)

See Recommendations, CRC (13)

Sexual orientation and gender identity

See Recommendations, FMDVP (24)

Sexual violence

On 13 December 2007, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal concerning the detention and deportation of a large number of migrants. According to reports received, serious human rights abuses had been committed

¹ JS2 Joint submission by 5 organisations : ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association); ILGA-Europe; Pan Africa ILGA; International Gay and Lesbian Human Rights Commission; ARC International.

against the deportees, allegedly by Angolan security forces at the Congolese border. The abuses reported included the systematic use of physical and sexual violence () (Para 42, Compilation)

Trafficking /Forced prostitution

() *Le Code pénal en vigueur dès 1886 ne typifie pas la traite des personnes en tant que crime, mais sa révision se penche sur la question, en garantissant la pénalisation de ce crime (Para 53, NR)*

In 2009, the United Nations Country Team (UNCT) indicated that the current revision of the Constitutional Law reinforces protective legislation in relation to victims of human trafficking (Para 2, Compilation)

In its report to the ILO Committee of Experts in 2008, the Government stated that it was not aware of any trade or trafficking in persons (Para 17, Compilation)

See Recommendations, ILO Committee of Experts (17)

Trafficking/sexual exploitation/violence against children

Le gouvernement prend des mesures préventives au moyen d'actions régissant la circulation des personnes, essentiellement des enfants, en établissant des normes et des procédures administratives. Il mène des campagnes d'information et de sensibilisation au moyen d'actions de formation et d'information des agents de la loi, crée des réseaux de protection de l'enfant, des postes de contrôle à toutes les frontières internes et externes, où sont contrôlés les mineurs non accompagnés sans documents de voyage et où l'on exige la preuve du rapport de l'adulte avec l'enfant, en cas d'accompagnement, et l'autorisation du voyage par les parents. Il a créé un Comité intersectoriel sur la traite des êtres humains, un plan d'action stratégique national et un Observatoire national (Para 54, NR) Les mesures contre toutes les formes de violence associées à la traite () des enfants, qui sont plus vulnérables au phénomène, ont été renforcées, notamment dans les cas de lutte contre l'exploitation sexuelle commerciale et la prostitution, () entre autres (Para 55, NR)

L'exploitation sexuelle et la promotion de la prostitution enfantine sont des sujets largement abordés dans des tables rondes, des ateliers et d'autres forums, dans le cadre du diagnostic de la situation dans le pays, effectué à fin 2008, avec l'objectif d'élaborer une stratégie nationale de prévention et d'atténuation de la violence contre les enfants qui intègre des aspects contenus dans le Plan national d'action et d'intervention contre l'exploitation sexuelle commerciale des enfants (résolution n° 24/99). La stratégie vise à améliorer le système de récolte de données et d'informations, crée des lois pour briser l'impunité des violeurs et créer des programmes spécifiques afin de s'opposer à une situation qui tend à s'aggraver (Para 56, NR)

CRC expressed concern about the extent of the problem of sexual exploitation of and trafficking in children and noted that internally displaced and street children are particularly vulnerable to such abuse (Para 17, Compilation)

See Recommendations, CRC (17)

Suggested Questions and Recommendations

CRC

§ That Angola, inter alia, strengthen efforts to address the problem of child abuse, including by ensuring the establishment of child-sensitive mechanisms to receive and investigate complaints regarding ill-treatment and abuse; the promotion of positive and nonviolent forms of discipline; the provision of counselling, protection and assistance with recovery and

reintegration to all victims of violence; and the effective implementation of the national plan of action to combat sexual abuse of minors (Para 13, Compilation)

- § That Angola further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by finalizing the national plan of action in this area and providing sufficient human and financial resources for its implementation (Para 17, Compilation)
- § To define trafficking as a specific criminal offence under the Penal Code (Para 17, Compilation)

ILO Committee

- § To provide detailed information on the measures taken to combat trafficking in persons in terms of both prevention and suppression (Para 17, Compilation)

JS2

- § That Angola bring its legislation into conformity with its international human rights obligations by repealing all provisions which criminalize sexual activity between consenting adults of the same sex (Para 23, Summary)

FMDVP

- § To create better strategies to reach despenalization of homosexuality and that Angola guarantees the right to marry and child's adoption for gays, as a recognition of the human rights of this population historically excluded (Para 24, Summary)

SRI

- § To take all the necessary measures to implement urgently a wide-range HIV/AIDS/sexually-transmitted diseases (STDs) prevention programme, including free distribution of condoms, awareness workshops, counseling and free testing services in hospitals and educational establishments.
- § To repeal all legislation that criminalize same-sex practices between consenting adults, in order to allow for better HIV/AIDS prevention and treatment of vulnerable sectors in the population, including LGBTI people.