

Transgender Rights in Angola

Rights under the Constitution of Angola

Title II (Articles 22-88) of the **Constitution** sets out the fundamental rights and freedoms of the individual. **Article 23** does not include gender or sexual orientation as prohibited grounds of discrimination. The United Nation’s Human Rights Committee has stated that the phrase “other status”, should be interpreted to include protection from discrimination based on gender identity and sexual orientation.

Article 26(2) reaffirms that the rights under the Constitution must be read in conjunction with the rights set out in the Universal Declaration of Rights, the African Charter, and the International Covenant on Civil and Political Rights.

Fundamental Human Right	Where is it in the Constitution?
Fundamental rights and duties	Title II
Right to life	Article 30
Right to liberty and personal security	Article 36(1)
Protection from torture, cruel or inhuman treatment	Articles 36(3)(b) & Article 60
Right to personal identity and privacy	Article 32
Rights of an accused person	Article 63
Freedom of expression	Article 40
Freedom of association	Article 48
Protection from discrimination	Article 23(2)
Right to equality	Article 23(1)
Right to personal integrity (human dignity)	Article 31
Freedom of assembly	Article 47
Right to work	Article 76
Right to education	Article 79

Changing your Gender Marker

There is no specific law that allows transgender persons in Angola to change the gender marker in their identity documents or passports. **Section 78** of the **Código do Registo Civil 2015** indicates that, in general, there should be no alteration of details entered into the registration records kept by the Civil Registrar. However, **section 87** gives the Civil Registrar general authority to make changes. This includes changes of name and when there is a change of facts which alter the legal

identity or status of the person registered. Transgender people could possibly use this section to change the sex description on their identity document.

If an application in terms of article 87 is rejected, applicants should also rely on their fundamental human rights that are guaranteed under the Constitution - as well as the international human rights documents discussed earlier.

Your Rights in the Workplace

- **Section 4** of the **Lei do Trabalho 2015** prohibits employment discrimination on many grounds, including sex. The reference to “sex” should be interpreted to include protection from discrimination based on gender identity – which is a prohibited ground in international law.
- **Section 15(1) and (2) of Law 8/04 on HIV and AIDS**, prohibits employment discrimination on the basis of HIV status.

Criminalisation and Harassment

Under **sections 70 and 71** of the **Código Penal 1889**, certain same-sex sexual acts were potentially prohibited. Angola is in the process of reforming the Penal Code. In its draft stage, the new code includes provisions which transgender people could use to protect their rights. For example, section 197 of the draft Penal Code makes it a crime to discriminate based on gender or sexual orientation, and section 174 prohibits sexual harassment.

The **Law against Domestic Violence 25 of 2011**, protects everyone against domestic violence. It could also be used where domestic violence is experienced by transgender persons in Angola.

- Domestic violence is defined under the Angolan law to include physical and psychological abuse, sexual violence, as well as verbal abuse. Family abandonment and damage to property is also labelled domestic violence.
- Domestic violence occurring in families, care facilities and female and male hostels are recognised.

Although there are no specific provisions in the law, constitutional norms and international law standards require that the government must be able to justify any discriminatory treatment of transgender people, otherwise acts by its officials will be arbitrary and illegal.

Access to Sexual and Reproductive Health

There is no access to gender reassignment surgery or hormone replacement therapy in Angola. Some transgender people go to South Africa to access these services but the cost of treatment may prevent this option.

The **National Strategy on HIV/AIDS 2011-2014** includes MSMs and sex workers in its discussion of at-risk groups.