



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Centre for Human Rights  
Faculty of Law



## JOINT PRESS STATEMENT

### THE CENTRE FOR HUMAN RIGHTS AND PAN AFRICA ILGA EXPRESS GRAVE CONCERN ABOUT THREATS TO THE RIGHT TO FREEDOM OF ASSOCIATION AND RIGHT TO INFORMATION AS TWENTY ARE ARRESTED AT TRAINING WORKSHOP IN ZANZIBAR, TANZANIA FOR ALLEGED HOMOSEXUALITY

*20 September 2017*

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**The Centre for Human Rights, University of Pretoria, and Pan Africa International Lesbian, Gay, Bisexual, Transgender, and Intersex Association (Pan Africa ILGA) strongly condemn the recent arrest of parents and NGO personnel at a training workshop on HIV prevention.**

On Friday 15 September 2017, Zanzibari police, acting on the orders of the District Commissioner, arrested a group of twenty parents, local partners and staff of an implementing NGO for organising and attending a workshop on peer-to-peer parent HIV and AIDS prevention. The workshop was aimed at addressing stigma and discrimination in the family with regards to HIV and AIDS. According to a local NGO leader, the group was accused of “training people on homosexuality”, which is not a crime in any known law in operation in Tanzania.

While Section 150-154 and Section 158 of the Zanzibarian Penal Code prohibits same-sex conduct, and makes it punishable with up to 14 years in jail, homosexuality, as such (and being a homosexual) is not a crime in Zanzibar.

All except two staff members of the implementing NGO have been released without being charged. The arrest followed by release is indicative of arbitrariness and abuse of power. The Centre for Human Rights and Pan Africa ILGA strongly condemn this action by Zanzibari police.

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These arrests are part of a recent pattern in Mainland Tanzania. In December 2016, a meeting organised by Open Society Initiatives for Eastern Africa on reproductive rights, was raided in Dar es Salaam with eight people detained and released without charges. Offices belonging to organisations working on LGBTI issues were also unlawfully raided and documents from these offices confiscated in Dar-es-Salaam in the same year.

The Constitutions of both Tanzania and Zanzibar, in article 18 (in both cases), provide that everyone has the right to seek, receive, and impart information. Article 20 of both Constitutions further provides every person with the right to peacefully assemble, associate, and cooperate with other persons. Tanzania (which under international law has the power to ratify international treaties as the government of the United Republic of Tanzania including Zanzibar) is also party to the African Charter on Human and People's Rights, which states in article 9 and article 10 that every person has the right to receive information, express themselves, and to disseminate information; and that every individual shall have the right to free association. African Commission Resolution 275, Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, expressly condemns the arbitrary arrest of persons. It also calls on state parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution. The actions of the Tanzanian and Zanzibari governments are thus in contravention of both the African Charter and the Constitution. This pattern of violation of the freedom of association is rife in the country.

Same-sex conduct may be illegal in Zanzibar and mainland Tanzania, but sexual orientation and gender identity minorities, or those perceived to be so, maintain the right of access to information and education on HIV and AIDS prevention and treatment. HIV and AIDS affects everyone, irrespective of sexual orientation, gender identity or expression, and there should be no discriminatory treatment against whomever imparts or receives life-saving health information on HIV and AIDS. NGO workers have the right to impart knowledge on HIV and AIDS.

Earlier this year, the government banned many private health clinics from providing HIV/AIDS-related services, and in July 2016 [banned the import and sale of sexual lubricants](#), citing that these promoted and encouraged same-sex sexual conduct.

Tanzania's response to HIV/AIDS is guided by the [Multi-Sectoral Strategic Framework for HIV and AIDS 2013-17](#), which recognises men who have sex with men (MSM), sex workers and transgender persons as key populations who are disproportionately affected and impacted by the epidemic. The

national frameworks provide, amongst others, health services prioritising key populations in order to curb the spread of HIV/AIDS.

The Centre for Human Rights and Pan Africa ILGA strongly condemn this action by Zanzibari police. The Centre for Human Rights and Pan Africa ILGA are two African regional human rights organisations that work to eliminate stigma and discrimination based on a person's perceived or real sexual orientation or gender identity and expression. We stand in solidarity with all work around HIV and AIDS that addresses stigma and discrimination as part of fighting a winning battle towards the total elimination of HIV and AIDS in Africa. We demand an Africa free from discrimination and violence against persons based on any real or imputed notion of their sexual orientation, gender identity or expression (SOGIE).

We are extremely concerned about the developing pattern of arrests on grounds of homosexuality which has occurred in Tanzania and in other countries on the continent. Over forty men were arrested in Nigeria in August for "engaging in homosexuality". These arrests do not only impact the lives of the LGBTI community, but prevention and treatment efforts of HIV/AIDS in general.

The Centre for Human Rights and Pan Africa ILGA call on the governments of the United Republic of Tanzania and Zanzibar to:

- Unconditionally release the two NGO staff members who are still in police custody.
- Immediately stop the continued harassment of sexual minorities and those perceived to be so, their organisations, and partner organisations that support work around key populations and HIV/AIDS.
- Stop the harassment of NGO and private sector personnel working in the area of HIV prevention and treatment among key populations including MSM.
- Respect its Constitution and international human rights standards, especially the right to equality and non-discrimination.

We call on all African states and human rights organisations to protect and fulfill human rights without any distinction including on the basis of sexual orientation or gender identity, and for law enforcement agents to exercise due diligence in investigation and punishment of the perpetrators of human rights violations based on sexual orientation or gender identity.

*Joint statement released by the Centre for Human Rights and Pan Africa ILGA.*

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