

Key Elements and Framework for Statements on GALZ for International Partners

Background

On Thursday 27 May 2010, Ellen Chademana and Ignatius Mhambi were released on bail until a trial set for Thursday 10 June 2010 on allegations of possessing indecent material and displaying a placard seen as insulting to President Robert Mugabe.

GALZ had previously asked regional and international LGBTI and human rights organisations to take caution so as to not jeopardise the case. However, after reviewing the situation and in light of the ruling of yesterday's case, we are now calling on organisations to send statements in support of GALZ highlighting the raid of the GALZ offices, the arrest Ellen Chademana and Ignatius Mhambi, the torture of Ignatius while in custody, the continued harassment of GALZ staff and the police saying that they want to question all staff members;

For regional and international partners who plan to produce public statements or send letters, GALZ is proposing the following elements be included. Letters should be addressed to:

1. The Attorney General's Office

Attorney-General
P. Bag 7714, Causeway
Telephone: +263 4 774586/7

2. Minister of Home Affairs

Physical Address:
Eleventh Floor
Mukwati Building
Corner Fourth Street and Livingstone Avenue
Harare

Postal Address:
Private Bag 7703
Causeway
Harare

Telephone: +263 4 703641/+263 4 703643

Fax: +263 4 707231

E-mail: moha@gvt.co.zw

3. Minister of Justice, Legal and Parliamentary Affairs

Letters should call on them to:

1. Note that "these laws are relics of British colonialism. They are also contrary to international human rights standards. Specifically, article 2 of The African Charter on Human and People's Rights that prohibits discrimination on all grounds; article 3 and 19 secure for all the right to equality; and article 5 and 6 guarantee the right to dignity and liberty.

2. Uphold human rights values and principles that Zimbabwe ascribes to through regional and international treaties (African Charter, SADC treaty to promote human rights, article 4).

(We decided that we could not mention the constitution of Zimbabwe as there are too many contradictions and they could say that they were well within their right to raid, detain, harass and search our homes as this is a case of public morality.)

3. Dispense their duties and responsibilities fairly and equitably with a view to justice.

(Law enforcement agents are coming after members of staff and say they are investigating while it seems quite clear that they don't have a case and are out to get us.)

4. Uphold the respect and integrity of LGBTI persons and human rights defenders free from torture, inhumane and degrading treatment

5. Cease the harassment of LGBTI human rights defenders by law enforcement agents

Diplomatic Community

Although GALZ would like to push Development Agencies to be vocal about the current situation, we realise that there is a need to use strategies that do not make an already volatile situation worse.

GALZ has used a quote from UN Secretary-General:

“Our challenge is clear... our commitment to reach universal access to HIV prevention, treatment, care and support. In many countries, legal frameworks institutionalise discrimination against groups most at risk. Yet discrimination against sex workers, drug users and men who have sex with men only fuels the epidemic and prevents cost-effective interventions. We must ensure that AIDS responses are based on evidence, not ideology, and reach those most in need and most affected.

Let us uphold the human rights of all people living with HIV, people at risk of infection, and children and families affected by the epidemic. Let us, especially at this time of economic crisis, use AIDS response to generate progress toward the Millennium Development Goals. Most of all, **let us act now**” -- *Ban Ki-moon, Secretary-General United Nations, December 2009*

We would like you to call on the various embassies to:

1. Highlight as far as they possibly can, human rights abuses experienced by LGBTI human rights defenders in Zimbabwe in discussions with development partners and political parties
2. Encourage human rights organisations to support GALZ by speaking on the universality and indivisibility of human rights. And to particularly encourage HIV organisations to weigh in about how criminalisation and discrimination against LGBTI people is a major barrier to an effective AIDS response.