

November 2017
Volume 2



PAN AFRICA ILGA

A MONTHLY NEWSLETTER

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Editorial

By PAI Programme Manager, Anthony Oluoch

They say that the youth are the leaders of tomorrow. That may be true, but they will not be the leaders we need them to be tomorrow if we do not ensure that the values required of them are instilled and respected. Having said that, our continent is vast and our values are diverse. There is however one thing that we all agree on and that is that no individual should be subject to discrimination based on any grounds, including their actual or perceived sexual orientation, gender identity or expression and sex characteristics. It is with this in mind that we all do the work we do. This is our common goal. There are various roads that lead to this goal, from grassroots advocacy to litigation, to activists convening at high-level meetings across the continent.

In 2018, Pan Africa ILGA will host the 4th Regional LGBTI Conference in Gaborone, Botswana. The theme for the conference is “Empowering LGBTI Youth – Uniting for an Inclusive Future”; a theme that pays tribute to the recognition that youth are indeed the future of Africa! While the focus will be on the youth, we hope to stir discussions around the work that we are doing towards our common goal: an inclusive future! We hope to work out where these roads are and where they intersect, find out what roadblocks lie ahead, and work out ways around the hoops that we have to jump through in order to make some headway on our journey. We hope to enable the activists and partners to learn from each other about the best ways to continue this journey. Most of all, we hope to create a space where we can support each other. A space where we will all be free to share our fears and celebrate our successes.

The work we do is not easy. We face a myriad of obstacles every day. For example, in Tanzania, the government effectively held lawyers and activists hostage for days on end without pressing charges for holding a meeting to discuss legal strategies. In Egypt, the display of a rainbow flag, a symbol of life, healing, harmony, nature, sunlight and spirit, caused the arrest and detention of several young people. These blatant abuses of human rights need to be tackled. That can only happen if we come together, and in one voice condemn them.

It is not all doom and gloom however. Change does happen on our continent. In Kenya, anal examinations to prove same-sex conduct have been condemned by the Kenya Medical Association, and a Botswana court held that the refusal to change a transgender man’s gender marker was unreasonable and violated his right to dignity. These successes need to be celebrated together and continuously, so that we give each other hope that there is a possibility for us to arrive at our the common goal. The road will not be easy. But we will get there someday.

We can’t wait to see you in Botswana. As the Batswana say: ‘Pula!’ Welcome!

PAI announces registration opening for 4th Regional LGBTI Conference



Registrations for the 4th Regional LGBTI Conference in 2018 open on the 17th of November 2017.

Co-hosted by LEGABIBO, the conference takes place in Gaborone, Botswana from the 31st May - 4th June 2018. The theme for this year's conference is "Empowering LGBTI Youth – Uniting for an Inclusive Future".

Please save the dates. We look forward to hosting you and creating a space that enables open dialogue about, among other issues, the role of the youth in moving African LGBTI communities upwards and onwards.

We shall soon announce the opening of the portals for scholarship applications and abstract submissions.

To register, please visit this link from the 17th November: <http://panafricailga.org/register/>

Horrific anti-LGBTI human rights violations in Egypt

2 October: Egyptian citizens arrested for waving a rainbow flag during a concert organised by the band "Mashrou Leila". Click [here](#) to read more.

17 October: Since the hate campaign began, 56 individuals and counting have been arrested in Cairo, Giza, Ismailia, South Sinai, Damietta and Beheira Governorate, facing charges of "habitual debauchery" and "promoting debauchery", in accordance with Article 9A, Law number 10 of Egypt's anti-prostitution and debauchery law 10/1961. Other charges faced are those of "promoting debauchery" and "aims to disrupt the provisions of the Constitution and the law through inciting 'deviancy'", and a few others. Click [here](#) to read more.



4 November: Since the 2 October arrests, the situation in Egypt continues to worsen. There is currently a bill tabled that will make Egypt one of the most anti-LGBTI countries in the world. According to an article on intomore.com, Egypt will be "enacting one of the world's most sweeping and extreme pieces of anti-LGBTQ legislation following a harsh crackdown on the local queer community." Click [here](#) to read more.

Tanzanian and Zanzibari justice systems on trial – The right to freedom of association under threat

15 September: 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. 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. Click [here](#) to read more.

20 October: 13 More activists were arrested, signalling a pattern on the part of Tanzanian government agents of violating the rights of its citizens on suspicion of homosexuality by illegally arresting, detaining and mistreating them. The group included local activists and lawyers who were attending a litigation strategy meeting to challenge Tanzania’s ban of the supply of HIV/AIDS prevention materials. MambaOnline reports that the government is threatening to perform forced anal examinations on the detainees. These examinations have been used before in Tanzania and other countries in Africa, and are not only a flagrant violation of human rights, but are a form of torture. Click [here](#) to read more.

26 October: On the 18th of October, all detainees were granted bail. On the 20th of October, bail was revoked without explanation and they were detained again by the police. No charges have been brought. On the 27th of October, the three lawyers detained as part of the group were released and deported. The remaining activists are still in custody, with no visitation allowed. To read more, click [here](#).

Challenging Islamophobia, homophobia and transphobia on the African continent

In response to an increase in religious extremism and a rollback of discriminatory laws in some African countries, the Al-Fitrah Foundation – an LGBT Muslim organisation – has made the commitment to challenge Islamophobia, homophobia and transphobia on the continent by working at the intersection of Islam and human rights to raise awareness on the effects of patriarchy and Islamic extremism within the Muslim community. Its main function is to address injustice and discrimination perpetrated in the name of Islam. Click [here](#) to read more.

Excellent news on gender marker case in Botswana

On Friday 29 September 2017, the Lobatse High Court, per Justice Nthomiwa handed down judgment in a case which challenged the refusal of the Registrar of National Registration to change the gender marker on the identity document of a transgender man.

The Court held that the refusal to change the applicant's gender marker was unreasonable and violated his rights to dignity, privacy, freedom of expression, equal protection of the law, freedom from discrimination and freedom from inhumane and degrading treatment.

The Court ordered the respondents to change the gender marker on the applicant's identity document (Oman) from 'female' to 'male' to protect his dignity and well-being. To read more, click [here](#).

Outrage at African Court ruling against Coalition of African Lesbians

The Court's decision bars most civil society organisations and human rights defenders from seeking redress and justice from the most important court on the continent tasked with defending human rights.

The Court found that CAL and the Centre for Human Rights, the two applicants in the matter, did not qualify as "an African organisation recognised by the AU" and therefore are not entitled to bring a request for advisory opinion before this Court. Consequently, the Court did not pronounce on the second part of the request, namely how the word 'consider', listed in article 59(3) of the African Charter should be interpreted. This decision, in effect leaves the space open for the African Union to interfere in the decision-making processes of the African Commission on Human and People's Rights (ACHPR) and threatens the independence of the ACHPR. Click [here](#) to read more.



Graffiti by Faith47, Cape Town

Kenya Medical association issues statement on forced examinations

After two years of engagement with partners – specifically on forced anal examinations and STI testing in the collection of criminal evidence – the Kenya Medical Association (KMA) issued a statement in support of ending forced anal examinations of suspected homosexuals.

These examinations have been shown to be discriminatory and bear no scientific basis as to their findings. The support of medical doctors in ending the practice is crucial as evidenced in countries like Tunisia where a ban on forced anal examinations to prove homosexuality was recently issued, in part due to strong opposition from the medical community. Click [here](#) to read more.

Ford Foundation bids its Programme Officer farewell



On Friday, 22nd September, Ford Foundation South Africa hosted a workshop and a farewell to its Programme Officer of 10 years, Dr Eka Williams.

As Programme Officer, Dr Williams has overseen the Ford Foundation South Africa's donations to human rights NPOs and NGOs in South Africa and in the continent.

Speaking at the event, the Foundation's Director, Nicolette Naylor, said that the most lasting legacy Dr Williams has left is her refusal to support only South African grantees, and has always seen South Africa as part of the greater continent. To read more, click [here](#).

PAI welcomes new Communications and Membership Officer

We are pleased to announce the appointment of the new Communications and Membership Officer of PAI, Germaine Gabriel de Larch, who joined the PAI Team on the 1st of September.

Germaine is a seasoned activist, passionate and committed to the advancement of the rights of LGBTIQ and gender non-conforming people. Germaine has spoken at national and international conferences on topics concerning trans visibility, masculinity and gender-based violence. Germaine is excited about joining the PAI Family, and is fired up to move PAI, its members and affiliate organisations from strength to strength.

Let us provide them with all the support and cooperation to move us to the next level. Welcome on board, Germaine!

The African Commission: 30 Years on – One step forward, one step back?

Op Ed by Pan Africa ILGA Director, Monica Tabengwa

Every year, human rights defenders (HRDs), activists and state delegations attend sessions of the African Commission on Human and Peoples' Rights (African Commission). This is the premier human rights body of the African Union, whose mandate is to protect and promote human and peoples' rights in Africa. To do this, the African Commission holds bi-annual sessions to review states' compliance with the African Charter on Human and Peoples' Rights (African Charter) and discuss new ways to promote human rights in Africa. Preceding the sessions of the African Commission is the NGO Forum, a space created for civil society organisations, human rights defenders and other activists to gather together to discuss human rights issues of concern and devise strategies to hold their countries accountable, and also to encourage the African Commission to take action against states that default.

The 61st session was held in Banjul, The Gambia, where the African Commission celebrated its 30th anniversary. The celebration of the 30th anniversary of the African Commission in The Gambia was symbolic, as it was being held in The Gambia for the first time since the fall of a dictatorship that saw almost three decades of unparalleled human rights violations – a milestone to be emphasised. As expected, hundreds of activists, HRDs and states delegates participated. For the first time, The Gambia's President attended the sessions together with his entourage of ministers, including a large number of civil society organisations who stayed to participate throughout the session. It was a poignant moment for The Gambia as they are currently going through the transition to democracy, also marking their place as a member of a group of civilised African states that respect and protect human rights for all.

For 30 years civil society organisations (CSOs) and HRDs have worked hard to engage with the African Commission. As part of the reflection of the past 30 years, CSOs focused on, amongst others, the implementation of decisions, recommendations and resolutions of the African Commission, strengthening the states' review process, protection of HRDs, including protection of the rights to freedom of expression, association and assembly.

There have been many encouraging signs that the African Commission has been developing expansively to include all persons and groups within its protection, but there have been many challenges as well. The African Charter remains the only universally ratified treaty ever, and the African Commission has diligently made progress in the interpretation of the Charter to provide much needed protections to marginalised groups, minorities and victims of rights violations through its decisions on individual complaints against member states.

However one group's battle for recognition and belonging at the African Commission remains an elusive dream at best. LGBTI groups and rights defenders came to Banjul in the wake of a decision handed down by the African Court on Human and Peoples' Rights denying an application by the Coalition of African Lesbians (CAL – a feminist, activist and pan Africanist network committed to advancing freedom, justice and bodily autonomy for all women on the African continent) and the Centre for Human Rights (CHR) to submit "a request for an advisory opinion". The African Court finding that CAL and CHR are not qualified to be "African organisations recognized by the AU" effectively shuts the door on civil society organisations and HRDs from seeking justice at the highest court in the continent.

Moreover, the court refused to hear any substantive arguments raised by the presenting organisations, setting an extremely dangerous precedent where states have unfettered control and can only be monitored before this important judicial body if they make a declaration of consent. The role of NGOs in the protection and promotion of human rights has long been recognised by international law and this decision by the African Court flies against the very essence of civil participation and social justice. It further gives credence to the African Union (AU) Executive Council to continue undermining the independence and the autonomy of the African Commission as they previously did when they challenged the latter's decision to grant CAL observer status and demanded that the status be revoked.

The outgoing chairperson of the African Commission, Adv. Pansy Tlakula, said something that stayed with me. She said, "change is a process, not an event that happens overnight. It needs patience, understanding and constant negotiation and re-negotiation." That made me take pause and reflect. I have been attending the African Commission sessions since 2007 and I have been involved in almost all of the change processes to include sexual orientation and gender identity in the African regional human rights framework. For many years, we worked patiently, negotiating and re-negotiating, sometimes at great cost and personal sacrifice. But change has been slow and painfully onerous. Of utmost concern was the level of impunity that was exercised by states in their treatment of LGBTI persons; more particularly the constant harassment, abuse and violations by state actors that went unpunished; the pervasive intolerance, stigmatisation and sometimes accompanying violence by society that was justified as 'traditional values'; the increasing criminalisation, arrest and detention of LGBT persons that was accepted as normal even when done arbitrarily; and the general lack of respect of human dignity and rights, among others.

As we move forward into a fourth decade, the African Commission, for its own credibility and legitimacy, needs to once and for all resolve the issue of its own autonomy and independence from the AU Executive Council's interference. Foremost, it must be understood that the African Commission was created to ensure that fundamental rights are respected, protected and promoted and whatever decisions it takes in the execution of its mandates must stand and not be arbitrarily overruled by states. All African states that ratified the African Charter voluntarily ceded the power to be subjected to review and monitoring by the African Commission and it must be allowed to carry out its mandate without any political influence.

We are here, we are Africans, whatever the case might be. We shall overcome!



Become a Member

Pan Africa ILGA is the largest membership based and democratically organised LGBTI federation in Africa. PAI currently consists of 125 African organisations and 40 international organisations working on human rights and equality for LGBTI people.

How to become a member:

Please be aware that only organisations (not individuals) can apply for membership. At its next meeting the Executive Board of ILGA will review your membership and you will receive communication as to the status of your application.

To apply, click [here](#).

For help and enquiries, email: germaine.delarch@panafricailga.org



KEEP IN TOUCH



For enquiries: germaine.delarch@panafricailga.org

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