Published on *Treatment Action Campaign* (http://tac.org.za/community)

TAC and partners welcome the release of Tiwonge Chimbalanga and Steven Monjeza

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Created *2010/06/02 - 11:07am*
2 June, 2010 - 11:07 ? moderator

The Treatment Action Campaign, SECTION27, the Social Justice Coalition, Community Media Trust and the Coalition Against Discrimination welcome the release and pardon of Tiwonge Chimbalanga and Steven Monjeza in Malawi. They were arrested in December 2009 after getting engaged and sentenced in May 2010 to 14 years imprisonment for ?gross indecency and unnatural acts?. Steven is a man and Tiwonge identifies as a woman and is consequently transgendered.

The release of Steven and Tiwonge came us a result of brave local activism in Malawi as well as international outrage and political pressure. Their release is an indication of what can be achieved through coordinated global activism and solidarity to promote and protect human rights.

TAC and partners would like to thank the United Nations High Commissioner on Human Rights, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS and the United Nations Development Programme for their efforts to bring about the release of Steven and Tiwonge. We also welcome President Zuma?s condemnation of the arrests and his defence of the principles of equality contained in the South African Constitution.

However, while we celebrate the release of Tiwonge and Steven, it cannot undo the torment and humiliation that they endured due to the discriminatory legislation that remains in place Malawi from colonial days. This legislation allows the state to violate the human rights of its citizens due to their sexual orientation.

Legislation that persecutes and marginalizes people in same sex relationships exists across the region and in 2010 we have seen a crackdown against lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Evidence of this crackdown has included:

1. The arrest of Steven and Tiwonge in Malawi and the continued statements against homosexuality by Malawian President Bingu wa Mutharikal.
2. The recent arrests and charging in Zimbabwe of gay rights workers as well as homophobic statements that have been made by Mugabe and, unexpectedly, Prime Minister Tsvangirai.
3. The proposed bill in Uganda to impose prison sentences and in some cases the death sentence for people engaging in same sex relationships. It now appears that the bill will not succeed, again due to pressure across the globe.
4. Calls from the Forum of Born Again Churches of Rwanda (FOBACOR) to implement a penal code that will impose prison sentences of five to ten years for any person who practices, encourages or sensitizes people of the same sex to sexual relations or any sexual practice.

We believe that we must address discriminatory legislation and human rights violations that still exist and are enforced across the region. To do this, the demand for equality and LGBTI rights must be brought into the international political arena, and reinforced at intergovernmental bodies such as the Southern African Development Community (SADC) and African Union (AU). Also, it is imperative that, because the enforcement of these laws sometimes finds support amongst prejudices that still exist at community level, human rights education be taken into communities. There is an

urgent need for scaled up education on human rights, and particularly on the rights of people in same sex relationships. Organizations that carry out this work must be supported financially and politically to expand their programmes not persecuted and driven underground.

Finally we must point out that homophobic legislation and persecution undermines public health measures. The discrimination of LGBTI?s prevents access to and uptake of HIV testing, treatment, prevention and care. The promotion of human rights must be a central part of HIV/AIDS programmes if we are to achieve universal access. It must not be left to a handful of human rights organisations.

The release of Tiwonge and Steven is an example of what can be achieved with coordinated global activism. These efforts must be sustained to promote and protect the rights of all LGBTIs.n/a

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Source URL (retrieved on *2016/06/01 - 5:47am*): http://tac.org.za/community/node/2875