

ADVANCE QUESTIONS TO MALAWI

NORWAY

- Malawi has put in place important pieces of legislation ensuring that international human rights obligations are incorporated into domestic legislation. However, is there a comprehensive plan by the Government for putting in place the missing pieces, such as the Access to Information Bill, and including the internal harmonisation of provisions, for instance the legal definition of a child or minimum marriage age?
- What measures will Malawi put in place to ensure implementation and compliance with the laws that have recently been enacted? Norway commends Malawi's adoption of the Gender Equality Act. What will Malawi do, in the follow-up of this Act, to strengthen efforts aimed at increasing women representation?
- Norway commends the improvements that have taken place in the areas of freedom of media and freedom of expression, including that the concerns of sexual minorities are debated freely in the media. How will Malawi ensure that the progress that has been made will continue and will be protected?
- Norway would like to express concern regarding sexual and reproductive health rights, particularly on abortion and sexual minority rights. The move by the High Court of Malawi in September 2014 to initiate a review of the constitutionality of the sodomy laws is positive. What will Malawi do to ensure that sexual minority and reproductive health rights are addressed legally and systematically?

SLOVENIA

- How does Malawi plan to eliminate all forms of discrimination against women and girls, gender-based violence, including sexual violence, harmful practices, including FGM and child, early and forced marriages, and sexual harassment?
- We share the concern of the Human Rights Committee that the age of criminal responsibility for children at 10 years is still too low. What steps has Malawi taken to comply with the recommendations of the Human Rights Committee in this regard?

SWEDEN

- We welcome the government's commitment to passing the Marriage, Divorce and Family Relations Bill. Especially the adoption of an age limit instituting that no one under the age of 18 is eligible for marriage. We perceive this as a decisive step toward ensuring the rights of the child. However we simultaneously wish to express our concern over the clause allowing children between 15 and 18 years of age to marry with the consent of their parents or guardian. We fear that this

reservation may pose a threat to the legal security situation of the child and thus we stress the importance of safeguarding the rights of the child, also in relation to parents or guardians. In addition we wish to inquire whether a national action plan has been drawn up to ensure the effective implementation of the Marriage, Divorce and Family Relations Bill?

- What measures are the Malawi authorities taking to address homophobia?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- We welcome the passing into law of the Gender Equality Act. How does the Government of Malawi intend to implement the Act to ensure the equal representation of women in politics and decision making?
- We welcome the passing into law of the Disability Act in 2012 and would like to ask the Government of Malawi when it intends to set a date for its entry into force?
- We would be grateful for clarification on how and when the Government of Malawi plans to address the conflicting definitions of the legal age of marriage given in the Marriage, Divorce and Family Relations Act and the Constitution?
- Given that there has been no execution in Malawi since 1992 and that the Government of Malawi, through the Human Rights Commission and the Judiciary, has begun reviewing death row cases for re-sentencing, will the Government of Malawi consider abolishing the death penalty?
- Could the Government of Malawi provide information on any plans to review section 153 of the penal code?