

30th Session of the Human Rights Council
Item 6
UPR – Malawi

**Statement by the International Gay and Lesbian Human Rights Commission and the
International Lesbian and Gay Association¹**

Mr President;

We would like to commend the Malawi Government for some of its achievements made in the areas of gender, women and children rights through the enactment of Laws and the implementation of various policies and programs. We also welcome that Malawi accepted two recommendations on sexual orientation and gender identity, namely, to take effective measures to protect LGBTI persons from violence and prosecute the perpetrators of violence, and to guarantee that LGBTI people have access to effective health services including treatment for HIV&AIDS.

Mr. President,

Although we are happy for these achievements, we remain disappointed that other seventeen SOGI related-recommendations did not enjoy the support of the government including to reform the penal code and to abolish discriminatory laws. It is important to note that on 7 December 2011, the government referred the sodomy laws to the Law Commission for review. It is disappointing that to date nothing has been done to review these laws. We therefore call on the government of Malawi to decriminalize homosexuality by reviewing and repealing sections 137A, 153 and 156 of the penal code and amend discriminatory sections in the newly passed marriage law as a matter of urgency.

Mr. President,

LGBTI people in Malawi suffer from continuous and compound human rights violations. In 2014, 76 cases of human rights violations ranging from assault, dismissal from employment, arbitrary arrests and denial to access health care services were documented and by July 2015 another 46 cases have been added to this number.

We therefore urge the government to amend all discriminatory clauses in its legislation and to continue the push for the recognition of the human rights of all citizens of Malawi and to address issues of violence and discrimination against LGBTI people.

Thank you Mr. President

¹ This statement has been prepared in consultation with the Centre for the Development of People (CEDEP) and the Centre for Human Rights and Rehabilitation (CHRR)