

UPR: Malawi

**Action Canada for Population and Development
(in consultative status with ECOSOC)
United Nations Human Rights Council, Geneva. 16th Session
Of the Human Rights Council, 16th March, 2011.**

Presented by Gift Trapence

Mr. President, distinguished members of the delegation,

On behalf of the Centre for Development of People and the Centre for Human Rights and Rehabilitation, the Malawi Civil Society Grand Coalition for Human Rights and Governance congratulates Malawi for undergoing through the Universal Periodic Review process. We also welcome Malawi's acceptance of various recommendations that were put forward for its considerations. However, we regret that Malawi has rejected all recommendations that call it to prohibit discrimination against the LGBTI community as well as calls to decriminalise the same sex relationships. We believe that this is inconsistent with its own constitutional and international human rights obligations to prohibit discrimination and ensure equality for all people in its jurisdiction. Mr. President, we also regret Malawi's decision to amend section 137 (a) of the penal code introduced in December 2010 immediately after the review in November to criminalise same sex relationships involving women. We call on Malawi to consider changing its position on these and guarantee rights for all people.

Mr. President, we are also concerned that despite undergoing through the review in November 2010, Malawi's human rights situation has rapidly deteriorated with government's limitation of people's freedom of expression including demonstration and media freedom. We regret that Malawi in February 2011 has amended section 46 of the penal code giving powers to a minister to ban newspapers which is aimed at muzzling the press. We also regret government's decision to intimidate human rights defenders through public ridicule, threats by the president to deal with defenders as well as harassment of workers of human rights NGOs. We therefore call on Malawi to reflect on these recommendations as well as its constitutional obligations and ensure its full implementation of its human rights obligations.

Thank you very much, Mr President.