

ADVANCE QUESTIONS TO MALAWI – Add.1

CZECH REPUBLIC

- How the Government of Malawi ensures the promotion and protection of human rights of all individuals regardless of their sexual orientation? Would the national law be brought into line with Malawi's international commitments and reviewed in order to decriminalise homosexuality and prohibit discrimination on any grounds?

DENMARK

- Is Malawi considering ratifying outstanding core international human rights treaties, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?
- Denmark notes that Malawi has not outlawed homophobia and publication of anti-gay propaganda and hate speech. Which steps will the government of Malawi take to end incitement to discrimination, hostility or violence against individuals on the basis of their sexual orientation?

GERMANY

- The United Nations High Commissioner for Refugees (UNHCR) noted that the domestic law on refugees dates from 1989 and is considered outdated. UNHCR observed that the law provides for procedures to determine refugee status, but lacks guidelines on the treatment of refugees. Legal gaps are filled through inconsistent practices, which are influenced by the nine reservations made at the time when the 1951 Convention relating to the Status of Refugees was ratified. In 2003, the Committee on the Elimination of Racial Discrimination (CERD) expressed concern at Malawi's reservations to the 1951 Refugee Convention which, in particular, reduce the protection offered to refugees in the areas of employment, access to property, right to association, education and social security. CERD encouraged Malawi to give priority to legislative reform which would withdraw those reservations. Germany would be grateful for information on plans to up-date the legal framework on refugees?

LATVIA

- According to the information by the Office of the UN High Commissioner for Human Rights, 72 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering some still pending requests by special rapporteurs to visit Malawi - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

SLOVENIA

- When does Malawi plan to adopt the National Action Plan on Children that has been drafted?
- When does the Government of Malawi plan to enact the Bills on empowerment of women and gender equality?
- At what stage is the process of the development of legislation on trafficking in human beings?