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Universal periodic review

## Report of the Working Group on the Universal Periodic Review\*

### Malawi

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\* The annex is being circulated without formal editing, in the language of submission only.



## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-sixth session from 2 to 13 November 2020. The review of Malawi was held at the 3rd meeting, on 3 November 2020. The delegation of Malawi was headed by the Minister of Justice and Constitutional Affairs, Titus Songiso Mvalo. At its 10th meeting, held on 6 November 2020, the Working Group adopted the report on Malawi.

2. On 14 January 2020, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Malawi: Argentina, Democratic Republic of the Congo and Marshall Islands.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Malawi:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/36/MWI/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/36/MWI/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/36/MWI/3 and Corr.1).

4. A list of questions prepared in advance by Angola, Belgium, Canada, Germany, Liechtenstein, Portugal, on behalf of the Group of Friends on national mechanisms for implementation, reporting and follow-up, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay was transmitted to Malawi through the troika. These questions are available on the website of the universal periodic review.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Malawi stated that the third cycle of the universal periodic review had come at a time when the country had just undergone a year of political transition, and had been elected to the Human Rights Council.

6. The 2019 election had been marred by irregularities, which had led to a year of public protests. A new election had been held in June 2020, resulting in the inauguration of the administration of the President, Lazarus McCarthy Chakwera.

7. At the previous review, Malawi had supported 155 recommendations, of which 80 had been implemented, 65 had been partially implemented and 10 had not been implemented. Malawi remained fully committed to ensuring the continuous implementation of the recommendations, particularly those that had been partially implemented.

8. Since the previous review, the Constitution had been amended to raise the age of the child from 16 to 18 years. Steps had been taken to align all relevant legislation with that Constitutional amendment. New legislation had also been enacted.

9. The Access to Information Act, 2017, had provided a framework to facilitate access to information with the aim of promoting accountability and transparency. The HIV/AIDS (Prevention and Management) Act, 2018, protected the rights of persons living with HIV/AIDS. The Act, inter alia, provided for the establishment of the National AIDS Commission, prohibited harmful cultural practices that perpetuated the spread of HIV, prohibited discrimination on the basis of HIV or AIDS status and guaranteed the right to privacy.

10. The Trafficking in Persons Act, 2015, had incorporated into the national legislative framework elements of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and provided for the prevention of and protection from human trafficking, and for the prosecution of cases of trafficking in persons.

11. The Marriage, Divorce and Family Relations Act, 2015, contained elements from relevant international and regional human rights instruments. It recognized the equality of the spouses, civil, religious and customary marriages and marriages by repute or permanent cohabitation. It criminalized polygamy and bigamy, provided for an equitable division and reallocation of property upon dissolution of marriage and also provided for maintenance for single pregnant women.

12. The National Planning Commission Act, 2017, provided for the establishment of the National Planning Commission, which had been tasked with overseeing the implementation of socioeconomic development priorities. The Commission was developing the National Transformation Plan, 2063, which would be aligned with the Sustainable Development Goals.

13. The Electronic Transactions and Cyber Security Act, 2016, provided the legal framework for the use of information and communication technologies, and operationalized the rights to freedom of expression, access to information and privacy.

14. The Courts Amendment Act, 2016, provided for the establishment of divisions in the High Court of Malawi with the objective of enhancing access to justice and improving the efficiency of the judiciary.

15. The Political Parties Act, 2018, regulated the registration, financing and functioning of political parties. It also regulated the use of State machinery by political parties and prohibited handouts as a means of persuading voters to cast a vote in favour of a particular political party.

16. The National Intelligence Service Act, 2018, established and defined the powers, functions and duties of the National Intelligence Service. The Act also provided for the establishment of a complaints tribunal which must include a human rights advocate nominated by the Human Rights Commission.

17. The Malawi Citizenship (Amendment) Act, 2019, provided for a citizen of Malawi to simultaneously hold citizenship of another country.

18. In 2016, the Land Act, the Customary Land Act, the Physical Planning Act, the Land Survey Act and the Land Acquisition and Compensation Act had been amended. The Customary Land Act, 2016, provided for the registration of customary land and for a title to be obtained.

19. Since the previous review, several policies, strategies and action plans had been adopted. They included the Malawi Growth and Development Strategy (2017–2022), the Gender Equality Act Implementation and Monitoring Plan (2016–2020), the National Strategy for Adolescent Girls and Young Women (2018–2022), the National Strategy on Ending Child Marriage (2018–2022), the National Policy for Older Persons, 2016, the National Cultural Policy, 2015, the National Forest Policy, 2016, the National Agriculture Policy, 2016, the National Agriculture Investment Plan, 2018, the National Fisheries and Aquaculture Policy, 2016, the National Action Plan on Persons with Albinism (2018–2022), the National Disability Mainstreaming Strategy and Implementation Plan (2018–2023), the National Plan of Action against Trafficking in Persons (2017–2022) and the National Multi-Sector Nutrition Policy (2018–2022). In addition, in 2016 the Ministry of Justice and Constitutional Affairs had published a handbook for investigators, prosecutors and magistrates concerning offences against persons with albinism.

20. In order to operationalize the Access to Information Act, the Malawi Human Rights Commission had held training courses for stakeholders, including media workers, members of civil society organizations, traditional leaders and directors and heads of departments in the civil service. The Commission planned to carry out awareness-raising programmes on all media platforms and would map all information holders in order to develop a comprehensive database.

21. In 2017 and 2018, civil society organizations had held a number of demonstrations, which had been largely peaceful. The demonstrations held after the May 2019 elections had been unprecedented and the police had struggled to manage the high number of demonstrators. The Police Act provided for procedures for the organization and management of demonstrations to be followed by organizers, participants and law enforcement agencies.

22. While there was no specific law regulating the activities of human rights defenders, the constitutional and legislative framework adequately protected all human rights defenders who demonstrated peacefully.

23. Since the previous review, Malawi had continued its efforts to protect the rights of children, particularly in relation to ensuring birth registration and eradicating child marriage, child trafficking and child labour.

24. Malawi had also made strides in ensuring the full enjoyment of the economic and social rights of women, guaranteed under section 24 of the Constitution. As part of the continuing efforts to address the gender disparity highlighted in the 2019 Gender Profile, one of the four judges appointed to the Supreme Court of Appeal was a woman, and of the 12 judges appointed to the High Court, 6 were women. The Customary Land Act, 2016, provided for the inclusion of women in land committees. The Deceased Estates (Wills, Inheritance and Protection) Act, 2011, protected widows from discriminatory and illegal inheritance practices.

25. The Constitution placed an obligation on the State to adopt legislation and policies to enhance the dignity and quality of life of persons with disabilities. Section 10 (a) of the Disability Act, 2012, provided that persons with disabilities must not be excluded from education at any level. Section 14 provided that the Government must recognize their right to social protection; they had access to the social cash transfer programme.

26. The exploration of minerals was regulated by the Mines and Minerals Act, 2019. Section 3 of the Act ensured the adherence to development principles when engaging in mineral exploration to benefit the economy and promote economic growth.

27. The Office of the Ombudsman had been involved in various activities aimed at promoting good administrative practices, the rule of law, good governance and respect of human rights. The most notable determination of the Office related to the manner in which the executive and the National Assembly had bought tractors using a line of credit from an Indian bank. The Ombudsman had determined, inter alia, that the Principal Secretaries of the Ministry of Finance and the Ministry of Agriculture should apologize to Malawians for having bought equipment with archaic technology.

28. The judiciary had been a beacon of hope. As the events of the previous year or so had shown, the judiciary was fiercely independent. The five judges who had presided over the 2019 election case had been recognized by Chatham House for their bravery and fearlessness in standing up for the rule of law in the face of multiple threats, including attempted bribery.

29. Malawi had made tremendous progress in implementing the recommendations from the previous review. However, significant challenges remained, including the weak implementation of laws and policies, resource constraints, the slow pace of institutional reforms and the lack of public awareness of human rights.

30. While coordination of human rights issues and the fulfilment of State party reporting obligations had improved thanks to the work of the Human Rights Section in the Ministry of Justice, there remained a need to establish a mechanism for follow-up to human rights obligations and for the implementation of recommendations. Technical assistance to establish such a mechanism would be required.

## **B. Interactive dialogue and responses by the State under review**

31. During the interactive dialogue, 83 delegations made statements. Recommendations made during the dialogue are to be found in section II of the report.

32. Spain commended Malawi on amending the Constitution and increasing the age of majority to 18 years.
33. Sri Lanka commended Malawi on the measures taken to advance human rights, including the right to information and the rights of children and women. It noted the enactment of legislation on the prevention and management of HIV/AIDS.
34. The Sudan welcomed the efforts to promote and protect human rights by enacting or amending a number of laws.
35. Switzerland welcomed the delegation of Malawi and made recommendations.
36. Timor-Leste took positive note of the enactment of the Legal Education and Legal Practitioners Act and the HIV/AIDS (Prevention and Management) Act.
37. Tunisia welcomed the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization and the adoption of laws and strategies to regulate family relations, prevent child marriage and reduce poverty.
38. Turkey commended Malawi on the high rates of enactment of legislation and adoption of policies and action plans on human rights and noted the increased public awareness of human rights.
39. Uganda commended Malawi on its birth registration initiatives and noted that the effectiveness of the national measures taken to protect persons with albinism continued to be limited by tradition and cultural beliefs.
40. Ukraine appreciated the willingness of Malawi to implement recommendations on the protection of women and children.
41. The United Kingdom of Great Britain and Northern Ireland commended Malawi on the Access to Information Act and advances in media freedom. It welcomed the Prisons Bill but remained concerned by poor prison conditions and human trafficking.
42. The United States of America expressed concern about the limited accountability for trafficking in persons, child labour and police abuses. It was also concerned about gender-based violence and discrimination. It urged Malawi to ensure that its legislation respected individuals' rights, regardless of their status as lesbian, gay, bisexual, transgender and intersex persons.
43. The Bolivarian Republic of Venezuela noted the efforts made by Malawi to promote children's rights, notably with regard to birth registration and the eradication of child marriage, child trafficking and child labour.
44. Zambia applauded Malawi for accepting recommendations during the previous review on, inter alia, civil and political rights and women's rights.
45. Zimbabwe noted the enactment of legislation, the adoption of various policies and action plans, the Constitutional amendment raising the age of the child and the shift to compulsory birth registration.
46. Angola commended Malawi on asserting and consolidating the rule of law and on upholding the democratic core of its institutions, which reflected the authorities' commitment to human rights.
47. Argentina congratulated Malawi on its ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and for finalizing the national plan of action for vulnerable children.
48. Bangladesh commended the efforts made by Malawi to promote and protect human rights and parliamentary freedoms, its continued cooperation with international human rights mechanisms and its enactment of key legislation.
49. Belgium remained convinced that Malawi could strengthen the protection of human rights in line with the core international human rights treaties.

50. Botswana recalled that at the previous review, it had recommended, inter alia, addressing the backlog of court cases. Noting that that recommendation had been partially implemented, it encouraged Malawi to fully implement it.
51. Brazil welcomed the adoption of measures such as the national action plans on trafficking in persons and on child labour. It encouraged Malawi to criminalize marital rape.
52. Burkina Faso welcomed the publication in Malawi of guidelines on gender equality. However, it remained concerned about the persistence of child marriage, despite the prohibition of that practice.
53. Burundi congratulated Malawi on the election of a woman as head of the parliament and welcomed the adoption of action plans and policies to promote the rights of children.
54. Canada noted that the rerun of the presidential election demonstrated a strong commitment to the rule of law. It was encouraged by the commitment of the new administration to openness in government, the desire to eradicate corruption and efforts to reform government institutions.
55. Chad commended Malawi on the adoption of various laws, such as the Access to Information Act, the Political Parties Act and the Mines and Minerals Act.
56. Chile was concerned that Malawi had not fully implemented the recommendations from the previous review relating to discrimination and violence against women, girls and boys.
57. China commended Malawi on the promotion and protection of human rights, including the promotion of economic and social development and of gender equality and protection of the rights of vulnerable groups.
58. Côte d'Ivoire welcomed the increase in the age of majority from 16 to 18 years and the new action plans to combat trafficking in persons and child labour.
59. Cuba acknowledged the efforts made by Malawi to implement the recommendations from the previous review, particularly the enactment of laws and programmes on economic growth, rural development, the fight against human trafficking and the prevention of HIV/AIDS.
60. Denmark noted that ensuring the provision of adequate sexual and reproductive health services was a prerequisite to ensuring further progress. In addition, providing quality education for every child was of key importance.
61. Djibouti welcomed the integration of several recommendations from the previous review into national legislation, action plans and programmes, as well as in the planning work on economic and social development.
62. Egypt welcomed the increase in the age of majority to 18 years, the adoption of the Trafficking in Persons Act and the creation of the Criminal Justice Coordination Committee.
63. Eswatini commended Malawi on, inter alia, the shift to universal compulsory birth registration and the enactment of the HIV/AIDS (Prevention and Management) Act.
64. Ethiopia congratulated Malawi on electing its first female speaker of the parliament and took positive note of the adoption of policies such as the National Disability Mainstreaming Strategy. Ethiopia applauded Malawi for the positive results attained in relation to children's rights.
65. Fiji commended Malawi on the adoption of the National Action Plan on Child Labour Elimination and the National Plan of Action against Trafficking in Persons.
66. France invited Malawi to continue the efforts made in the promotion and protection of human rights.
67. Gabon commended Malawi on the implementation of the law on equality, the increase in the age of majority to 18 years, the introduction of compulsory birth registration and the election of a woman as head of the parliament.

68. Georgia welcomed the increase in the age of marriage to 18 years and the adoption of a legal framework to enable children to express their views, as well as the development of child protection district implementation plans.
69. Germany, while welcoming the efforts made to combat violence against persons with albinism, remained concerned that there had been 10 death sentences in albinism cases since 2019.
70. Ghana stated that Malawi had made significant progress in enacting and amending key legislation in the promotion and protection of human rights. It commended Malawi on the efforts made to eradicate child labour.
71. Haiti commended Malawi on its efforts in the fight against human trafficking, the improvement of girls' education and the treatment of HIV/AIDS.
72. Honduras congratulated Malawi on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
73. Iceland stated that it looked forward to the contribution that Malawi, as a newly elected member, would make to the work of the Human Rights Council.
74. India expressed its appreciation for the legislative and policy measures outlined in the national report. It welcomed the National Strategy for Adolescent Girls and Young Women (2018–2022) and the National Strategy on Ending Child Marriage (2018–2022).
75. Indonesia commended Malawi on the progress made in increasing protection for children and older persons, and on the improvement made in providing health-care services.
76. Iraq welcomed the various legislative amendments that had been introduced since the previous review, especially the constitutional amendment to raise the age of the child to 18 years and the enactment of the Trafficking in Persons Act.
77. Ireland commended Malawi on its efforts to advance human rights, on amending the Constitution to raise the legal age of marriage to 18 years and on reducing prison overcrowding and releasing certain prisoners to reduce their risk of exposure to coronavirus disease (COVID-19).
78. Israel commended Malawi on the progress made in enacting legislation, including in relation to HIV/AIDS and trafficking in persons. It welcomed the development of plans relating to gender equality, ending child marriage and the protection of older persons.
79. Italy praised Malawi for its efforts to adhere to the Convention on the Rights of the Child, particularly by amending the Constitution to raise the minimum age of marriage to 18 years. It commended Malawi on its accession to the International Convention for the Protection of All Persons from Enforced Disappearance and to the Convention on the Prevention and Punishment of the Crime of Genocide.
80. Japan commended Malawi on its commitment to address violence and discrimination against women and girls, the formulation of the National Strategy on Ending Child Marriage (2018–2022) and the enactment of legislation prohibiting the marriage of persons under 18 years of age.
81. Kenya commended Malawi on its continued efforts to increase the protection of human rights, including the amendment to the Constitution to ensure compliance with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.
82. Kuwait commended Malawi on, inter alia, adopting several national plans and strategies aimed at strengthening the legal framework for the promotion and protection of human rights.
83. Latvia noted the measures Malawi had taken since the previous review and encouraged it to make further efforts to fulfil its human rights obligations and commitments.
84. Lesotho commended Malawi on safeguarding the rights of the child by aligning the Constitution with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child by raising the age of the child to 18 years.

85. Libya noted the efforts Malawi had made to implement the recommendations from the previous review and commended it on adopting legislation and policies to further the promotion and protection of human rights.
86. Luxembourg thanked Malawi for the presentation of its national report and wished the country success in implementing the recommendations from the review.
87. Malaysia commended Malawi on the progress made in protecting human rights. It noted that Malawi had indicated that it faced several challenges in implementing social and economic rights and that technical assistance was needed to implement the recommendations from the review.
88. Maldives welcomed the work that had been undertaken by Malawi to strengthen democratic norms, including the adoption of the Political Parties Act.
89. Mali commended Malawi on introducing compulsory birth registration. It noted the adoption of a national policy to protect the rights of the elderly and the measures taken to fight child trafficking.
90. Mauritania appreciated the achievements made by Malawi in relation to justice reform, improving access to educational and health services, and supporting the economic sectors that provided employment.
91. Mauritius commended Malawi on its legislative amendments to facilitate multiparty democracy and on measures to include young people in decision-making processes. Mauritius congratulated Malawi on its engagement with the Southern African Development Community Parliamentary Forum and with the International Criminal Police Organization (INTERPOL) to reduce trafficking in children.
92. Mexico noted the development and implementation of the national action plan for vulnerable children. It welcomed efforts to protect lesbian, gay, bisexual, transgender and intersex persons from violence.
93. Mozambique noted the efforts of Malawi to enact or amend legislation regarding the promotion and protection of human rights. It noted in particular the measures to ensure universal compulsory birth registration and to prohibit child marriage.
94. Myanmar noted the measures to implement the recommendations from the previous review. Myanmar congratulated Malawi on holding a successful general election and on the election of its first female speaker of the parliament.
95. Namibia commended Malawi on the achievements made, especially the measures taken to improve the enforcement of the rights of children, women and girls, and other vulnerable groups. Nevertheless, it noted that there remained room for improvement.
96. Nepal welcomed the Gender Equality Act Implementation and Monitoring Plan. It commended Malawi on the National Multi-Sector Nutrition Policy to prevent malnutrition in children and other vulnerable groups.
97. The Netherlands welcomed the development of the National Strategy on Ending Child Marriage. It remained concerned about ongoing violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons.
98. New Zealand expressed concern about the reported prevalence of gender-based violence and discrimination against women, the fact that women were less likely to access education opportunities than men and the fact that the law prohibiting consensual same-sex relations remained in force.
99. The Niger welcomed the progress made in protecting human rights, particularly the improvements in the prison system and the strengthening of judicial power and the legislative framework.
100. Nigeria noted the efforts Malawi had made to strengthen its legal and institutional frameworks, combat child trafficking and child labour, protect the rights of persons in vulnerable situations and ensure the empowerment of women.

101. Norway commended Malawi on the peaceful transition of power in 2020 and noted that Malawi had seen an improvement in democratic accountability and respect for human rights.
102. Pakistan noted the efforts of Malawi to protect all human rights without discrimination. It also noted the enactment of the Access to Information Act and appreciated the candid approach taken by Malawi in recognizing the socioeconomic challenges it faced.
103. The Philippines welcomed the enactment and amendment of legislation and the adoption of action plans to improve human rights. It commended Malawi on taking part in the voluntary national review in 2020.
104. Portugal welcomed the efforts to implement the recommendations from the previous review, the launch of the National Strategy for Adolescent Girls and Young Women and the development of the Gender Equality Act Implementation and Monitoring Plan.
105. Rwanda noted the progress achieved, particularly the constitutional amendment to raise the age of the child to 18 years, the enactment of the Trafficking in Persons Act and the efforts to combat HIV.
106. Sierra Leone noted that, despite the electoral challenges Malawi had faced, democratic values and the rule of law had prevailed to ensure a peaceful transition of power. Sierra Leone congratulated Malawi on electing its first female speaker of the parliament.
107. Slovenia noted that no death sentences had been carried out since 1992. It encouraged Malawi to institute a de jure moratorium with a view to abolishing the death penalty.
108. Somalia commended Malawi on the efforts made to improve the human rights situation and noted the adoption of the plan to expand access to justice.
109. South Sudan appreciated the enactment and amendment of key legislation on the promotion and protection of human rights throughout the country.
110. Australia welcomed the efforts made since 2015 to protect the rights of children, in particular the constitutional amendment raising the age of majority from 16 to 18 years.
111. Togo appreciated the efforts to implement the recommendations from the previous review.
112. Oman noted with appreciation the participatory approach and efforts made by Malawi to prepare its national report.
113. Senegal welcomed the measures to combat child marriage, to introduce compulsory birth registration and to adopt the code of social protection and the National Plan of Action against Trafficking in Persons.
114. Montenegro remained concerned about reported cases of illegal adoption, abductions and ritual killings of and attacks against children with albinism and child sex tourism. It encouraged Malawi to address the structural barriers to girls' access to quality education, and their sexual abuse and harassment. It was concerned that the courts had continued to pass sentences of capital punishment.
115. In response to advance questions, the delegation of Malawi stated that all persons on death row had had their sentences commuted to imprisonment. Although the death penalty existed in the Penal Code, there had been a moratorium on the implementation of the death penalty and no one had been executed since 1994.
116. In relation to the cases of alleged rape and sexual abuse of women by police officers during protests in 2019, the delegation stated that those alleged acts were unacceptable and that justice would be delivered to the victims.
117. In relation to the NGO (Amendment) Bill, 2018, consultations were being held with all stakeholders with a view to ensuring that the Bill, once enacted, would promote an open and vibrant community of non-governmental organizations.
118. In order to combat violence against persons with albinism, a national action plan had been developed, which included strong measures designed to put an end to such violence. A handbook for investigators, prosecutors and magistrates concerning offences against persons

with albinism had been compiled. It contained simplified information concerning all the offences that were likely to be committed against persons with albinism. The Department of Disability had conducted awareness-raising campaigns targeting rural areas to dispel the myths that led to the ritual use of body parts of persons with albinism.

119. The National Plan of Action to Combat Gender-based Violence was currently being implemented. The Plan prioritized the prevention of gender-based violence by addressing the root causes and promoting the transformation of harmful social norms. The Plan also provided for an early referral system and an effective response mechanism to support victims. Some 18 one-stop centres had been established and were operational in all major hospitals and district hospitals. Victim support units had been established in all police stations and community victim support units had been established in rural and remote areas. The Government had collaborated with civil society organizations to conduct awareness-raising campaigns such as Ndiulula (I won't be silent) and Lekeneni (Leave me).

120. Sexual conduct between persons of the same sex remained a criminal offence. Nevertheless, the Malawi Human Rights Commission had been given the responsibility of conducting an enquiry on the issue; the Government would await the outcome of the enquiry before taking any action.

121. The delegation of Malawi thanked all States for their participation in the review and for their recommendations, for which an implementation plan would be developed.

## II. Conclusions and/or recommendations

122. **The recommendations formulated during the interactive dialogue/listed below have been examined by Malawi and enjoy the support of Malawi:**

122.1 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Slovenia);**

122.2 **Finalize steps to ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Mozambique);**

122.3 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Montenegro);**

122.4 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Namibia);**

122.5 **Explore the possibility of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Niger);**

122.6 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);<sup>1</sup>**

122.7 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

122.8 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**

122.9 **Consider ratifying outstanding international instruments; of note are the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);**

<sup>1</sup> The recommendation, as read out during the interactive dialogue, was: "Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and create a moratorium aiming at the abolition of the death penalty."

- 122.10 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Gabon);**
- 122.11 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Namibia);**
- 122.12 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Rwanda);**
- 122.13 **Ratify the 1961 Convention on the Reduction of Statelessness (Côte d'Ivoire);**
- 122.14 **Consider ratifying the Convention on the Reduction of Statelessness (Senegal);**
- 122.15 **Ratify the Treaty on the Prohibition of Nuclear Weapons (Honduras);**
- 122.16 **Consider the possibility of ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Argentina);<sup>2</sup>**
- 122.17 **Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**
- 122.18 **Pursue efforts to collaborate with the human rights mechanisms (Niger);**
- 122.19 **Comply with the periodic reporting mechanisms of the international standard-setting instruments (Turkey);**
- 122.20 **Allocate sufficient funds to implement pending core human rights treaties (Somalia);**
- 122.21 **Continue its efforts aimed at consolidating democratic values and the rule of law (Kuwait);**
- 122.22 **Continue the enactment of laws for the promotion and protection of human rights (Sri Lanka);**
- 122.23 **Finalize the Prevention of Domestic Violence Act to include internationally recognized definitions of sexual harassment, intimate partner violence and forced sex/marital rape (Iceland);**
- 122.24 **Increase efforts to effectively implement the laws in force (Iraq);**
- 122.25 **Bridge the gap between the existence of progressive laws and the implementation thereof (Lesotho);**
- 122.26 **Speed up the adoption of the migration policy and the promulgation of the Refugee Bill (Luxembourg);**
- 122.27 **Finalize the Prevention of Domestic Violence Act 2006 to include definitions of sexual harassment and its position in relation to intimate partner violence (New Zealand);**
- 122.28 **Harmonize national legislation with ratified conventions relating to modern slavery, abolish the tenancy labour system, and establish an effective system for monitoring workplace compliance with national labour laws (Norway);**

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<sup>2</sup> The recommendation, as read out during the interactive dialogue, was “Consider the possibility of ratifying the Convention on the Prevention and Punishment of the Crime of Genocide and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”

- 122.29 **Implement the 2017 Access to Information Act, the 2012 Disability Act, and other progressive laws and policies that have not yet been implemented (Sierra Leone);**
- 122.30 **Continue with efforts to bring the law on the age of children into line with the Convention on the Rights of the Child (Oman);**
- 122.31 **Revise the law relating to the Human Rights Commission in order to guarantee its full independence and to bring it into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Côte d'Ivoire);**
- 122.32 **Ensure that the Malawi Human Rights Commission is provided with adequate human, technical and financial resources to carry out its mandate effectively (Zambia);**
- 122.33 **Ensure that the national Human Rights Commission enjoys full independence, in accordance with the Paris Principles, and has sufficient resources for its operation (Mexico);**
- 122.34 **Take steps to further strengthen the national human rights institutions (Pakistan);**
- 122.35 **Enhance efforts to establish the Human Rights Commission in accordance with the Paris Principles (South Sudan);**
- 122.36 **Adopt the necessary measures to ensure the independence and effectiveness of the Malawi Human Rights Commission (Togo);**
- 122.37 **Streamline the implementation of its laws and policies in order to ensure a qualitative change to people's lives (Zimbabwe);**
- 122.38 **Accelerate the process of institutional reform so as to further improve the enjoyment and enforcement of human rights (Zimbabwe);**
- 122.39 **Operationalize key institutions to promote human rights, such as the National Children's Commission and Independent Complaints Commission for the police (Sri Lanka);**
- 122.40 **Adopt legislation to regulate the relationship between formal and customary justice mechanisms in order to bring them into line with the Convention on the Elimination of All Forms of Discrimination against Women (Chad);**
- 122.41 **Strengthen the efforts to ensure human rights for older people (Egypt);**
- 122.42 **Ensure that adequate human, financial and technical resources are provided to the Ministry of Gender, Children, Disability and Social Welfare to enable it to effectively perform the coordination function with which it is tasked (Luxembourg);**
- 122.43 **Sustain efforts to uphold human rights and seek the necessary support to enhance its capacity in this regard (Nigeria);**
- 122.44 **Regulate the relationship between the formal and customary mechanisms (Turkey);**
- 122.45 **Establish an adequately resourced independent police complaints commission, as provided for in the Police Act of 2010 (Australia);**
- 122.46 **Undertake further measures to protect vulnerable groups, in particular women, persons with disabilities and albinism and children (Ukraine);**
- 122.47 **Increase the efforts to raise public awareness of and training in human rights (Burundi);**
- 122.48 **Conduct community awareness campaigns to increase public awareness of civil, political, economic, social and cultural rights (Iraq);**

- 122.49 **Provide adequate training and support for law enforcement agencies to investigate attacks and killings of vulnerable groups, including persons with albinism and human rights defenders (Sierra Leone);**
- 122.50 **Continue efforts made for the implementation of the Gender Equality Act and Plan (Tunisia);**
- 122.51 **Continue to strengthen mechanisms to prevent and prohibit discrimination against vulnerable groups, including persons with albinism (Canada);**
- 122.52 **Take the necessary measures to combat corruption and strengthen institutional capacities to effectively detect and investigate cases of corruption (Maldives);**
- 122.53 **Take appropriate measures to reduce the negative impact of used vehicles on the environment, in accordance with Sustainable Development Goal 15 (Angola);**
- 122.54 **Ensure, in law and in practice, that all mining activities in the territory of Malawi make a concrete contribution to reducing the poverty rate and supporting sustainable economic growth, including a revision of the 1981 mining law (Haiti);**
- 122.55 **Enable wider access to agricultural productive resources, technologies and markets to empower smallholder farmers across the country, including through international cooperation with development partners (Indonesia);**
- 122.56 **Continue to prioritize areas of development and pursue technical assistance and capacity-building cooperation to strengthen its efforts in improving living conditions for all people (Indonesia);**
- 122.57 **Ensure that the National Agriculture Policy is effectively implemented to enable sustainable agriculture production and productivity (Maldives);**
- 122.58 **Enhance measures towards increased forest cover through protection and conservation of forest resources (Ethiopia);**
- 122.59 **Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks (Fiji);**
- 122.60 **Take concrete measures to protect the agricultural sector against the negative effects of climate change (Haiti);**
- 122.61 **Strengthen implementation of relevant laws to further protect vulnerable groups, especially people living with albinism, disability as well as women and girls (Kenya);**
- 122.62 **Accurately map and thoroughly investigate reports of alleged extrajudicial killings and suspicious deaths in police custody, and if necessary, establish a process of accountability for persons involved (Belgium);**
- 122.63 **Improve the conditions of detention and strengthen the judicial system, in particular by limiting the use of pretrial detention (France);**
- 122.64 **Redouble efforts to implement legal provisions prohibiting harmful practices (such as child or forced marriage, female genital mutilation, “widow cleansing” and ceremonies that lead to abuse), ensuring prompt and thorough investigation of all offences and providing all necessary assistance to the victims (Brazil);**
- 122.65 **Effectively implement the existing legal provisions prohibiting harmful practices, including female genital mutilation and child, early and forced marriage, and ensure that all reports of harmful practices are investigated and that victims have access to effective remedies (Latvia);**

- 122.66 Continue efforts to eradicate harmful practices, in particular female genital mutilation, forced and early marriage, polygamy and others (Ukraine);
- 122.67 Strengthen the protection of people with albinism as well as training for the police (Spain);
- 122.68 Ensure the implementation of laws and policies aimed at protecting the rights of children with albinism and reinforce measures aimed at addressing discrimination, stigmatization and social exclusion of persons with albinism (Botswana);
- 122.69 Prevent killings, mutilations, kidnapping and other attacks against persons with albinism, particularly women and children, ensuring prompt and thorough investigation of all offences and providing all necessary assistance to the victims (Brazil);
- 122.70 Pursue efforts related to the protection of persons with albinism and their inclusion within the society (France);
- 122.71 Intensify efforts to prevent the killing, assault, or mutilation of the organs of children with albinism (Iraq);
- 122.72 Speed up the prosecution of crimes committed against persons with albinism (Israel);
- 122.73 Combat all forms of discrimination and violence against persons with albinism (Italy);
- 122.74 Combat violence and discrimination against persons with albinism (Japan);
- 122.75 Strengthen its efforts to protect women and girls with albinism from all forms of violence and address the discrimination, stigmatization and social exclusion faced by them (Timor-Leste);
- 122.76 Prevent and punish murders, mutilations, infanticide, kidnapping and other attacks directed at boys and girls with albinism through awareness campaigns against harmful beliefs in witchcraft, and fight against the discrimination and social exclusion suffered by these children (Mexico);
- 122.77 Take into consideration the widespread attacks on persons with albinism, provide an urgent and effective response and increase public awareness activities against such attacks and their causes (Turkey);
- 122.78 Take concrete measures to enforce existing legal provisions in order to prevent all forms of attacks, ritual killings, violence, discrimination and stigma against persons with albinism; provide training to public officials, and ensure that all offences are investigated and victims and their families provided with psychosocial, medical and legal assistance (Portugal);
- 122.79 Establish and implement stronger community-based measures to protect persons with albinism (Uganda);
- 122.80 Adopt measures to strengthen the protection of persons with albinism against all forms of violence and discrimination (Togo);
- 122.81 Envisage actions to put an end to the aggression directed at people with albinism, particularly children, and to provide legal responses to offences committed against them (Senegal);
- 122.82 Continue to reinforce relevant measures to ensure the protection of vulnerable populations, including women, children, persons accused of witchcraft, persons with disabilities and persons with albinism (Ghana);
- 122.83 Pass the Malawi Prison Bill into law and reduce overcrowding in prisons by increasing capacity and the use of non-custodial sentences (United Kingdom of Great Britain and Northern Ireland);

- 122.84 **Redouble the efforts to improve conditions of detention for people detained in penitentiaries (Burundi);**
- 122.85 **Take meaningful action to address prison overcrowding, including through reducing the lengthy periods of pretrial detention (Canada);**
- 122.86 **Take measures to ensure the proportionate use of force by the security and police forces and, in case of violations, including in detention, to prosecute those responsible in an independent and impartial manner (France);**
- 122.87 **Intensify existing measures to improve prison conditions and ensure access to health and sanitary facilities for inmates (Germany);**
- 122.88 **Provide detainees with an avenue of redress by establishing an independent police complaints commission to investigate allegations of maltreatment of detainees (Ireland);<sup>3</sup>**
- 122.89 **Take further steps to ensure that sexual offences are thoroughly and effectively investigated (Timor-Leste);**
- 122.90 **Take all necessary steps to bring justice to victims of sexual and gender-based violence, to allocate resources for the implementation of national policies and action plans, and to ensure that the cases of rape and sexual assault of women in Msundwe are properly investigated (Norway);**
- 122.91 **Thoroughly investigate credible allegations of unlawful killings, excessive use of force, torture, rape and sexual exploitation by police and hold accountable those responsible in a timely manner (United States of America);**
- 122.92 **Ensure accountability for human rights violations, as well as access to justice and full reparation for victims (Ukraine);**
- 122.93 **Pursue the policy to eliminate inequalities between men and women by taking measures aimed at increasing the participation of women in political and public life, particularly in positions of responsibility (Djibouti);**
- 122.94 **Pursue the efforts to implement the Gender Equality Act and increase the number of women in decision-making positions (Egypt);**
- 122.95 **Pursue its efforts to promote women in decision-making positions by, among other things, establishing a quota system (Gabon);**
- 122.96 **Speed up efforts to increase the representation of women in political and public life (Rwanda);**
- 122.97 **Establish additional measures to ensure more representation of women in decision-making positions, including in the public service (Uganda);**
- 122.98 **Intensify efforts to combat modern slavery through training, improved coordination between law enforcement agencies, and prosecution of traffickers (United Kingdom of Great Britain and Northern Ireland);**
- 122.99 **Vigorously investigate and prosecute sex and labour traffickers, including those who engage in forced labour and those who use child labour, and appropriately sentence convicted perpetrators, including government officials complicit in such crimes (United States of America);**
- 122.100 **Take steps aimed at criminalizing child sexual abuse (Zambia);**

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<sup>3</sup> The recommendation, as read out during the interactive dialogue, was: “Improve the conditions of pretrial detainees by amending section 176 of the Criminal Procedure and Evidence Code to ensure that confessions extracted using torture cannot be admitted in evidence and provide detainees with an avenue of redress by establishing an independent police complaints commission to investigate allegations of maltreatment of detainees.”

- 122.101 Ensure that all cases of children, child prostitution and child pornography are effectively investigated, and perpetrators prosecuted and punished (Zambia);
- 122.102 Continue to fight against human trafficking and its root causes, as well as against the sexual exploitation of women and girls, in accordance with targets 5.2 and 8.7 of the Sustainable Development Goals, by setting up programmes to increase skills and women's income (Switzerland);
- 122.103 Ensure the protection of victims of trafficking by prioritizing access to justice for victims and the effective prosecution of the perpetrators of such acts (Switzerland);
- 122.104 Prioritize prosecution of sex trafficking and conclude the cases within a reasonable time, as well as providing training to judges, prosecutors and security forces (Israel);
- 122.105 Continue efforts to eradicate child labour (Mozambique);
- 122.106 Continue its measures to eradicate child labour and protect children against exploitation and forced labour (Myanmar);
- 122.107 Scale up efforts to ensure the protection of the rights of children by vigorously combating child trafficking and child labour (Nigeria);
- 122.108 Intensify further public awareness-raising and capacity-building for duty bearers on addressing child trafficking and violence against children (Philippines);
- 122.109 Continue with efforts to eliminate child labour (Oman);
- 122.110 Continue to support, through economic and social policies, the institution of the family and the preservation of family values, including the protection of the right to life (Haiti);
- 122.111 Protect and promote the rights of workers, including their right to a secure working environment (Sri Lanka);
- 122.112 Strengthen the effective implementation of programmes to eliminate acute malnutrition and ensure food security for all, particularly women and children (Indonesia);
- 122.113 Continue efforts made to ensure the right to education, health and food for all Malawians (Tunisia);
- 122.114 Establish a legal framework for the right to food, bearing in mind that food security is a major concern at the household and national levels (Turkey);
- 122.115 Continue to promote economic and social development, advance poverty reduction and improve the living standards of its people (China);
- 122.116 Step up its efforts to fight poverty and hunger, as well as to ensure access to safe drinking water and sanitation (Sudan);
- 122.117 Intensify efforts to combat poverty, particularly in areas where poverty is most prevalent and widespread (Malaysia);
- 122.118 Undertake more robust measures to address factors contributing to women affected by poverty including by ensuring adequate social protection and safeguards, job opportunities and skills training (Malaysia);
- 122.119 Continue to consolidate its social policies in order to increase the quality of life of its people, especially the most vulnerable, with the assistance and cooperation that the country requires (Bolivarian Republic of Venezuela);
- 122.120 Continue its efforts related to social support for vulnerable and marginalized groups through implementing cash transfer programmes that contribute to improving the human and social situation of these groups (Mauritania);

- 122.121 Continue efforts to promote and protect the economic, social and cultural rights of all Malawians, including children, persons with disabilities, women, youth, the elderly, and other vulnerable groups (Tunisia);
- 122.122 Continue to improve people's access to basic health services, particularly in rural areas, with the aim of reducing and preventing maternal and infant mortality (Bangladesh);
- 122.123 Continue to implement the National Community Health Strategy to better protect the right to health of its people (China);
- 122.124 Pursue the necessary measures to reduce maternal mortality and increase access to quality health services for all citizens without discrimination (Djibouti);
- 122.125 Continue with the implementation of the national strategy for community health care to ensure provision of health care to all citizens at an affordable price (Egypt);
- 122.126 Redouble efforts to achieve the health outcome targets of decreasing the under-5 and maternal mortality rates (Ethiopia);
- 122.127 Support strategies aimed at advancing the health sector and ensuring coverage for all (Libya);
- 122.128 Reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services (Luxembourg);
- 122.129 Take steps to provide better access to health care and to improve the reproductive health-care system, in line with Sustainable Development Goal 3 (Mauritius);
- 122.130 Strengthen measures to reduce maternal mortality by ensuring barrier-free access to basic health care and improving health infrastructures, particularly in rural areas (Myanmar);
- 122.131 Take further measures to strengthen the national health system (Ukraine);
- 122.132 End the high rate of neonatal deaths and stillbirths by improving the quality of care (Burkina Faso);
- 122.133 Continue efforts to ensure the right to free and compulsory education for both boys and girls (Sudan);
- 122.134 Implement the commitment made by the Government at the Nairobi Summit on the International Conference on Population and Development to provide 12 years of quality free education for every child, ensuring that girls and boys enjoy a full primary and secondary education and equal access to vocational, technical and higher education courses (Fiji);
- 122.135 Intensify efforts aimed at ensuring access to secondary education for all children (Georgia);
- 122.136 Continue to ensure access to quality education for all (Malaysia);
- 122.137 Adopt free universal education, thus further reducing school dropouts (Mauritius);
- 122.138 Introduce further measures to provide for equitable access to education by women across all education sectors (New Zealand);
- 122.139 Make efforts to improve the quality of education, including by providing adequate school infrastructure, particularly to ensure girls' right to education (Pakistan);
- 122.140 Put in place a comprehensive strategy to integrate children with disabilities and to adopt an inclusive education framework (Senegal);

- 122.141 Enact appropriate measures and legislation to fight against all forms of discrimination and violence against women, including harmful practices such as child, early and forced marriage and female genital mutilation (Italy);
- 122.142 Establish programmes, in the four regions of Malawi, that increase the skills and income of women in order to reduce gender inequality, discrimination and poverty, in line with the Sustainable Development Goals and international law (Argentina);
- 122.143 Continue to promote women's empowerment in all sectors (Bangladesh);
- 122.144 Ensure the effective implementation of the Gender Equality Act, and in particular increase efforts to improve the literacy and education of women with a view to broadening their formal employment opportunities (Belgium);
- 122.145 Apply effectively the Gender Equality Act and adopt effective and sustainable legislative measures to explicitly prohibit discrimination and violence against women and girls (Chile);
- 122.146 Extend beyond 2020 the implementation of the Gender Equality Act Implementation and Monitoring Plan in order to promote equal opportunities and the empowerment of women in all spheres of society (Cuba);
- 122.147 Take further measures to promote and protect women's and girls' rights, including the prevention of gender-based violence (Japan);
- 122.148 Fully implement the Gender Equality Act to enhance women's participation in decision-making in all spheres of public service (Kenya);
- 122.149 Continue with the ongoing efforts to enable women, particularly those with disabilities, to enjoy their social and economic rights (Libya);
- 122.150 Reinforce government programmes to ensure full gender equality in all functions of society (Mozambique);
- 122.151 Strengthen concerted efforts to eliminate discriminatory practices and violence against women and empower them in political, economic and social life (Turkey);
- 122.152 Promote further women's economic empowerment through strengthening programmes aimed at enhancing women's access to credit, financial, and technical services (Philippines);
- 122.153 Carry on the policy of empowering women in the economic field (Oman);
- 122.154 Include in the 2006 Prevention of Domestic Violence Act the definition of sexual harassment and marital rape, and guarantee the implementation of effective strategies for applying the Act (Spain);
- 122.155 Strengthen the promotion and protection of the rights of women by implementing additional measures to combat violence against women (Djibouti);
- 122.156 Vigorously continue its efforts against gender-based violence (Georgia);
- 122.157 Take the necessary measures to combat discriminatory practices against women and girls, including gender-based violence (India);
- 122.158 Take all necessary measures to combat violence against women and girls and domestic violence, both in law and in practice (Latvia);
- 122.159 Strengthen efforts to fight domestic violence and the sexual exploitation of women and children (Lesotho);
- 122.160 Continue to take measures to promote gender equality and to end all forms of gender-based violence and discrimination (Nepal);

- 122.161 Ensure greater law enforcement capacity to investigate cases of suspected sexual assault (New Zealand);
- 122.162 Continue its fight against child marriage, child labour and child trafficking, and better protect the rights of the child (China);
- 122.163 Maintain efforts to promote and protect the rights of children and adolescents, including in relation to birth registration, the eradication of child exploitation and the reduction of infant and maternal mortality (Cuba);
- 122.164 Enhance the protection of children, especially by implementing laws on child marriage and by strengthening accountability in cases of sexual abuse, child labour and trafficking (Germany);
- 122.165 Continue efforts to eliminate discrimination against children in the most vulnerable situations, such as girls, children with disabilities and children in rural areas (India);
- 122.166 Redouble efforts to finalize the child labour policy and the child protection policy to protect children from the worst forms of child labour (South Sudan);
- 122.167 Criminalize the sexual abuse of children (Montenegro);
- 122.168 Take specific measures in order to reduce child marriage (Angola);
- 122.169 Adopt all necessary measures to eradicate child marriage, and develop comprehensive awareness campaigns and programmes on the provisions that criminalize harmful practices and on the damage they do to children, as well as campaigns on the harmful effects of child marriage on girls' physical and mental health and well-being (Argentina);
- 122.170 Harmonize laws and adequately fund the National Strategy on Ending Child Marriage (2018–2023) with a view to taking all necessary measures to end child, early and forced marriage (Belgium);
- 122.171 Strengthen the legal and institutional framework to combat child marriage (Burkina Faso);
- 122.172 Strengthen the efforts being made to put an end to child marriage (Sudan);
- 122.173 Increase efforts to end child marriage in practice and ensure that the existing legal protections against child marriage are fully implemented (Japan);
- 122.174 Continue with efforts aimed at improving the situation of child rights, especially regarding the prevention of child marriage, child trafficking and child labour (Libya);
- 122.175 Take all measures to eliminate child marriage and put in place comprehensive awareness campaigns and programmes on the provisions criminalizing harmful practices and the negative consequences thereof on children (Luxembourg);
- 122.176 Strengthen measures to eradicate child marriage, criminalize the crimes of the sale of children and child pornography, and reinforce the conditions to make compulsory and free primary education effective (Mexico);
- 122.177 Continue the efforts to end child marriage with an increased budget allocation for implementation of the national strategy (Myanmar);
- 122.178 Allocate adequate funding for the implementation of the National Strategy on Ending Child Marriage and to invest in girls' education as an important intervention to prevent child marriage (Netherlands);
- 122.179 Adopt all measures to end child marriage and review budget allocations in order to spare enough funds for the implementation of the National Strategy on Ending Child Marriage (Turkey);

- 122.180 **Address early childhood and forced marriage (Sierra Leone);**
- 122.181 **Continue allocating resources to strengthen measures aimed against all forms of discrimination against women, children and people with disabilities (Botswana);**
- 122.182 **Strengthen the mechanisms for the protection of the rights of boys and girls with disabilities, albinism or HIV/AIDS (Chile);**
- 122.183 **Accelerate internal procedures for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Georgia);**
- 122.184 **Consider paying the necessary attention to promoting the enjoyment of human rights for persons with disabilities, including effective implementation of the action plan to protect persons with albinism (India);**
- 122.185 **Strengthen the steps taken to strive for equality and promote the rights of people with disabilities, in particular on inclusive education (Israel);**
- 122.186 **Increase funding to the disability sector to effectively implement the Disability Act and the national action plan for persons with special needs (South Sudan).**
123. **The following recommendations will be examined by Malawi, which will provide responses in due time, but no later than the forty-sixth session of the Human Rights Council:**
- 123.1 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 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 on the Elimination of All Forms of Discrimination against Women (Ukraine).**
124. **The recommendations formulated during the interactive dialogue/listed below have been examined by Malawi and have been noted by Malawi:**
- 124.1 **Ratify the pending international conventions on the protection of human rights (Somalia);**
- 124.2 **Take all reasonable measures to review and ratify all outstanding international human rights conventions, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Germany);**
- 124.3 **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras);**
- 124.4 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Latvia);**
- 124.5 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**
- 124.6 **Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);**
- 124.7 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Mali);**
- 124.8 **Explore the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Niger);**

- 124.9 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);**
- 124.10 **Create a moratorium aiming at the abolition of the death penalty (Chile);<sup>4</sup>**
- 124.11 **Consider the possibility of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Argentina);<sup>5</sup>**
- 124.12 **Decriminalize consenting relations between persons of the same sex, prosecute the perpetrators of the growing attacks against persons belonging to the lesbian, gay, bisexual, transgender and intersex community, and guarantee that those persons do not face de jure or de facto discrimination (Spain);**
- 124.13 **Decriminalize lesbian, gay, bisexual, transgender and intersex status and conduct (United States of America);**
- 124.14 **Repeal those sections of the Malawi Penal Code that criminalize same-sex sexual activity between consenting adults and those that criminalize the gender identity and/or expression of transgender people, such as the prescription for the appearance of men (Canada);**
- 124.15 **Prohibit discrimination based on gender, gender identity or sexual orientation in all aspects of social life (Canada);**
- 124.16 **Increase access to and the availability of quality health services for lesbian, gay, bisexual, transgender and intersex persons (Chile);**
- 124.17 **Protect and fight discrimination against and stigmatization of lesbian, gay, bisexual, transgender and intersex persons (France);**
- 124.18 **Take measures against discrimination against lesbian, gay, bisexual, transgender and intersex persons and fight impunity for violence based on gender identity and sexual orientation by revising national legislation in order to explicitly include gender identity and sexual orientation among the prohibited grounds of discrimination (Switzerland);**
- 124.19 **Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include a prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland);**
- 124.20 **Uphold the principle of non-discrimination by decriminalizing consensual same-sex relations, and explicitly include sexual orientation and gender identity among the grounds of discrimination prohibited by the Constitution (Ireland);**
- 124.21 **Repeal all legal provisions criminalizing consensual same-sex relations and prevent discrimination and abuse against lesbian, gay, bisexual, transgender and intersex persons (Italy);**
- 124.22 **Repeal sections 137A, 153, 154 and 156 of the Penal Code and develop comprehensive legislation that prohibits any discrimination on the basis of sexual orientation or gender identity (Netherlands);**
- 124.23 **Decriminalize formally consensual same-sex relations between adults, and introduce comprehensive anti-discrimination laws inclusive of the lesbian, gay, bisexual, transgender, queer and intersex community (New Zealand);**

<sup>4</sup> The recommendation, as read out during the interactive dialogue, was: “Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and create a moratorium aiming at the abolition of the death penalty.”

<sup>5</sup> The recommendation, as read out during the interactive dialogue, was “Consider the possibility of ratifying the Convention on the Prevention and Punishment of the Crime of Genocide and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”

- 124.24 **Decriminalize same-sex relationships and repeal legislation that discriminates against lesbian, gay, bisexual, transgender and intersex persons (Norway);**
- 124.25 **Repeal all legal provisions criminalizing sexual activity between consenting adults, and mandate the Malawi Human Rights Commission to protect the rights of the lesbian, gay, bisexual, transgender and intersex community (Australia);**
- 124.26 **Establish a de jure moratorium on the death penalty leading to its definitive abolition, and consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**
- 124.27 **Consider abolishing the death penalty (Fiji);**
- 124.28 **Maintain the moratorium on executions for the final abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**
- 124.29 **Continue its efforts to commute all death sentences to alternative sentences and to put in place a moratorium on the death penalty, with a view to legally abolishing it for all crimes (Switzerland);**
- 124.30 **Fully abolish the death penalty and implement the Second Optional Protocol to the International Covenant on Civil and Political Rights (Iceland);**
- 124.31 **Introduce a de jure moratorium on the death penalty, with a view to fully abolishing capital punishment and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**
- 124.32 **Retain the moratorium on the death penalty in all circumstances and work towards the complete abolition of death penalty (Latvia);**
- 124.33 **Continue the de facto moratorium on the death penalty and take further steps towards its legal abolition (Nepal);**
- 124.34 **Consider abolition of the death penalty (Rwanda);**
- 124.35 **Establish a moratorium on the death penalty (Sierra Leone);**
- 124.36 **Take concrete legal and policy measures, including the provision of adequate human rights training for health personnel, to eliminate all forms of stigma and discrimination in health settings, in particular against women and girls, lesbian, gay, bisexual, transgender and intersex persons, persons affected by HIV/AIDS and persons with mental health conditions and psychosocial disabilities (Portugal);**
- 124.37 **Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**
- 124.38 **Improve the conditions of pretrial detainees by amending section 176 of the Criminal Procedure and Evidence Code to ensure that confessions extracted using torture cannot be admitted in evidence (Ireland);<sup>6</sup>**
- 124.39 **Criminalize marital rape (Latvia);**
- 124.40 **Reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services, in particular access to antenatal, delivery and postnatal services (Denmark);**

<sup>6</sup> The recommendation, as read out during the interactive dialogue, was: "Improve the conditions of pretrial detainees by amending section 176 of the Criminal Procedure and Evidence Code to ensure that confessions extracted using torture cannot be admitted in evidence and provide detainees with an avenue of redress by establishing an independent police complaints commission to investigate allegations of maltreatment of detainees."

124.41 **Improve access to adequate sexual and reproductive health services, in particular to antenatal, delivery and postnatal services (Fiji);**

124.42 **Increase the delivery of sexual and reproductive health services and commodities, including through family planning outreach, to address teenage pregnancy and child marriage in all districts of the country (Iceland);**

124.43 **Implement national legislation and policies to safeguard women's rights to sexual and reproductive health services and information, and end child marriage (Norway);**

124.44 **Increase support for reproductive health and family planning services and access to affordable contraceptives and contraceptive methods (Germany);**

124.45 **Provide comprehensive sexuality education as part of the school curriculum (Denmark).**

125. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## **Annex**

### **Composition of the delegation**

The delegation of Malawi was headed by Mr. Titus Songiso MVALO, Minister of Justice and Constitutional Affairs, and composed of the following members:

- Ambassador Robert D. SALAMA – Permanent Representative;
  - Mr. Pacharo KAYIRA – Chief State Advocate for Human Rights, Ministry of Justice;
  - Dr. Ernest Mungo MAKAWA – Controller of Legal Affairs, Ministry of Foreign Affairs;
  - Mr. Loudon O. MATTIYA – Deputy Permanent Representative;
  - Ms. Lumbani MWAFULIRWA – Senior State Advocate, Ministry of Justice;
  - Mr. Joel MATONGA – Senior State Advocate, Ministry of Foreign Affairs;
  - Mr. Stephen MMODZI – Counsellor.
-