

ADVANCE QUESTIONS TO MALAWI – Add.2

NETHERLANDS

- **Non-discrimination based on sexual orientation**

Considering para. 19 of the OHCHR compilation which recalls the sentencing and subsequent pardoning of a couple on the basis of their sexual orientation, and in light of allegations made in para. 11 and 12 of the stakeholder report on the existence of homophobia and the publication of hate speech based on sexual orientation, what measures is the Government of Malawi intending to take to end homophobia and publication of hate speech? Moreover, with reference to para. 30 and 31 of the stakeholder report which express concerns over the criminalization of same-sex activities, is the Government of Malawi intending to decriminalize same-sex activities?

- **Freedom of expression**

With reference to the allegations made in para. 34 of the stakeholder report on harassment of media houses and the foreseen adoption of an allegedly restrictive law regulating access to information, what measures does the Government of Malawi take to ensure media independence from intimidation and suppression including through the enactment of the access of information bill?

NORWAY

- Could you please provide information on how the Government of Malawi involved civil society organizations in the elaboration of its national report? Our understanding is that only a limited number of Malawian Civil Society Organizations participated. How will the civil society be involved in the follow up process of the recommendations of the Human Rights Council?
- What steps are the government planning to further improve the cooperation with the UN Human Rights system? More specifically, what measures will Malawi take to ensure submission of overdue treaty body reports?
- National and international reports point towards considerable discrimination of the women and girls of Malawi. What steps is Malawi taking to improve gender equity? Are there any plans to domesticate the CEDAW?
- Earlier this year, two men were detained for holding an engagement ceremony and they were later found guilty of gross public indecency and sentenced to maximum prison sentence of 14 years. Later the men were pardoned by the President. What is being done to improve the legal protection of sexual minorities?
- Freedom of the media, of expression, of assembly and of association are guaranteed in the constitution of Malawi. However, concerns have been raised regarding limitations of these rights as journalists, politicians, church and civil society leaders have been harassed, arrested and intimidated for criticising the

Government. Newspapers have been threatened with closure and radio stations have been stopped for airing certain programmes. What will Malawi do to counter what appear to be violations of these freedoms?

- The Inspectorate of Prisons has urged the Government to take immediate action on poor prison conditions and the High Court has ordered the Malawian Prison Service to take concrete steps in addressing the overcrowding and poor conditions in the prisons. What judicial and legislative measures are being taken in order to ensure fair and equal treatment and safeguarding the human rights of prisoners, and what steps are the Government of Malawi taking to implement the decision of the High Court?