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## **Suspension of anti-homosexuality laws in Malawi a historic step forward**

Today's statement by Malawi's Justice Minister that laws criminalising same sex sexual conduct in the country are suspended pending a decision on whether or not to repeal them is a historic step in the fight against discrimination in the country.

Justice Minister Ralph Kasambara said he wanted debate on the issue before parliament decides whether to keep the laws or not.

"Amnesty International welcomes Minister Kasambara's statement and hopes it serves as the first step towards ending discrimination and persecution based on real or perceived sexual orientation and gender identity in Malawi," said Noel Kututwa, Amnesty International's southern Africa director.

Sections 153 and 156 of Malawi's Penal Code criminalize same sex sexual conduct between men and those convicted face up to 14 years imprisonment, with or without corporal punishment.

Section 137A of Malawi's Penal Code criminalizes "indecent practices between females," with anyone found guilty liable to a prison term of five years.

"We urge the government not to lose momentum on this basic human rights issue and to ensure the full repeal of these discriminatory and hate-filled laws," said Noel Kututwa.

In 2010, two persons were sentenced to 14 years imprisonment in Malawi on charges related to same sex sexual conduct. They were later pardoned following international condemnation.

### **Background**

Criminalisation of individuals on the basis of their real or perceived sexual orientation or gender identity violates Malawi's obligations under treaties it has ratified, including the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and the Malawian Constitution. These obligate Malawi to respect and protect freedom from discrimination, freedom of conscience, expression and right to privacy.

Criminalisation laws can also violate the right to health as set out under the International Covenant on Economic, Social and Cultural Rights, also ratified by Malawi.