



**VIOLENCE AND DISCRIMINATION BASED ON
REAL OR PERCEIVED SEXUAL ORIENTATION AND
GENDER IDENTITY IN MALAWI**

HUMAN RIGHTS VIOLATION REPORT 2015



Human Rights Violation Report

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IN MALAWI**

2015 REPORT

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This report is the result of the collaborative efforts of human rights documentation officers from the Centre for the Development of People (CEDEP) and the Centre for Human Rights and Rehabilitation (CHRR).

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LIST OF ACRONYMS

CEDEP	Centre for Development of People
CHRR	Centre for Human Rights and Rehabilitation
CSOs	Civil Society Organizations
LGBTI	Lesbians, Gay, Bisexual, Transgender and Intersex
MSM	Men who have sex with men
MCC	Malawi Council of Churches
MIAA	Malawi Interfaith Aids Association
PAC	Public Affairs Committee
SOGIE	Sexual Orientation, Gender Identity and Gender Expression
TWG	Technical Working Group
ACHPR	African Charter on Human and Peoples' Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review

GLOSSARY

Bisexual |

A person emotionally, romantically, sexually and relationally attracted to both men and women, though not necessarily simultaneously; a bisexual person may not be equally attracted to both sexes, and the degree of attraction may vary as sexual identity develops over time.

Coming out |

The process in which a person first acknowledges, accepts and appreciates his or her sexual orientation or gender identity (SOGI) and begins to share this information with others.

Gay |

A synonym for homosexual in many parts of the world. In this report, used specifically to refer to a man who is emotionally, romantically, sexually and relationally attracted to other men.

Gender |

Refers to the socially-constructed roles of and relationships between men and women.

Gender-based violence |

Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

Gender expression |

External manifestation of one's gender identity, usually expressed through masculine, feminine or gender-variant behaviour, clothing, haircut, voice or body characteristics. Typically, transgender people seek to make their gender expression match their gender identity, rather than their birth-assigned sex.

Gender identity |

One's deeply-rooted internal sense of their gender –i.e. being male or female, both or something other than female or male. For most people gender identity aligns with assigned sex but this is not often the case for Trans-people.

Gender Non Conformity |

Refers to people who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth.

Homophobia |

The fear and hatred of or discomfort with homosexuals usually based on negative stereotypes of homosexuality.

Homosexual |

A person who is emotionally, romantically, sexually and relationally attracted to people of the same sex.

Intersex |

A term referring to a variety of conditions in which a person's sexual and/or reproductive features and organs do not conform to dominant and typical definitions of "female" or "male".

Lesbian |

A woman who is emotionally, romantically, sexually and relationally attracted to other women.

LGBTI |

A blanket term that refers to people who identify as lesbian, gay, bisexual, transgender and intersex.

Living openly |

A state in which LGBTI people are comfortably out about their sexual orientation or gender identity – where and when it feels appropriate to them.

Outing |

Exposing someone's sexual orientation as being lesbian, gay, bisexual or transgender to others, without their permission; in essence "outing" them from the closet. Outing someone can have serious employment/ economic/safety/ religious repercussions in some situations.

Sexual orientation |

An inherent or immutable enduring emotional, romantic, sexual and relational attraction to another person; may be a same-sex orientation, opposite-sex orientation or a bisexual orientation. It is not to be confused with sexual preference which is what a person likes or prefers to do sexually; a conscious recognition or choice.

Transgender |

An adjective referring to a person whose gender identity or expression is different from their assigned sex at birth.

Transphobia |

The fear and hatred of, or discomfort with others because of their actual or perceived gender identity or expression.

Transsexual |

A medical term describing people whose gender and sex do not line up, and who often seek medical treatment to bring their body and gender identity into alignment.

EXECUTIVE SUMMARY

Recent years have seen increasing reports of people being harassed, marginalized, discriminated against and attacked in Malawi because of their real or perceived sexual orientation or gender identity. This report provides an insight into such human rights violations.

It is important to note that such violations are occurring in a country whose legal system still condones the criminalization of consensual same-sex sexual acts, and where the police and the justice system hamstring by the penal code failing to prevent these crimes from happening.

During Malawi's Universal Periodic Review (UPR) in May 2015, the State accepted two recommendations on LGBTI –namely, the recommendation to take effective measures to protect LGBTI persons from violence and prosecute the perpetrators of violent attacks, and to ensure that LGBTI persons have effective access to health services, including HIV services. While the State is commended for taking such a bold move, the continued criminalization of consensual adult same-sex conduct remains a serious cause for concern. As the U.N. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has noted, the existence of laws criminalising same-sex sexual acts reinforces existing prejudices, and legitimizes community violence directed at affected individuals.¹

Furthermore, the existence of such laws sends a message to the broader population that discrimination on the basis of sexual orientation and gender identity is acceptable, and that human rights do not apply to LGBTI people. This creates an environment in which people can perpetrate acts of human rights violations with impunity.

This report confirms that most perpetrators of violent attacks against LGBTI persons often conduct such attacks in the knowledge that they would never be arrested or prosecuted. This report also confirms that many victims of violence on the basis of sexual orientation and gender identity do not report to relevant authorities for fear of arrest, exposure of their sexual orientation or gender identity or because of lack of trust in the authorities. Others are reluctant to go to the police because they have previously encountered police officers who were reluctant to believe in the existence of a homophobic motive for a crime or incident.

¹ A/HRC/14/20, para. 20. See also the concluding observations of the Human Rights Committee on Togo (CCPR/C/TGO/CO/4), para. 14, and E/CN.4/2000/3, para. 116. Retrieved on 09/08/2015.

This report details the following human rights violations that were experienced by LGBTI persons in Malawi as they are perpetuated by the state and non-state actors:

1. The right to non-discrimination and to be free from violence and harassment is denied by omitting sexual orientation in anti-discrimination laws, constitutional provisions or their enforcement.
2. The right to bodily integrity is violated in cases where victims are beaten and also go through forced medical examinations to confirm acts of consensual sex.
3. The right to be free from torture or cruel, inhuman or degrading treatment is infringed upon by police practices, in investigations or in the case of lesbians, gays and bisexuals in detention.
4. The right to privacy is denied by the existence of 'sodomy laws' applicable to LGBTI, even if the relation is in private between consenting adults.
5. The rights to free expression and free association may either be denied explicitly by law, or lesbians, gays and bisexuals may not enjoy them because of the homophobic climate in which they live.
6. The right to practice one's religion is restricted in case where churches advocate against LGBTI and excommunicate them.
7. The right to work is violated in cases where LGBTI are fired or quit their jobs due to discrimination in employment policies and practices.
8. The right to physical and mental health is at conflict with discriminatory policies and practices. Due to some physicians' homophobia, lack of adequate training for health care personnel regarding sexual orientation and gender identity issues or the general assumption that patients are heterosexuals.
9. The right to form a family is denied by governments by not-recognizing same sex families and by denying the rights otherwise granted by the state to heterosexual families who have not sought legal recognition, but still enjoy several rights.

10. LGBTI students may not enjoy the right to education because of an unsafe climate created by peers or educators in schools.

CHRR and CEDEP, in this report, recommend that the State amends all laws that criminalize consensual same-sex sexual conduct, along with all discriminatory policies and laws that adversely affect or target LGBTI people, including the recently enacted Marriage, Divorce and Family Relations Bill, which rejects transgender and intersex person's identity and restricts all marriages and cohabitation arrangement to those between male and female.

CHRR and CEDEP also call on the Malawi Human Rights Commission to fulfil its mandate to promptly and impartially investigate all allegations of human rights violations based on sexual orientation or gender identity and to hold perpetrators accountable and bring them to justice.

METHODOLOGY

This Report is based on both primary and secondary data that was collected by CHRR and CEDEP Human Rights Field Monitors on human rights violations against LGBTI in Malawi. The Report contains human rights violation that were collected between September 2014 and September 2015 in the 11 districts that CEDEP and CHRR are implementing projects: Chitipa, Karonga, Salima, Lilongwe, Mchinji, Dedza , Mangochi, Zomba, Mzuzu, Nkhata Bay and Blantyre. In this reporting period CEDEP and CHRR documented a total of 40 cases on LGBTI human rights violations.

Primary data is collected through the interviews from the victims and eyewitnesses and documented through Martus, a secure open source software developed by Benetech (a non-profit technology organization based in Palo Alto, California, USA). The tool is designed to gather, organize, back up and retrieve information about human rights abuses in the most secure and systematic way.

Once reports are submitted to CHRR and CEDEP through Martus they are verified through secondary interviews, checking with police records and other official records, and gathering other corroborative evidence.

The report was compiled jointly by **Michael Kaiyatsa** from CHRR and **Emma Kalea** from CEDEP, and checked for authenticity by a team drawn from CHRR and CEDEP that included the authors and the contributions of Dunker Kamba, Ishmael Makhuludzo, Kenneth Chimombo, Lawrence Chipiri and Fletcher Simwaka.

All names of individuals and other particulars have been changed to protect the safety and privacy of those interviewed without distorting the essential reality of their experiences.

In the report dates of the actual event have not been included in some cases for the security and privacy of the victims.

In this report, CHRR and CEDEP have documented cases on sexual abuse perpetuated by the relation to the victim. It's important to be clear that sexual rights concern **consensual sex between adults**. In other words, none of the people involved are below the legal age for having sex, and all of them agree to what they are doing. Forced sex (rape) and sex with children both violate the sexual rights of the victim, whether the perpetrator is of the same or opposite sex as the victim.

CHRR and CEDEP thank the many courageous individuals who came forward to report the abuses and violence they had suffered. Our organizing and support work convinces us that the cases highlighted in this report constitute only the tip of the iceberg.

INTRODUCTION

In recent years, human rights violations on the basis of real or perceived sexual orientation, gender identity or gender expressions (SOGIE) have become increasingly visible in Malawi. This report provides evidence of such violations, which include incidences of harassment, intimidation, threats, public outings, physical attacks and discrimination against Malawians who are or are perceived to be lesbian, gay, bisexual, transgender and intersex (LGBTI).

The report is a follow-up to the September 2014 report titled *Human Rights Violations On The Basis Of Real or Perceived Sexual Orientation and Gender Identity*, which was produced jointly by CEDEP and CHRR with support from the Benetech Human Rights Programme. This current report provides recent findings of various forms of individual and systemic human rights violations perpetrated against members of the LGBTI community in Malawi.

The report recognizes positive developments made by the Government of Malawi towards safeguarding the rights of its LGBTI citizens. For instance, in May 2015 the government accepted two Universal Periodic Review (UPR) recommendations concerning the LGBTI community. The first recommendation is about taking effective measures to protect LGBTI persons from violence and prosecute the perpetrators of violent attacks. The second is about guaranteeing that people of the LGBTI communities have effective access to health services, including HIV services. The acceptance of these recommendations is a milestone for the LGBTI rights movement in Malawi.

Also the Government of Malawi has included the MSM population as part of the key population in the National HIV / AIDS Strategic Plan (NSP) for the period of 2015 to 2020 in response to HIV / AIDS reduction.

Despite these positive developments, the state of the rights of LGBTI individuals in the country remains dismal. Outright display of homophobia and transphobia manifested through inflammatory speeches by religious leaders and acts of violence against individuals on account of their real or perceived sexual orientation and gender identity remains a serious cause for concern.

In debates on the human rights of LGBTI persons it is sometimes assumed that the protection of the human rights of LGBTI persons amounts to introducing new rights or "special" rights. This line of thinking is misleading, as international human rights law clearly recognizes that all human beings, irrespective of their sexual orientation or gender identity, are entitled to all rights and freedoms

deriving from the inherent dignity of the human person without discrimination.

The principle of non-discrimination is at the heart of the African Charter and other human rights instruments to which Malawi is party. Its universality is affirmed under article 1 of the Universal Declaration of Human Rights, and is unequivocally reiterated in the Vienna Declaration and Programme of Action as a guiding principle in international human rights law. Core UN human rights instruments as well as the UN Charter embody non-discrimination as a core principle and require that human rights be guaranteed for everyone without discrimination on grounds that are indicated in a non-exhaustive list that includes race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

A common refrain in the debate over sexual orientation, gender identity and human rights is that the very concept of “sexual orientation” is not part of “universally accepted” human rights discourse. However, sexual orientation and gender identity are protected grounds of identity under international human rights law. The universality of human rights is set out in the Universal Declaration of Human Rights (UDHR), which states that “All human beings are equal in dignity and rights”.² The UDHR also states that “everyone is entitled to the rights and freedoms set out in this Declaration without distinction of any kind”.³ In fact, the right to non-discrimination is a principle that underpins all of the major human rights treaties. Although sexual orientation and gender identity are not mentioned as specific grounds of discrimination as set out under the UDHR, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the list of grounds was not intended to be exhaustive, as the negotiators acknowledged that the nature of discrimination varies according to context and that our understanding evolves over time.

The African Commission on Human and Peoples’ Rights adopted a groundbreaking resolution against violence and other human rights violations committed against people on the basis of their sexual orientation and gender identity, “Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity.” The resolution, adopted during the Commission’s 55th Ordinary Session held from April 28-May 12, 2014 in Luanda, Angola, calls for governments to create an “environment that is free of stigma, reprisals

2 Universal Declaration on Human Rights, art. 1

3 Universal Declaration on Human Rights, art. 2.

or criminal prosecution as a result of [advocates"] human rights protection activities, including the rights of sexual minorities."

This followed a similar resolution, Resolution 17/11, adopted by the UN Human Rights Council in 2012, expressing 'grave concern' at violence and discrimination against individuals based on their sexual orientation and gender identity.⁴ The resolution paved the way for the first Office of the High Commissioner for Human Rights report on discrimination and violence based on sexual orientation and gender identity.⁵ Subsequent to the report, the General Assembly adopted a resolution that, among others, for the first time urges states to ensure effective protection of the right to life of all persons, investigate all killings, including those based on perceived or actual sexual orientation or gender identity.⁶ It is in the context of these developments and unprecedented attention given to discrimination and violence based on sexual orientation and gender identity at the regional as well as international level that this report highlights the plight of LGBTI individuals in Malawi.

Therefore, this report is intended for policy makers, opinion leaders, the media, human rights defenders and members of the general public. The purpose of the report is to draw attention to the different human rights violations that LGBTI persons continue to experience as a result of their sexual orientation or gender identity. **The report argues that by condoning violence by state and non-state actors, and by failing to diligently investigate, prosecute and punish the perpetrators of these acts, the State in Malawi is participating in these violations.**

This report is arranged in such a way that the next section presents a summary of key violations. The subsequent section presents a situational analysis focusing on the legal and policy environment which affects LGBTI persons in Malawi. This is followed by a section dealing with forms of human rights violations based on sexual orientation and gender identity. This is where actual cases of human rights violations on the basis of sexual orientation and gender identity or expression are highlighted. It is important to note that the cases highlighted here are only a few of the multiple cases in the country. A lot of cases go unreported due to fear of homophobia, self-stigma, and the fear of being exposed, or "outed." The final section provides a conclusion and recommendations for various key stakeholders.

4 'Human rights, sexual orientation and gender identity' A/HRC/17/L.9/Rev.1 (15 June 2011).

5 Report of the United Nations High Commissioner for Human Rights (OHCHR) 'Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity' A/HRC/19/41 (17 November 2011).

6 UN General Assembly 'Extrajudicial, summary or arbitrary executions' A/C.3/67/L.36 (9 November 2012) para 6(b).

CHAPTER 1

SITUATIONAL ANALYSIS

THE POLITICAL CONTEXT AND CONSTITUTIONAL FRAMEWORK IN MALAWI

Malawi is a southeastern African country with an estimated population of 15 million. The country became independent in 1964 with a democratic constitution inherited from the British, which provided for the bill of rights and a democratic mode of governance. This changed following the 1964 Cabinet Crisis which erupted barely six weeks after independence, culminating in the adoption of the Republican Constitution in 1966.

The 1966 Republic Constitution abrogated the Bill of Rights on the basis that Malawi was already a signatory to the 1948 Universal Declaration of Human Rights (UDHR). The 1966 Constitution also formally proclaimed Malawi as a one-party state with the Malawi Congress Party as the sole legitimate party and Dr. Hastings Kamuzu Banda as the Life President of Malawi. The scrapping of the bill of rights in the 1966 Constitution was followed by the introduction of an ally of repressive laws such as the Public Safety Act, the Decency Dress Act, and Censorship and Entertainment Act.

The turning point for Malawi was the transition to democracy in May 1994. The transition offered hope for a new beginning with respect to human rights, democracy and governance. A new Constitution, incorporating a Bill of Rights and abolishing the one-party system and the life presidency, was adopted on 18th May 1994 and entered into force on 18th May 1995.⁷

1. The Constitution of Malawi

The Constitution of Malawi is the supreme law of the land and any act of government or any law that is inconsistent with its provisions is invalid.⁸

⁷ Section 212(1) of the Constitution.

⁸ Section 5 of the Constitution, 1994; section 199 further states that "This Constitution shall have the status as supreme law and there shall be no legal or political authority save as is provided by or under this Constitution" See also section 88(1) which describes the President's obligation to uphold the constitution as the supreme law of the Republic.

Key constitutional principles include the following:

- ◆ *Dignity*: "The inherent dignity and worth of each human being requires that the State and all persons shall recognize and protect fundamental human rights and afford the fullest protection to the rights and views of all individuals, groups and minorities whether or not they are entitled to vote."⁹
- ◆ *Equality*: "As all persons have equal status before the law, the only justifiable limitations to lawful rights are those necessary to ensure peaceful human interaction in an open and democratic society."¹⁰
- ◆ *Supremacy of the Constitution*: "All institutions and persons shall observe and uphold the Constitution and the rule of law and no institution or person shall stand above the law."¹¹

Chapter IV of the Constitution includes a comprehensive Bill of Rights that lists the human rights to which all persons in Malawi are entitled without discrimination and which are required to be upheld by the Executive, Legislature, Judiciary, all organs of government and its agencies and all natural and legal persons in Malawi, where applicable.¹² The Constitution also provides for duties of the State, as well as duties of the individual towards others, so that all rights and freedoms are exercised with due regard for the rights of others and the common interest.¹³

2. Malawi's international and regional human rights commitments

Malawi has also committed itself to promotion and protection of human rights by signing international treaties. The treaties that Malawi has signed and ratified include:

- The International Covenant on Civil and Political Rights (ICCPR)¹⁴
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁵

9 Section 12(iv) of the Constitution.

10 Section 12(v) of the Constitution.

11 Section 12(vi) of the Constitution.

12 Section 15(1) of the Constitution.

13 Section 12(2), Constitution, (as amended).

14 G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March, 23, 1976.

15 Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January, 1976 in accordance with article 27..

- The Covenant on Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁶
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention Against Torture)¹⁷
- Convention on the Rights of the Child (CRC)¹⁸
- The Convention on the Elimination of Racial Discrimination (CERD)¹⁹
- The Convention on the Rights of Persons with Disabilities (CRPD)²⁰

Malawi has also signed and ratified various human rights instruments at the African regional level. Some of these instruments include the following:

- The African Charter on Human and People's Rights (ACHPR)²¹
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and People's Rights (Protocol on the African Human Rights Court)²²
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the African Protocol on Women)²³
- The African Charter on the Rights And Welfare of the Child (African Children's Charter)²⁴
- The Solemn Declaration on Gender Equality in Africa (Declaration on Gender)²⁵

It must be pointed out that by signing and ratifying the above treaties, Malawi has agreed to bind itself in good faith to ensure that nothing is done which would defeat the object and purpose of any of the above treaties.

The interpretation and application of treaties under international law is governed

16 Adopted by the United Nations General Assembly on 18th December, 1979 and entered into force on 3 September 1981.

17 Adopted by the United Nations General Assembly on 10th December, 1984 entered into force 26 June 1987.

18 Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990 in accordance with article 40.

19 Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December, 1965 entry into force 4 January 1969, in accordance with Article 19.

20 Adopted by the United General Assembly resolution A/RES/61/106 of 13th December, 2006 opened for signature on 30th March, 2007 entered into force on 3rd March, 2008.

21 Adopted by OAU in Nairobi, Kenya on 27th June 1981 and entered into force on 21 October, 1986.

22 Adopted in Addis Ababa, Ethiopia, on 10 June 1998 and entered into force on 25 January, 2004.

23 Adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November, 2005.

24 Adopted in Addis Ababa, Ethiopia, on 11 July, 1990 and entered into force on 29 November, 1999.

25 Adopted by the AU in Addis Ababa, Ethiopia in July 2004 as Assembly/AU/Decl.12 (III) Rev.1. Assembly considered the implementation of solemn declaration in January, 2007.

by the Vienna Convention on Law of Treaties.²⁶ It provides that ‘every treaty in force is binding upon the parties to it and must be performed in good faith.’²⁷ The Vienna Convention further provides that in case of successive treaties relating to the same subject matter, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.²⁸

3. Constitutional principles relevant to LGBTI persons

It must be pointed out that all constitutional principles are relevant to LGBTI persons in Malawi. The principles discussed below are only highlighted because of their relevance to the cases that have been documented in this report:

3.1 Right to Non-Discrimination

Section 20 of the Constitution of Malawi guarantees the right to non-discrimination for everyone within its jurisdiction.

The section provides that; “Discrimination of any persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status”.

This provision is consistent with similar provisions in the international human rights instruments that Malawi is party to. For example, Article 1 of the Universal Declaration for Human Rights (UDHR) provides that; “all human beings are born free and equal in dignity.” Article 2 of the UDHR provides that everyone has to enjoy the rights provided in the UDHR without distinction on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or *other status*. Article 7 of the UDHR states that all human beings are equal before law and need equal protection without discrimination.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) states that all people should be treated equally even before tribunals and courts. Article 26 of ICCPR reflects the provisions in articles 2 and 7 of UDHR by emphasizing that every human being needs equal

²⁶ Adopted by United Nations Conference of Law of Treaties on 22nd May, 1969 and opened for signature on 23rd May, 1969. *Entry into force* on 27 January 1980, in accordance with Article 84(1). Official Publication in United Nations, *Treaty Series*, vol. 1155, p.331.

²⁷ *Article 26 of the Vienna Convention on the Law of Treaties*.

²⁸ Article 30(3) of the Vienna Convention on the Law of Treaties.

treatment and equal protection before the law and that there should be no discrimination.

The U.N. Human Rights Committee (HRC) in General Comment number 18²⁹ defined discrimination as 'any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.'³⁰

Articles 2 and 3 of the African Charter on Human and Peoples' Rights (ACHPR) solidify the concept that every person is equal before the law and that there should be equal protection by the law.³¹

With regard to the right to non-discrimination, international human rights monitoring bodies have made it clear that the criminalization of same sex acts is tantamount to a distinction of a class of persons on the status of their sexual orientation whose purpose or effect is the nullifying or impairing their recognition, enjoyment or exercise, on an equal footing, with heterosexuals of all rights and freedoms. The implication of this is that such criminalization has a discriminatory effect on the homosexuals.

3.2 Right to Privacy

Privacy is a word deriving from the Latin word *privatus* and connoting the ability of an individual or group to seclude themselves or information about themselves and thereby reveal them selectively.³² Most countries have laws that protect people's privacy as a human right. Section 21 of the Republic of Malawi Constitution provides for the Right to Privacy. It provides that:

Every person shall have the right to personal privacy which shall include the right not to be subjected to-

29 UN.Doc.HRI/GEN/1/Rev.1at26(1994).Available aton <http://www.unhchr.ch/tbs/doc.nsf/0/3888b0541f8501c9c12563ed004b8d0e?Opendocument>

30 Ibid, paragraph 7.

31 Article 2 states that "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Article 3(1) of ACHPR states that "every individual shall be equal before the law and Article 3(2) provides that "every individual shall be entitled to equal protection of the law".

32 <http://en.wikipedia.org/wiki/Privacy>.

1. searches of his or her person, home or property;
2. the seizure of private possessions; or
3. Interference with private communication, including mail and all forms of telecommunications.

The Right to privacy is also provided in Article 12 of UDHR and Article 17 of ICCPR.

3.3 Right to Human Dignity

Section 19 of the Constitution of Malawi provides for the right to dignity. Article 5 of the ACHPR states that: 'every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status.' Article 1 of the UDHR states that; "All human beings are born free and equal in dignity and right." Human beings are entitled to be treated as worthy of respect and concern.

The right to human dignity that is found in section 19 of the Malawi constitution is to the effect that the dignity of each person is inviolable.

3.4 The Right to Health

In the Malawian constitution, health is prescribed as one of the principles of national policy found in section 13 of the constitution. In section 13 (c) it is avowed that the state is to provide adequate health care, commensurate with the health needs of Malawian society and international standards of health care. The right to health has also been said to be imbedded in the right to development as provided for in section 30 of the constitution.

According to the World Health Organization (WHO), health is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity. The right to health is guaranteed under article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right to health contains freedoms such as the right to control one's health and body including sexual and reproductive freedoms. Everyone has the right to the highest attainable standard of health, both physical and mental, without discrimination on the basis of sexual orientation and gender identity.

The right to health falls in the category of the social, cultural and

economic rights. Under article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the right to health contains freedoms such as the right to control one's health and body including sexual and reproductive freedoms.

3.4.1 Sexual Health

The term "sexual health" was defined by Paul Hunt, the former Special Rapporteur on the right to health, as "a state of physical, emotional, mental and social well-being related to sexuality, not merely the absence of disease, dysfunction or infirmity; sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence."

Sexual and reproductive health is a fundamental aspect of the right to health. This has been explicitly affirmed by the Committee on Economic, Social and Cultural Rights, in its authoritative commentary on the right to health, in which it stated that:

...the Covenant proscribes any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health.³³

In Malawi, gay men and other men who have sex with men (MSM) have higher rates of HIV acquisition than the general population, and yet this group often has difficulties in accessing health services.³⁴

In summary, sexual rights include the right of everyone - without force, discrimination or violence - to:

³³ CESCR, *General Comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, 11 August 2000, UN Doc. E/C.12/2000/4, para. 18, at [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En).

³⁴ Fay H., Baral S.D., Trapence G., et al 'Stigma, Health Care Access, and HIV Knowledge Among Men Who Have Sex With Men in Malawi, Namibia, and Botswana', *AIDS Behav.* 2011 Aug, 15(6), pp. 1088-97, PMID: 21153432.

- ◆ Enjoy the highest standard of sexual health, including access to sexual and reproductive health services;
- ◆ Seek, receive and give information about sexuality;
- ◆ Have their body respected;
- ◆ Choose their sexual partner;
- ◆ Decide to be sexually active or not;
- ◆ Have consensual sexual relations (where both people agree);
- ◆ Get married;
- ◆ Decide whether or not, and when, to have children;
- ◆ Pursue a satisfying, safe and pleasurable sexual life.

3.5 Freedoms of Association, Expression and Assembly

Section 32 of the Constitution of Malawi states that: "Every person shall have the right to freedom of association, which shall include the freedom to form associations." Section 32 (2) states that: "No person may be compelled to belong to an association". Section 35 recognizes that every person shall have the right to freedom of expression. This report, however, shows that these freedoms have been infringed upon. Violent and discriminatory reactions have occurred when LGBTI persons have collectively attempted to come out or freely associate with someone of the same sex. Transgender persons have particularly faced significant problems in the process of their legal gender recognition. In February 2015 the Marriage, Divorce and Family Relations Bill was passed by the Malawi Government into a Law and reinforces criminalization of same sex relationships.

The Marriage bill defines marriages, unions, cohabitation, or customary marriages as being between a man and a woman, ignoring the reality of same-sex relationships, and codifying State rejection of all same-sex relationships, whether married or not.

The Marriage bill defines sex or gender as the sex assigned to a person at birth, denying equal rights to form a family to trans, intersex persons, and others whose identity does not align with that assigned at birth.

The bill validates the criminalization of “unnatural offences” (often used to criminalize consensual same-sex relations between adults) by listing a conviction of such an offence as acceptable evidence of irretrievable marriage breakdown. This same section lists rape and “unnatural offences” as similar grounds for marriage breakdown, thus perpetuating the notion that consensual same-sex relationships either do not exist or are as unlawful as sexual assault.

All of these provisions run directly counter to Malawi’s obligations to promote, protect, and fulfil the human rights all persons in Malawi, regardless of sexual orientation or gender identity. While same-sex marriage is not a priority for many Malawian LGBTI individuals, the law’s rejection of all same-sex relationships and of trans and intersex gender identity appear to promote a state policy of exclusion that most likely will permeate into other spheres, providing unspoken state support for discrimination in access to housing, education, employment, and elsewhere.

THE HUMAN RIGHTS SITUATION FOR LGBTI PERSONS IN MALAWI

Although Malawi has committed itself to the promotion, respect and fulfillment of human rights for all Malawians, LGBTI persons continue to be targeted for human rights violations. They are physically assaulted, driven from their homes through violence or threats of violence, forcing many to abandon their possessions and become internally displaced –or even seek refuge abroad.

Survivors of abuse and violence are often too scared to seek protection and justice from the police. In many cases, police officers are themselves instigators of abuse, or contribute to it, either by carrying out extortion schemes, or by subjecting individuals suspected of being gay or lesbian to cruel, inhuman, and degrading treatment, including verbal assaults, sexual harassment and forced strip-searches. Political, religious and traditional leaders not only condone these human rights abuses, but many fuel these abuses through public statements that describe same-sex intimacy as “abnormal”, “unMalawian” and “ungodly”.

Political leaders, including President Peter Mutharika, a former law professor, have continued to hide behind the “majority” by repeatedly saying they will leave the issue to Malawians to decide through a referendum whether LGBTI Malawians should be allowed to enjoy their rights or not. In doing so, they ignore Malawi’s voluntarily undertaken international human rights obligations to protect the rights of everyone under its jurisdiction without discrimination.

Malawi’s failure to take action to stop these human rights abuses and to take effective measures to enable LGBTI persons to live a life free from abuse, discrimination and violence, violates its constitutional principles as well as its obligations as a state party to regional and international human rights treaties, including the African Charter on human and People’s Rights, International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women.

FACTORS FUELLING VIOLENCE ACTS AGAINST LGBTI INDIVIDUALS IN MALAWI

Several factors fuel human rights violations on the basis of real or perceived sexual orientation and gender identity in Malawi.

1. Criminalization of same sex conduct.

In many countries around the world, sexual conduct between consenting adults of the same sex is a criminal offence. The punishments range from a few months in prison to the death penalty. Although in some cases these laws are a colonial legacy, in others criminal offences or stiffer penalties have been only recently introduced. The laws are often defended on the grounds of public morality.

In Malawi; the Penal Code³⁵ has various provisions that criminalize homosexuality;

Section 137A of the Penal Code:

Any female person who, whether in public or private, commits any act of gross indecency with another female person, or procures another female person to commit any act of gross indecency with her, or attempts to procure the commission of any such act by any female person with herself or with another female person, whether in public or private, shall be guilty of an offence and shall be liable to imprisonment for five years

Section 153 of the Penal Code:

Any person who (a) has carnal knowledge of any person against the order of nature; or (b) has carnal knowledge of an animal; or(c) permits a male person to have carnal knowledge of him or her against the order of nature, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

Section 156 of the Penal Code:

Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, shall be guilty of a felony and shall be liable to imprisonment for five years.

The existence of these laws enables many of the human rights violations against LGBTI individuals. As the UN Special Rapporteur, Mr. Dainius Pūras on Right to Health has acknowledged, the existence of laws criminalising same-sex sexual acts reinforce existing prejudices, and legitimizes community violence directed at affected individuals.³⁶ Similarly, the Special Rapporteur on extrajudicial executions noted that criminalization increases social stigmatization and makes people “more vulnerable to violence and human rights abuses, including death threats and violations of the right to life, which are often committed in a climate of impunity.”³⁷

2. Incitement to violence by religious and political leaders.

In Malawi, religious leaders have an enormous influence on public opinion and many Malawians have faith in them. This is according to a recent survey by continental pollster, Afrobarometer. According to the survey, 79% of Malawians have “somewhat” or “a lot” of trust in religious leaders³⁸. Most people in Malawi reflect views of religious leaders.

In the reporting period, several Malawian leaders have routinely made derogatory and inflammatory remarks in CEDEP and CHRR view, that have amount to hate speech against the LGBTI community. One of the religious who has been in the forefront in this onslaught is Reverend Bishop Joseph Bvumbwe of the Evangelical Lutheran Church. Bvumbwe, who doubles as board chairperson of the Malawi Interfaith AIDS Association (MIAA) has repeatedly denounced same-sex intimacy as “abnormal”. He has also accused human rights activists of “deliberately misleading Malawians” and “hiding behind human rights and HIV and AIDS to promote homosexuality.”³⁹

Senior leaders of the Church of Central Africa Presbyterian (CCAP), one of the largest Christian denominations in Malawi, have also participated in the verbal offensive against LGBTI persons. In August 2015, Moderator of the CCAP Livingstonia Synod, Reverend Douglas Chipofya, urged President Peter Mutharika “to be bold like Kenyan President Uhuru Kenyatta and reject calls for gay rights.” Chipofya made the call on Saturday August 8, 2015 during the Ngoni annual cultural festival known as *Umthetho*. Chipofya described homosexuality

36 A/HRC/14/20, para. 20. See also the concluding observations of the Human Rights Committee on Togo (CCPR/C/TGO/CO/4), para. 14, and E/CN.4/2000/3, para. 116. Retrieved on 09/08/2014.

37 http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf retrieved 12/08/ 2014.

38 <http://www.afrobarometer.org/countries/malawi-0> (also see <http://www.nyasatimes.com/2015/03/05/malawians-trust-religious-leaders-army-afrobarometer-survey/>).

39 MIAA Press Release, “Alleged marginalization of gays to access health services in Malawi,” October 2014.

as “pure evil” and “animal-like behaviour”.⁴⁰

Chipfoya had been asked to offer an opening prayer at the occasion; but instead of going straight into the prayer he started attacking homosexuals, asking the President to stand firm against what he described as “alien cultural influences”. Chipfoya was quoted in the local media as saying: “*Let me be honest, homosexuality is pure evil. I appeal to you, the State President, to do as your Kenyan counterpart did to Obama. As a church and as Malawians, we ask you to say no to this evil.*” (Sunday Times, August 9, 2015).

President Mutharika himself has not explicitly revealed his personal stand on LGBTI issues. However, he recently told Malawians through the *Talk to the President* programme on taxpayer funded MBC TV that he will leave the issue to Malawians to decide –implying that defending the rights of LGBTI Malawians is beyond him.

Opinion surveys and research have been conducted in Malawi to measure the attitudes of the general population towards LGBTI persons. These surveys, including the Afrobarometer, as well as studies by CHRR and CEDEP⁴¹, have found high levels of negative attitudes towards LGBT persons. The Afrobarometer survey of 2012, for example, showed that “overall, 94% of Malawians do not think that same sex couples should have the right to be in relationships.”⁴² According to the survey results, disapproval of same-sex relationship is above 90% across the country whether by location, region or sex. The results also indicate that the highest disapproval rate is in peri-urban areas (99%) and lowest in cities (92%) while the disapproval rates are almost identical among men (94%) and women (95%). Biased, outdated and incorrect information on what constitutes sexual orientation and gender identity as well as negative speeches against LGBTI persons by religious and political leaders, has contributed to the shaping of such negative attitudes.

3. Failure by the Malawi Human Rights Commission to investigate LGBTI rights violations.

Section 13(a) of the Human Rights Commission Act says the Commission will be source of human rights information for the government and the people of

40 <http://www.nyasatimes.com/2015/08/09/no-to-gay-rights-in-malawi-ccap-spiritual-father-tells-mutharika-to-be-bold-like-kenyas-uhuru/>.

41 CHRR, CEDEP 2011. Study concerning knowledge and perceptions of Malawian people on same-sex relationships, lesbian, gay, bisexual, and transgender persons (LGBT).

42 Afrobarometer 2012 study results as reported by Thom Chiumia, “Malawians against same-sex relationships, Afrobarometer survey reveals”, Nyasa Times, September 5, 2015.

Malawi. Section 13(b) of the same Act says that the Commission will educate Malawians on issues of human rights. In addition, section 14(b) of the Human Rights Commission Act puts an obligation on the Human Rights Commission to examine legislation and judicial decisions in Malawi to ascertain whether they comply with human rights standards and advise accordingly. Section 14(c) of the same Act gives powers to the Human Rights Commission to ask for a repeal or amendment of any law where it thinks that a particular law is not in line with human rights principles. Section 14 (f) of the Human Rights Commission Act puts a legal obligation on the Malawi Human Rights Commission to make sure there is harmonization of local legislation with international human rights instruments. Section 22(e) of the Human Rights Commission again puts an obligation on the commission to make recommendations to any authority on amendment or reforms of laws.

But despite all the above provisions, the Malawi Human Rights Commission has maintained a stony silence on violations against LGBTI persons. On many occasions, the Commission has been in denial on LGBTI rights violations. For instance, in July 2015 the Commission, through Commissioner Marshal Chilenga and Ambassador Sophie Kalinde, made a statement at the United Nations in Geneva, alleging that LGBTI persons are not discriminated against in Malawi. In making this statement, the Commission ignored evidence of the prevalence of violence and discrimination against sexual minorities in Malawi, presented by CHRR and CEDEP and other organisations. The Commission also ignored the Legal and Policy Environment Assessment (LEA) conducted by the Department of Nutrition, HIV and AIDS in the Ministry of Health in Malawi, formerly in the Office of the President and Cabinet, which acknowledged the prevalence of abuse against sexual minorities. The Department, among other things, acknowledged that there is "a low uptake of health services by LGBTI persons due to structural and legal barriers which either drive sexual minorities underground due to fear of prosecution"⁴³.

The Commission told the UN that they have not received any complaint of discrimination on the basis of sexual orientation or gender identity. Perhaps this is partly so because LGBTI persons have no trust in the Commission and fail to report violations. It is clear to all and sundry that there is a deliberate failure by the Commission to protect sexual minorities from discrimination both in policy and legislation. Not long ago CEDEP complained to the Commission when its Offices were raided by the Police and the Commission did not respond or acknowledge receipt of the complaint.

⁴³ Office of the President, Assessment of Legal Environment For HIV/Aids In Malawi.

There is also a worrying ambivalence at the heart of the Commission's attitude towards the legal protection of sexual minorities in Malawi. Recently, the Commission blatantly refused to join a case in which the High Court of Malawi was seeking to review the cases of three people convicted under section 153 (a) of the Penal Code. The Registrar of the High Court had issued a notice in the newspaper asking the interested parties to join the case as Amicus Curiae and make submissions. The Court specifically requested the Commission to join the case and make submissions and advise the court on the constitutionality of the sodomy law. However, the Commission refused to join the case on the pretext that the call by the Court was not mandatory.

The Malawi Human Rights Commission's inaction reinforced the view that LGBTI persons deserve to be arrested and jailed because of their sexual orientation or gender identity or gender expression. Furthermore, the Commission's lack of interest in LGBTI human rights issues sent a message to the broader population that violence and discrimination on the basis of sexual orientation and gender identity or expression is acceptable, and that human rights do not apply to LGBTI people. This creates an environment in which harassment, intimidation and violence against LGBTI people can flourish, and people can perpetrate such acts with impunity.

CHAPTER 2:

VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION

LGBTI persons run a serious risk of becoming victims of a hate crime or a hate-motivated incident, especially in public places and within a family setting.

Moreover, some state agents, such as the police, have been involved in physically assaulting and harassing LGBTI persons. Often LGBTI persons do not report such violence to the competent authorities due to lack of trust in law-enforcement agencies, who often have similar attitudes and no training in investigating effectively such hate-motivated crimes and incidents.

The consequences of discrimination and violence on the basis of sexual orientation and gender identity are far-reaching. The outcomes based on the analysis of the 40 documented cases in the report shows that fellow citizens suffer discrimination in access to education, work, and health care including HIV services; are rejected by their families and communities; are forced to 'live a lie' by hiding their sexual orientation; live in fear of arrest; are subjected to blackmail, abuse and violence including sexual violence, and are unable to get the protection of police when they are victims of crime. Rejection by family members and society in turn causes isolation, depression and hopelessness.

The risk of arrest, violence, harassment and social discrimination associated with sexual orientation or gender identity often prevents LGBTI persons from openly expressing their sexual orientation. This in turn makes it difficult for service providers to deliver essential services, such as information about how to prevent the transmission of HIV and other sexually transmitted infections (STIs) to people that need them⁴⁴. This is compounded by the fact that due to the underground nature of most homosexual activities, the extent to which the vulnerability of same-sex practicing men to HIV and STIs is increased cannot be fully assessed.

A number of recent studies have shown that some gay men and MSM hide their sexual orientation by having multiple concurrent relationships with women who also have sexual relationships with heterosexual men.⁴⁵

44 'Closet case: How intolerance fuels Africa's AIDS crisis' Time World 21 July 2009 available at <http://www.time.com/time/world/article/0,8599,1911757,00.html>.

45 Johnson CA (2007) Off the Map: how HIV programming is failing same-sex practicing people in Africa, IGLHRC, p39, www.iglhrc.org.

In the end, everyone is hurt by this culture of intolerance and hatred.

The next section presents cases of human rights violations against LGBTI persons that were documented during this reporting period.

1. **Violation Perpetuated by the State.**

Access to Health.

Abducted, abused and beaten.

Mabel a gender conformity, was abducted for over 6 hours while been beaten and verbally abused before being released--which later followed with the arrest of the perpetrators in October, 2014. The two men who abducted Mabel are a husband and a brother to Mercy, a woman with whom Mabel has had an affair with. Information has it that the husband had been seeing the two together but never imagined that anything was going on between them. Here is Mabel's story in his own words:

It was just like any other day at the Football hostel as I was preparing for the day's training session with my friends when I received a call that I had a visit who wanted to see me. Mercy's husband got the news that I was in a relationship with his wife and he came for me, along with another man. As soon as I walked out, Mercy's husband started beating me while verbally abusing me by calling me all sorts of names. I tried to escape but was powerless in the arms of the two men, who dragged me to the street. I had no idea to where they were taking me. My friends lost track of where they were taking me. That was when they had to contact CEDEP office in Blantyre, unfortunately all the staff members were in Lilongwe. An arrangement was made by CEDEP to involve one of its peer educators who took up the issue together with the remaining friends who started searching for me.

Not only was I beaten, but Mercy was also beaten severely by her husband.

Through the Peer Educator and contact from the CEDEP office, Mabel's friends were advised to go to the police and report on the case but it was very difficult to convince them as they were afraid. They claimed that since the abductor is a very influential man in the society, they were afraid that if he gets released, he will victimize them even more. The second fear was that the police will question

and probably ask them many questions about their sexuality.

Mabel continues:

As my friends were contemplating on these challenges, I appeared back in the hostel and I had sustained injuries that left cut on the upper left eye, another cut on the right leg, swollen face and body pains from the beatings. Through CEDEP arrangement, I with my friends went to meet a lawyer and later with the lawyer we went to the police station. After the police, I had to go to the Queen Elizabeth Hospital for medical care. Regardless of Mabel receiving the medical care (which was arranged by CEDEP), the nurse rebuked me and asked that when coming for the checkup, I would have to dress "like a woman".

Police followed up on the case and Mercy's husband was arrested.

Access to Education.

Readmission of a Gay Student at Tertiary Institution.

Chancy is a student at the Mzuzu University and he identifies himself as gay and still in closet. Fellow classmates discovered his sexual orientation through a secret group of same-sex dating on Facebook page. The rumour quickly spread around the college campus. The situation got worse when other homophobic students kicked him out of the hostel, destroyed his clothes, and other valuable items. He was even excommunicated from his religious fellowship group, SCOM [Student Christian Organization of Malawi]. For fear of confronting his fellow classmates, Chancy opted to withdraw himself from the university. He liaised with the university authorities whether there was a chance for him to return back to the institution two years later. It was a very hard decision for the some of the university authorities to accept him back. He was only accepted back into college under a different name, because his old name had turned into a laughing stock in the university.

Access to Justice.

Trans-woman sought refuge with Malawi police.

In November 2014, Chipiliro, a popular trans-woman who dresses in female clothes, sought refuge from Malawi police in order to avoid being beaten up by angry homophobic youths. This had happened during a Carlsberg party at Chibavi Community Ground. Here is Chipiliro's story in her own words:

During this party some of the patrons got too drunk and gained confidence to ask me why I dress up in female clothes since I was a man. I failed to respond to their question and was beaten up severely. In the process I lost my purse and cell-phone and I sought protection from the security police officers present. The angry mob was dispersed. They opted to finish their business with me after the party. When I realized the angry mob was waiting for me after the party, I asked the Policemen to take me to Mzuzu police station for my own safety until dawn. They agreed and took me to Mzuzu police station at around midnight and I slept in an empty cell with no blankets. In the early morning hours I called CEDEP office in Mzuzu, which later rushed to rescue me but opted not to lay any charges against the attackers even though I knew them very well.

2. VIOLATION OF HUMAN DIGNITY PERPETUATED BY THE RELIGIOUS COMMUNITY.

Right to Religion.

Exclusion From Church And Community Activities And Lack Of Trust To The State - Police - Emotional And Psychological Abuse.

The Case of Davison , in Dedza

In Dedza, 36- year old Davison was beaten up by an angry mob following rumours that he had had sex with another man. The incident happened at Njonja, near Lobi Trading Centre on a market day.

On that day, Davison had gone to the market to do some shopping. There, he met a man who convinced represented to him that he was gay. After a brief conversation, Davison invited the man to his house for a "chat".

Later that evening, as the man was leaving, Davison noticed that his mobile phone was missing. When he asked the man if he had seen the phone, the man got angry and threatened to "tell everyone in the village" that he was gay. Fearing a public backlash, Davison gave up and allowed the man to leave. But, unknown to him, the man proceeded to Thete Police Station, where he reported the incident, revealing Davison's closely guarded secret.

The Police later summoned Davison for questioning. The Police showed him the statement given by his friend indicating that he had had carnal knowledge of him against the order of nature, and asked him to “save himself” by paying money. When Davison failed to “adequately” save himself, the Police detained him.

When news of his arrest spread to the community, some people flocked to the Police Station, demanding his immediate release. Fearing for their lives, and the safety of the police unit, the police officers handed him over to the angry mob.

The mob grabbed him and beat him up severely. Then they dragged him back to the village where some people attempted to throw him in a well. Davison thought he was going to die. Fortunately, a former Member of Parliament for the area was passing by. When he saw the commotion, he intervened, pleading with the crowd to spare his life. That’s how he was saved.

Davison was extremely traumatized by the incident. Afterwards, he was unable to leave his house for days for fear of further attacks. At one point, he contemplated suicide.

That incident changed Davison’s life forever.

Previously, Davison was a respected member of a local church. He even had a position in the church choir and was secretary for the Parish Council. After the incident, he was told that he was no longer welcome in the Church. He was also forced to give up church books and told that he was no longer secretary for the Parish Council. He was labeled an outcast and a disgrace to the Church and to his community.

During an investigation, some of his old friends confided in our investigating officer that Davison now drinks heavily and rarely associates with other community members.

In this case, a number of human rights violations are noted. Mob Justice denies the victim the fundamental right of being assumed innocent until proved guilty. Police abuse is contrary to constitutionally guaranteed rights, including the rights to fair trial, security of person and freedom from torture or other cruel, inhuman, or degrading treatment.

Disowned for being a Lesbian

Asathe is 28 years old and has been involving in the church youth services from childhood, but it all changed when there was growing suspicion and the Church authorities started seeing changes in her as said by the Church Observation. According to the Church's observations - *Asathe was showing some behaviors which deemed to be of boys*. But nothing was there as evidence to incriminate her until one fateful day when the youth went on a church trip.

Asathe recalls:

I was so close to my friend in the church and we used to refer to each other with an affection name of Darling and culturally I think the word of affection between same sexes is seen as unnatural way of communicating to the same sex. And with the way I was referring to my friend the church authority confirmed of their doubts on me.

The Church Authority took the issue to the Church Disciplinary Committee and my parents were consulted and informed on how, according to the committee, I was acting strange as a woman and they were advised to check on my behaviors. Since my parents were already suspecting me of being different they decided to chase me and have me live in another village. Their argument for chasing me to another village was to make a good profile for my parents to the church and to avoid their reputation being ruined.

While I was in village, which borders Machinga and Mangochi, I heard that the church made an announcement based on my story that the church does not permit the existence of lesbian and made a plea to parents to advise their children this was in reference to me and the Church announced this without hiding my both names. The church not only mentioned, my name, they even mentioned my parent's names, which brought shame to my parents, forcing them to leave the church in shame and join another church. My parents still live in shame till now.

3. VIOLATION PERPETUATED BY FAMILY AND COMMUNITY MEMBERS

Collective Human Rape by Uncle.

Many lesbians in Malawi report having been sexually abused by family members-- which most often occurs within private spaces in their households. There is a belief that for one to be a homosexual it means that you have been paid by the *anzungu*⁴⁶.

Dumisa who had nothing to do with men and she was growing and people started to wonder if she hated men. The family started following her movements and discovered she was different, they discovered that she had much more interest on girls than boys and that she was mostly competing with boys in her actions. Dumisa was raped more than once by her own uncle.

This happened when after I had confessed to my mother that I had no interests for men but fellow girls. My mother got furious and informed my uncle.

My uncle, upon hearing this, had to beat me her up and told me to change the *"unforeseen behavior."* He went on to say *"This has never happened in this family and it will not start with you and if you have been paid to humiliate this family return the money because I will kill you with my hands"*.

As time went by and did not change, my uncle thought of raping me, thinking that I will learn to appreciate men. In his defense he said I should get to know how sweet the dick was, and he continued raping me. I was being raped for three times and later when my family discovered that I was not changing my sexual behavior, I was chased from my home and I started staying with friends.

While staying with my friends, I discovered that I was pregnant and went back home where I was accepted. Currently, I am staying with my mother who behaves ignorant of the rape by her brother and she doesn't want to disclose on the paternity of the child. I still live with my mother but am not happy with what my family did to me.

46 Nzungu is a bantu word meaning a white person.

"I was outed by my Sister"

Martin a 25 year old young self-identified gay man, who lives with a sister in Blantyre, described how his sister outed him to his family members. He was physically abused while being forced to direct the family members to the house of his partner, Collin, and confront Collin's family about their relation to be forgiven. Not only was Martin physical assaulted, he had no access to justice to report the case, and right to belonging to a particular family and right to privacy were all violated.

Here is Martin's story in his own words:

I have been dating Collin for over a year while I was staying with my sister and her husband. Collin was a family friend and was close to my sister. Our affair was going on too well until one day, when my cell phone broke and needed to be worked on by a technician. My sister was the one who knew the technician, so she took it for repairs. Two days later the phone was repaired and was handed over back to my sister. Upon receiving the phone, my sister decided to switch the phone on and went through the phone's messages, and photos and discovered private photos and messages of me and my partner.

My sister and her husband confronted me and I had to accept that I was in an affair with a man, and that I was sorry.

My sister felt betrayed by both me and my partner being a family friend. She pretended as if all was well with me and my sexual orientation. Little did I know that she has been going around telling everyone in the family until the visit from my older brother from Lilongwe, who, together with my sister and her husband, asked and confronted me on the relationship with my partner of which I accepted and apologized for.

They later gave me an ultimatum to go to my partner's house to confront him in the presence of his family. If I will do this, then my family will forgive me.

I refused and thus when my brother started beating me severely and I was thrown out of the house with no extra clothes or money for food. That same night I left and went to sleep over at one of my friend's house. I called Collin and told him what had happened

and Collin agreed to meet me the next day. Unfortunately, when I called back the next day, Collin's phone was switched off. So I tried to go to his aunt, who took me in for two days, but when my family members realized that Collin's aunt was keeping me, they came and threatened to throw the aunt out of the plot she was renting from my family property. This left me homeless as I was left to change houses every night. Most of the times I slept on an empty stomach.

I am told I have HIV because I am Gay.

With HIV, stigma and discrimination has been witnessed in so many cases all over Malawi and many people with HIV suffer so many challenges. There is a more complicated situation when one is living with HIV and at the same time identified as a homosexual. Either of the two is enough to warrant discrimination and stigma in the communities where people live.

Justin is one person experiencing this double stigma in his life, as he recounts;

I was going through a series of sicknesses before I was eventually taken to the hospital on the 4th of September, 2014 and was found that I had TB. The worst bomb came when I was also told that I had tested positive with HIV. The guardian by then was my sister who also got to know about my HIV status. All along, my sister had been suspecting me of being a homosexual. My sister went ahead and started telling some relatives who came to visit me while in the hospital about my [HIV] status and my sexual orientation. My sister claimed that, if I had not been sleeping with other men, I would not have contracted the HIV disease.

I stayed in the hospital for about two weeks, and every day was full of torments and verbal abuse in so many ways and I felt so bad about this and decided to talk to one of CEDEP's officers about it. The officer visited me while in the hospital and later on when I was discharged. When I got home, the insults continued and it got to a situation where I could not take it anymore and started on contemplating to commit suicide.⁴⁷

47 On the last visit the CEDEP officer made to Justin's home, they talked and encouraged each other and Justin was able to reveal his suicidal plans and felt lighter and decided to ignore the insults. As of this writing, Justin is well and has left the village and secured himself a job.

Gay people Accused of Causing Floods in Malawi.

In January 2015, Malawi was massively hit with a natural disaster in a form of floods that had affected 15 districts in Malawi, mostly in the south, with Nsanje and Chikwawa being the worst hit. Nearly 200 people lost their lives, with more than 150 still unaccounted for.⁴⁸

In one of the district affected by the floods, two young men, Arthur and Patrick, who are perceived to be gay by the community were thrown out at one of a relief centres by other flood victims. The two were thrown out because of their perceived sexual orientation which the community members believed had brought the natural disaster into the community. In the process Arthur and Patrick were denied to social services like shelter, and the right to being protected by state.

All these human rights violations were as a result of the community's belief and attitude that is rooted in myth surrounding homosexuality.

According to Arthur, he will never forget the events of January 11, 2015:

I was sleeping in my house when suddenly I felt some sort of heaviness and I couldn't feel my legs anymore. The next thing I can remember is that I was being carried by some men and taken to some place where there was a tent. In the tent, from the look of the other people, I was the only that had sustained minor injuries mainly on my left leg.

From the tent that night, I was taken to a school center where other people were lodging and this is where I met Patrick, my close friend. After some two hours, I and Patrick were allocated to a classroom where we were to temporarily lodge. We were provided with blankets, some soap and body cream.

When we entered the classroom and were trying to find and prepare space to rest, one woman who is identified as a sex worker around the community raised her voice and called our names and said, '*Kodi ma gay alinso mom'muno?*' (So, we also have gay men in our midst?) while pointing her finger to us.

This created an environment where everyone in the room

48 "Malawi floods kill 176 people," The Guardian, 15 January 2015.

wanted to know us. And the people in the classroom stormed on us with so many abusive and swearing words while accusing us of bringing the calamity in the district and ordered us to move out.

The commodities given to us were taken and we were left with nothing. We went out in the street with no food and shelter and had to walk to the District Commission's office for lodging.

A transgendered woman banished from home village.

Recently Malawi has had cases of old persons been accused of causing death and teaching witchcraft within their families and this has not left the community to even accuse the sexual minority groups in Malawi. It seems that the community in Malawi discriminate against the minority groups by associating the group with negative impacts in families and the community that is within the cultural harmful beliefs. These cultural beliefs factors contribute to the attitudes that create more discrimination, which leads to more human rights violations for the community. Due to this harmful cultural belief, John a transgendered woman was banished from his home village in Dwambazi, because the family suspects he has caused multiple deaths in his family annually.

John remembers:

Lately in my family there have been multiple deaths and I have a strong believe that my family consulted a traditional doctor who advised them that I their son was possessed by a powerful female spirit that is causing multiple deaths in the family.

Therefore, my family informed me that the traditional doctor informed my family that he needs to perform rituals for the family in order to remove the evil spirit from me.

Upon hearing this I had to run away from the village and sought refuge in Mzuzu and I have since been banished from the village, unless I undergo through the cleansing ritual. In the process I have lost my entire livelihood.

“Fear of Becoming the Next Target” The Case of Sam in Karonga.

In Karonga, 30-year-old Sam and his friend were roughed up by a mob on the basis of their perceived sexual orientation.

The incident happened at a drinking joint near Lake Malawi, where the two had gone to have fun. When the two got to the dancing floor to dance, two men approached them, asking whether they were in a relationship.

When Sam denied being in a relationship with his friend, the men accused him of lying and started beating him up. His friend managed to escape, but Sam was badly beaten.

Sam did not report the incident to the Police for fear of arrest. After Since the incident, Sam is afraid to go clubbing and is afraid to move at night. He fears that his attackers might attack him again.

Many LGBTI individuals live in fear of violence and abuse, either because they have witnessed abuse of others or because they have heard from others about such abuse. The LGBTI community is so closely knit that an attack on one becomes an attack in all. In Karonga, 5 members of the LGBTI community told our investigating officer that members of the LGBTI community in the district were afraid to go out at night for fear of “becoming the next target”.

The Case of Shaun in Lilongwe.

In Lilongwe, 37-year-old Shaun was beaten up by an irate mob on suspicion that he was having a sexual relationship with his male helper. The incident happened early in August 2015.

In an interview, Shaun revealed that he was employed by a certain businessman in the city to run the man’s chips kiosk, popularly known as ‘*chiwaya*’, at the location’s market. Things were going on well for him until rumours circulated in the area that he was involved in a sexual relationship with one of his assistants at the stall.

During a visit by our investigation officer, it was alleged that after work Shaun and his assistant would go to Shaun’s house where the assistant would act as his wife, cook for him and wash his clothes like wives do to their husbands. It was, therefore, concluded that the two were having a gay relationship.

One evening, some “leaders” in the area organized a mob to go and attack them so as to send a message to them that gays are not allowed in the area. Shaun

and his friend escaped unhurt, but the food stall he was running was badly destroyed, and the merchandise looted by the irate mob.

When the owner of the food stall heard what had happened, he became furious and ordered Shaun to pay a sum of MK65, 000 as compensation for damage and loss of business. The money was way too much compared to the damage, but the owner threatened Shaun that he would get him arrested if he did not pay the money. Fearing arrest, Shaun sold some of his belongings in order to raise the funds.

After paying, he left the area and went to live in another township. Barely a few days later, Shaun started receiving death threats in form of text messages, warning him to give up his "lifestyle" or face "a painful death"⁴⁹. Shaun is currently living on edge, fearing that someone could attack him any time.

A few weeks ago, a sympathizer offered Shaun the opportunity to work in his bar as a barman. But Shaun declined the offer for fear that someone would recognize him and attack him.

On 31st August 2015, Shaun came to CHRR's offices. He said he was considering to go somewhere, outside the country, where he could live with his partner - to use his exact words "without having to look over his my shoulders".

4. **VIOLATION ON THE RIGHT TO EMPLOYMENT.**

Gay quits Job.

Madziko was working in one of the commercial banks in Malawi until one day his workmates found out the he was gay. The rumor about his sexual orientation went on for close to 9 months in the bank before he made a decision to resign and vows not to work in the banking sector:

I was already aware of the rumors that went round in town that I was having a boyfriend. But the rumors came true when I broke up with my boyfriend. I must admit that things did not go well with my ex-partner when the relationship ended that he opted to disclose our secret affair to my fellow workmates in the bank. The rumors went on for close to some months before I finally decided to quit as I would not handle the workmates' attitudes and the rumors around my workmates. I stayed home for close to 9 months before I got another job.

49 This is a reference to Robert Chiwamba's famous poem, Udzafa Imfa Yowawa.

5. VIOLATIONS AGAINST INTERSEX PEOPLE.

People with intersex variations face stigma, discrimination and violence. Intersex babies and children are widely subjected to “normalizing,” non-consensual, harmful surgeries and other medical interventions, with life-long consequences, including sterilization and genital mutilation.

In the old days, in Malawi, children born intersex were murdered. They were killed because people believed that if allowed to live, such children would grow up to become sorcerers. The desire to exterminate those that are ‘different’ has not completely vanished among our people. It is still there, evident in the number of reported cases of abuse and violence against people whose gender identity is different from the norm. Some of the cases that we documented are presented below.

Intersex boy harassed, forcibly undressed

On Tuesday 3rd March 2015, Chifundo was out playing with friends when a group of about four men confronted him, demanding to know whether he is a boy or a girl. One of the men grabbed him and forcibly undressed him. At the time, Chifundo was nearly 11 years old.

The incident, which happened in Salima District, left Chifundo devastated emotionally and psychologically. His mother said he had refused to eat for days and had been crying and refusing to come out of the house. For three weeks he was unable to go to school.

Through this incident, Chifundo’s right to privacy, enshrined in section 21 of the Constitution of Malawi, Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), was violated. The incident also violated Chifundo’s right to dignity, enshrined in section 19 of the Constitution of Malawi and article 5 of the African Charter on Human and People’s Rights (ACHPR), which states that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. The act also violated Chifundo’s rights enshrined in the Convention on the Rights of the Child (CRC) and provisions of Malawi’s Child Care, Protection and Justice Act of 2010.

Unfortunately, Chifundo is no stranger to such acts of abuse and violence. Ever since he was born, his life has been marked by stigma, discrimination and violence. His mother told us in an interview that when he was born at Salima

District Hospital, nurses told her that she had delivered a “baby boy”. Soon afterwards, another midwife came and told her that she had delivered a “baby girl”.

Later that day, as the midwife bathed him, she was dismayed to discover that the baby had atypical sex characteristic. She was confused. She had been to a nursing school but she had never heard of the word intersex.

Some old women related to the boy’s father suggested killing the baby because this was *malodza* (abomination). They claimed that if the baby was allowed to live, he or she might turn into a witch and destroy the village. However, something told the parents not to do anything that might harm their baby. But, convinced that their child was a girl, they gave him a feminine name, dressed him in girly outfits and even plaited his hair. But not long after learning to speak, the boy declared to his parents: “I am a boy.” At first, his parents ignored him, thinking that it was a phase that would soon pass. But, in the next few days, they were surprised to see that their ‘little girl’ was actively rejecting everything feminine, and gravitating toward everything masculine and preoccupying him with stereotypically boyish activities.

Since then, Chifundo has increasingly faced discrimination and undue attention within his community and at school. In 2013, he was forced to drop out of school because his classmates had become increasingly inquisitive about his gender identity.

Intersex woman accused of witchcraft and “making another woman pregnant”.

Aida is an intersex woman living in a rural village in Salima District. She is intersex, meaning that she has both male and female sex characteristics, though she refuses to give further details about that. During a chat, Aida simply stated, “God made me the way I am and I accept myself”.

At 44, Aida is still unmarried and lives by herself. Some people find this hard to understand. In 2014, there were speculations within her community that she may not be a “real” woman, despite the fact that she was born and raised as a girl and has lived as a woman all of her life. These allegations were accompanied by a wave of malicious rumours alleging that she is actually a man ; others alleged that she had made one of the women in the village pregnant. While ‘the facts’ of the rumours are unimportant to this report, what is of interest is the impact that these rumours have had on her life. The rumours of the ‘pregnancy’ spread

so much, and caused quite a stir within her community, that she was forced to 'go away' for some time. She was accused of witchcraft. Others accused her of practicing "Satanism" and subjected her to all sorts of verbal and emotional abuse.

Further conversation with Aida revealed the troubling depth of abuse that she has suffered right from childhood. Aida disclosed that she never went to school as her parents wanted her to stay at home to help with household chores. All her siblings went to school; some are even teachers. As a child, Aida was also not allowed to associate with her friends. She was under strict instructions to always keep her body covered up and never to play with boys. This may have contributed to her becoming an introvert.

Listening to Aida's story, one reads a lot of rights violation; the violation of her right to equality and non-discrimination enshrined in section 20 of the constitution of Malawi; the right to family and marriage enshrined in section 22 and, as a child, violation of the right to education (since she was not allowed to go to school) and violation of the rights of children under section 23 of the Constitution of Malawi, which stipulates that all children, regardless of the circumstances of their birth, are entitled to equal treatment before the law.

CONCLUSION

This report has presented a discernible pattern of discrimination and violence on the basis of sexual orientation and gender identity or expression in Malawi. Measures need to be taken by state and non-state actors in the country to address these violations urgently. Some non-governmental organizations are already taking action to address this violence and discrimination; however, the silence of state actors is worrisome. Such a silence sends the wrong message to the broader population that violence and discrimination on the basis of sexual orientation and gender identity or expression is acceptable, and that human rights do not apply to LGBTI people. This creates an environment in which harassment, intimidation and violence against LGBTI people can flourish, and people can perpetrate such acts with impunity.

RECOMMENDATIONS: *One Struggle on many fronts.*

Malawians did not vote for their bill of rights, therefore human rights issues affecting the sexual minorities should not be subjected to a referendum. **The state should abandon calls for a referendum as a solution to resolving human rights issues for the sexual minorities in Malawi.**

To Members of Parliament

1. Create a room for recognition of the key population in the legal documents for their rights for the promotion and protection of the key population's rights not only in the sexual reproductive aspect but in all the key population's life, be it at social, economic level just to mention as there is a fact that the LGBTI community is recognized in government strategic documents and also applied in the application of national grants such as the Global Fund.
2. Have a human right committee within the Parliament that should specifically look at human rights issues.
3. Criminalize and enact legislation on hate speech and practices that promote discrimination and violence based on sexual orientation and gender identity.

To the Minister of Justice

1. Ensure that victims of violence based on sexual orientation and gender identity have access to effective and adequate remedy domestically.
2. Fight impunity for violence based on sexual orientation and gender identity perpetrated by state and non-state actors.

To The Minister of Home Affairs

1. Continue to advice the police not to arrest individuals based on the perception of one's sexual orientation and gender identity, as based on the memorandum signed by the former Malawi President.

To The Inspector General of the Police

1. Zealously investigate all allegations of violence perpetrated against marginalized groups in Malawi as a based on the responses from the UPR in May, 2015 by the Malawi Government.
2. Take steps to ensure that all Police Officials respect the Moratorium which the Government has re-affirmed on the arrest and detection of the sexual minorities in Malawi.

To The Minister of Health

1. Commit to supporting the scaling up of HIV Programmes for the key population as stipulated in the HIV policy and HIV Prevention strategy (2015 -2020).
2. By ensuring that Health Service Officers abide by Oaths to serve the Public without stigma and discrimination on the basis of gender identity and expression when accessing health services in Government health hospitals.

To the Minister of Information and Civic Education

1. Conduct sensitization and awareness- creation programs for the general public on the universality of human rights and government's commitment to curb violence against LGBTI individuals --as accepted during the UPR session in May 2015.

To the Minister of Gender, Children and Social Welfare

1. Recognize LGBTI human rights violation as gender- based violation cases with reference to the UPR recommendation.
2. Mainstream LGBTI human rights needs in the gender programmes aimed at equal inclusion and participation.

To Minister of Local Government

1. Ensure that access to housing is not denied based on an individual's sexual orientation and gender identity.

To Ministry of Education

1. Include a comprehensive sexuality as a subject in the school curriculum with the purpose of reducing stigma and discrimination in public and boarding schools.
2. Ensure that the teachers have an in- service training on how to handle SOGIE rights and issues in schools.

To The Malawi Human Rights Commission

1. Conduct Public awareness of the violations against LGBTI persons in vernacular language as this will remove negative attitudes towards the LGBTI persons with regard from the UPR recommendation in May 2015 accepted by the Malawi Government with the Ministry of Education and Information.
2. Conduct thorough investigations of cases of violence based on sexual orientation and gender identity and hold those accountable, whether they are state or non-state actors.
3. Continue to working with other rights bodies working in the area of LGBTI rights, such as CEDEP and CHRR, to hold government to account for its promise (made during the Universal Periodic Review) to take effective measures to curb violence against LGBTI individuals and bring perpetrators to justice.
4. Comply with section 14(b) of the Human Commission Act to examine legislation in Malawi to ascertain whether they comply with human rights standards and advise government and the general public accordingly.
5. Establish a monitoring and reporting desk within the Commission, purposely to handle and document human rights violations on the basis of sexual orientation and gender identity, inform about trends pertaining to LGBTI rights and make recommends accordingly.
6. Create and regularly update a database of the various forms of discrimination and violence based on sexual orientation and gender identity in all the states as well as human rights bodies in order to ascertain the magnitude of the problem.

To Civil Society Organization.

1. Ensure that Human rights and HIV programmes mainstream the sexual minority rights.
2. Create strong and effective CSO networking and collaboration on sexual minority programmes in Malawi.
3. Jointly apply for grants that safeguard the sexual minority rights.
4. Jointly conduct advocacy campaigns for the inclusion and protection of the sexual minority rights.
5. Embark on more advocacy programmes on sexual minorities' rights.

To The Council of Churches and Muslim Association.

1. Engage in the promotion of love and unity for all in Malawi, regardless of gender identity, gender expression or sexual orientation.

To Traditional leaders.

1. Engage in the promotion of love and unity for all in Malawi, regardless of gender identity, gender expression or sexual orientation.
2. Ensure that sexual minorities receive protection and social support from the community policing units on gender based violations cases, particularly for the LGBTI persons.

To Parents Supporting the Child's gender identity and sexual orientation.

1. Continue understanding the gender identity and sexual orientation of their child.
2. Continue to monitor their child's rights in terms of the human rights violations that the child may face.
3. Continue create a safe space, support and understanding for their child's self-sexual self-identification and orientation.



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