

Human Rights Council – 30th session – September 2015

Item 6: Universal Periodic Review Outcomes: Malawi

Statement by Action Canada for Population and Development

Action Canada makes this statement in collaboration with the Sexual Rights Initiative and an individual activist from Malawi.

We welcome that the government of Malawi has accepted recommendations to end gender-based violence, address the practice of early and forced marriage, advance gender equality, protect lesbian, gay, bisexual and intersex persons from violence, address maternal mortality, provide reproductive health services to adolescents, and strengthen the HIV response. In implementing these recommendations, we call upon the government to consult with groups working on women's rights, youth issues, sexual and reproductive health and rights, among others. Further, we recommend the following actions:

- Put in place effective mechanisms, such as training for health care workers on human rights, to ensure that the delivery of public health services is done in a confidential, respectful and non-judgmental manner;
- Revisit the delivery mode of the PMTCT (*Prevention of Mother to Child Transmission of HIV*) programme, to remove any access barriers that prevent sex workers and unmarried women from accessing these services; and
- Ensure the availability of referral health facilities close to police stations, where all individuals in police custody, including sex workers, can easily access medical care, counselling and antiretroviral therapy.

In relation to the three recommendations pertaining to reviewing the legislation on abortion (112-6, 12, 13), which were deferred during the review, we understand that Malawi has decided to accept these, and we encourage their speedy implementation.

Further, we are disappointed that the government of Malawi did not accept recommendations pertaining to criminalizing spousal rape and FGM, decriminalising adult consensual sexual activity, and eliminating legal and social discrimination based on sexual and gender diversity, and we urge the government to reconsider its decision. It is both a public health and human rights imperative to decriminalise all forms of consenting sexual activity between adults such as sex work and same-sex sexual activity. Just the impact on the HIV epidemic is a clear indication why.