AMNESTY INTERNATIONAL

AI Index: AFR 55/3828/2021
16 March 2021

-Check against delivery-

ORAL STATEMENT
Item 6:
Consideration of UPR reports: Malawi

UN Human Rights Council
46th session
22 February 2021 to 23 March 2021

Madame President,

Amnesty International welcomes Malawi's engagement with the UPR and acceptance of 192 out of 232 recommendations.[1] We particularly welcome Malawi's acceptance of recommendations to take concrete measures to strengthen and enforce existing legal provisions in order to prevent all forms of attacks, violence and discrimination against persons with albinism; provide training to public officials; and ensure that all offences are promptly, thoroughly, impartially, and transparently investigated.[2] While positive steps have been taken, there have been at least nine recorded attacks of persons with albinism, ranging from killings, grave tampering, attempted abductions and physical violence, since the review in November 2020.

However, we regret the government's rejection of recommendations towards abolishing the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.[3] This is despite a number of progressive steps in Malawi, including an official moratorium on executions in place since 1994 and a review of death sentences in 2015, leading to the commutation of 169 cases to life imprisonment. Amnesty International opposes the death penalty in all cases without exception. We strongly encourage Malawi to reconsider its position on this recommendation and undertake the necessary steps to join the majority of states that have abolished the death penalty.

We also regret Malawi's rejection of all recommendations to decriminalize consensual same-sex relations and to prohibit discrimination against LGBTI individuals.

---

[1] Report of the Working Group on the Universal Periodic Review: Malawi, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, UN Doc. A/HRC/46/7/Add.1

[2] Report of the Working Group on the Universal Periodic Review: Malawi, UN Doc A/HRC/46/7, 122.46 (Ukraine), 122.49 (Sierra Leone), 122.51 (Canada), 122.67-74 (Spain, Botswana, Brazil, France, Iraq, Israel, Italy, Japan), 122.76-82 (Mexico, Turkey, Portugal, Uganda, Togo, Senegal, Ghana), 122.182 (Chile), 122.184 (India)

[3] A/HRC/46/7 recommendations 123.1 (Ukraine), 124.2-5 (Germany, Honduras, Latvia, Portugal), 124.10-11 (Chile, Argentina), 124.26-35 (Spain, Fiji, France, Switzerland, Iceland, Italy, Latvia, Nepal, Rwanda, Sierra Leone), 124.37 (Australia)

Madame President,

Malawi must intensify existing efforts to improve prison conditions and ensure access to health and sanitary facilities for inmates, as recommended by several states.[4] While Malawi has taken steps towards the decongestion of prisons to reduce the risk of COVID-19 transmission, Malawi's prisons remain overcrowded and dilapidated. While we welcome Malawi's acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, stronger measures are needed to protect all detainees from torture and other ill-treatment.

Thank you, Madame President.

---

[4] A/HRC/46/7 recommendations 122.63 (France), 122.83 (United Kingdom), 122.84 (Burundi), 122.85 (Canada), 122.87 (Germany)