



Statement by Sweden in the interactive dialogue on Malawi

*Delivered by Counsellor Ms Anna Jakenberg Brinck, (1 min 35 sec)
Geneva, May 5, 2015*

Mr President,

Sweden welcomes the delegation from Malawi to the UPR.

While the government has taken some positive steps toward fulfillment of the gender equality pledges it made in 2010, it has failed to live up to most of them -- women's rights in Malawi remain largely curtailed. Violence against women is still widespread, and the government has failed to curb the country's high rates of child marriage, which is one of the highest in the world. A positive step is however the Marriage, Divorce and Family Relations Bill which was recently passed in parliament, a law that has stronger protections from child and forced marriage. However the law still fails to consistently define who is a child, to require free and full consent to marriage, and to fully criminalize marital rape.

Sweden recommends Malawi to ensure the effective implementation of the Marriage, Divorce and Family Relations Bill in order to prevent the prevalence of child marriage.

During the 2010 UPR, Malawi rejected the recommendation to decriminalize same-sex conduct saying that the wishes of the people of Malawi in this regard should be respected. Section 153 of the Malawian criminal code, which criminalizes consensual sexual conduct between adults, violates the right to privacy, non-discrimination and other rights under international law. While decriminalization is an important first step, it needs to be accompanied by a real government commitment to address public homophobia, and support civil society efforts to promote human rights more broadly.

Sweden recommends Malawi to repeal provisions of the Malawi criminal code that criminalize consensual, adult same-sex conduct (sections 153, 154, and 156) and provide adequate protection to LGBT persons.