



# AUSTRALIA

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## Universal Periodic Review Working Group – 22nd Session

### Universal Periodic Review of Malawi

#### Statement by Australia

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The Government of Australia commends the Government of Malawi on legislative measures it has taken to comply with its commitments under the ICCPR, in particular adoption of Malawi's Disability Act 2012 and its Gender Equality Act 2013.

Australia also applauds Malawi's decision to repeal Section 46 of its Penal Code, further enabling free expression in Malawi.

Australia acknowledges recent steps taken by Malawi's Government to remove mandatory death sentences for murder and treason. However, **Australia recommends that Malawi move to abolish the death penalty, accede to the ICCPR's Second Optional Protocol and review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions.**

Australia is encouraged by the performance of the Malawi Human Rights Commission. **Australia recommends Malawi continue its efforts to strengthen the Malawi Human Rights Commission's independence.**

The rights of LGBTI groups in Malawi remain under pressure. **Australia recommends that Malawi repeal all legal provisions criminalising sexual activity between consenting adults and encourages the Malawi Human Rights Commission to include in its mandate the protection of the rights of the LGBTI community.**

**Australia further recommends that Malawi establish and resource an Independent Police Complaints Commission to track and investigate complaints, in line with Section 128 of Malawi's Police Act.**