

NANHRI-MHRC

In-Country Report on Sexual Orientation, Gender Identity and Human Rights



SOGIE AND HUMAN RIGHTS WORKSHOP REPORT FOR MALAWI HUMAN RIGHTS COMMISSION



MALAWI IN-COUNTRY WORKSHOP HELD ON MARCH 20–22, 2018 AT SALIMA

The Network of African National Human Rights Institutions (NANHRI)

The Network of African National Human Rights Institutions (NANHRI) is a not-for-profit- organisation and regional umbrella body that brings together 44 National Human Rights Institutions (NHRIs) in Africa. NANHRI, whose Secretariat is based in Nairobi, Kenya, was registered under Kenyan laws as an independent legal entity in 2007.

The Network works towards the establishment and strengthening of the NHRIs in Africa. It also facilitates coordination and cooperation amongst NHRIs and links them with other key human rights actors at the regional and international level. It supports these institutions through capacity building to meet their objective of protecting and promoting human rights at the national level.

Vision

A continent with effective NHRIs; contributing to an enhanced human rights culture and justice for every African.

Mission

To support, through national, regional and international co-operation, the establishment and strengthening of NHRIs to more effectively undertake their mandate of human rights promotion, protection, monitoring and advocacy.

Values and Guiding Principles

To achieve its mission and vision, NANHRI is committed to the following: - Transparency, Accountability, Openness, Cooperation, Professionalism and Gender Equality.



www.nanhri.org



info@nanhri.org



Network of African National Human Rights Institutions



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P.O Box 74359-00200

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ACKNOWLEDGEMENT

We wish to thank the main facilitator Commissioner Lawrence Mute, who is a lecturer at the Nairobi School of Law and the Deputy Vice Chairperson of the African Commission on Human and Peoples' Rights (ACHPR). He has previously served as the Chairperson of the Committee for the Prevention of Torture in Africa.

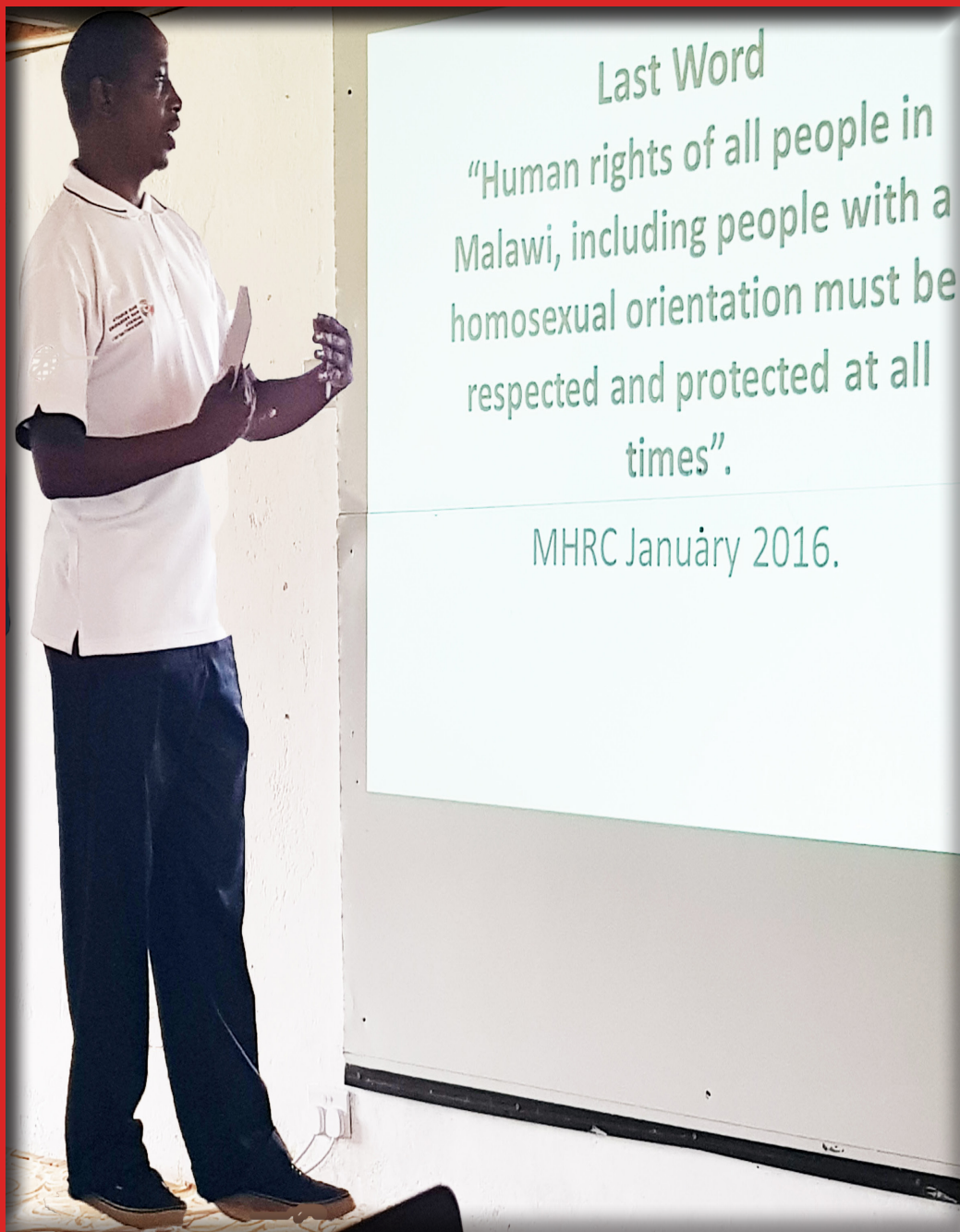
The workshop would not have been successful without the contribution and participation of the Commissioners and Staff from the Malawi Human Rights Commission led by the Chairperson, Justin Dzonzi and Commissioner Sefu.

The NANHRI Secretariat appreciates the contribution of all participants and facilitators presence. Importantly, the Secretariat would like to recognize and appreciate the efforts put in by their staff and those of the Malawi Human Rights Commission in coordination efforts to make the workshop successful.

NANHRI is a regional membership organization presently bringing together 44 African National Human Rights Institutions (NHRIs). It works towards the establishment and strengthening of the NHRIs in Africa as well as to facilitate coordination and cooperation amongst and between them and with other key human rights actors at the regional and international level. It also provides practical assistance and support to these institutions for them to meet their objective of protecting and promoting human rights within their jurisdictions.

ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
CEDEP	Centre for Development of People
CHRR	Centre for Human Rights and Rehabilitation
CESCR	Committee on Economic Social and Cultural Rights
CSOs	Civil Society Organizations
ESCR	Economic Social and Cultural Rights
HRC	Human Rights Committee
HRCA	Human Rights Commission Act
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBTI	Lesbian, gay, bisexual, transgender, and intersex
MHRC	Malawi Human Rights Commission
NANHRI	Network of African National Human Rights Institutions
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
SOGIE	Sexual Orientation, Gender Identity and Expression
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
YP	Yogyakarta Principles



The Director of Political and Civil Rights Peter Chisi outlines the human rights mandate of the MHRC as stated by the Constitution in a session during the Malawi in-country SOGIE workshop.

Executive Summary

This report is a summary of what transpired during the Malawi Human Rights Commission (MHRC) workshop on sexual orientation, gender identity and human rights (SOGIE) that held at the Blue Waters Hotel in Salima District from March 20-22, 2018. The overall objective of the workshop was to increase the capacity of the MHRC staff in responding to SOGIE-related violence and discrimination. More specifically, the workshop aimed at making MHRC more effective in undertaking human rights education, handling complaints and carrying out investigations of human rights violations against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons without discrimination, especially at this point in time when the Commission intends to carry out a national study in this field.

This workshop came after an online and face-to-face training that brought together participants from national human rights institutions (NHRI) of Kenya, Uganda, Malawi, Ghana and South Africa between January and March 2017. This face-to-face workshop was co-organised by the NANHRI Secretariat and MHRC. It convened 35 participants from MHRC, Civil Society Organisations (CSOs) working in human rights in Malawi, and some media house representatives.

The key points from the workshop are as follows:

- MHRC should integrate SOGIE-related responses into its work.
- MHRC should collaborate with CSOs and other stakeholders to increase the protection space for LGBTI persons in Malawi.
- MHRC should review its open office structures to promote privacy during reporting of complaints. Above all, the will and preference of the victim should be respected (client-centered approach).
- MHRC should establish focal points to work on SOGIE – related issues.
- MHRC should build capacity of all the staff including those that are the first points of contact with victims, such as the receptionist, the reporter and paralegals so that they do not perpetrate stigma and discrimination against LGBTI persons.
- MHRC should undertake systemic investigations and partner with organisations working for LGBTI persons, such as Centre for Development of People (CEDEP) and other relevant ones to effectively investigate complaints.

1.0. SUMMARY OF PROCEEDINGS

DAY 1



1.1. Preliminary Session

In his opening remarks, Commissioner Justin Dzonzi stated that the training would not have come at the right time than this when the Commission was planning for the nationwide study on human rights violations of LGBTI persons in Malawi. He noted that Malawians, like majority of Africans, do not socially approve of homosexuality and this poses difficulties to human rights workers and defenders in responding to violence, stigma and discrimination. He pointed out that legal barriers in Malawi also pose difficulties in dealing with these issues. More specifically, he urged MHRC staff to pay much attention to the deliberations as they would be expected to use the knowledge they would get from the training in designing, implementing and evaluating the forthcoming national study on human rights of LGBTI persons that requested by the government in October 2016.

In his introductory remarks, Commissioner Lawrence Mute stated that human rights are neither choices nor luxuries that can be done away with. He mentioned that states have obligations to respect, protect and fulfil rights of all human beings including LGBTI persons. He mentioned that human rights defenders can effectively promote and protect the human rights of LGBTI when they are properly equipped with knowledge. Commissioner Mute emphasised that the purpose of the training workshop was neither to convert participants to be among the LGBTI community nor to forsake their faith. He stated that as human rights defenders, participants were expected to assist and serve all human beings on the basis of equality. Lastly, Mr Mute asked participants to have a candid discussion on the matter which is perceived as difficult.

Before leading the session on SOGI-related concepts and terminologies, NANHRI Programme Officer Marie Ramtu, provided the progress to date of the SOGIE Project and the work of the Network. In her statement, she pointed out the Mr. Peter Chisi and Mr. Harry Migochi represented MHRC at the first face-to-face training on SOGIE organised by NAHRI in Nairobi, Kenya in March, 2017. Marie summarised her presentation with the aid of the GenderBread person to shed more light on the definitions and categories of sexual orientation, sex and gender identity.

Discussions

During the discussions it transpired that Malawi does not have equivalent terminologies in vernacular to refer to LGBTI persons and SOGIE overall. One word: “Mathanyula” that refers to homosexuality is used to refer to all LGBTI persons. It was also noted that the word “Mathanyula” is derogatory and has not been accepted and owned by the LGBTI community.

International and Regional Framework Relating to SOGIE Rights



MHRC Chairperson Justin Dzonzi (right) leads a group discussion

Commissioner Mute took participants through the international and regional frameworks relating to SOGIE rights. He stated that the aim of his presentation was to introduce participants to the framework relating to SOGIE so that they understand how the subject is dealt with at international and regional levels. He stressed that these tools are very helpful to human rights workers and defenders in their advocacy and training. He informed participants that there were several arguments, myths, stereotypes and justifications that people use to disapprove of LGBTI rights. These included justifications from history, religion, morality, culture and science. Commissioner Mute further stated that some people use public health arguments to justify anti-homosexuality by saying there is no biological basis for same sex relationships. However, there are some studies that do not support this argument. Research undertaken by a panel constituted by the Academy of Science of South Africa in partnership with the Uganda National Academy of Sciences has shown that homosexuals are part of a normal society, and that one cannot learn or choose to be a homosexual. He further noted that it is a fallacy to argue that LGBTI is a western importation when studies show that queer persons existed in the pre-colonial Africa.

Commissioner Mute said it is difficult to stop stigma and discrimination against LGBTI persons firstly because of the anti-homosexuality laws that were inherited from colonialists and are enshrined in most of African (Anglophone) countries' statute books. The second reason, Commissioner Mute said, it is still difficult to respond to violence and discrimination against LGBTI persons is the tendency of some African leaders to use the anti-homosexuality card to gain political mileage. Also, he noted that in the area of HIV/ AIDS, African governments were guided by pragmatism. In this regard, ministries of health in Africa recognise MSM and have come up with interventions targeting them.

Commissioner Mute then outlined the basis on which human rights of LGBTI persons were protected under international law. He mentioned that the core international instruments do not specifically codify protection of these rights. However, all persons have the right to the universal enjoyment of human rights on the basis of equality as provided for under Article 1 UDHR; Article 2, 1 of the ICCPR and Article 26 of the ICCPR. Further, over the years, treaty bodies have developed jurisprudence around SOGIE. For instance, the Human Rights Committee has interpreted "sex" in Article 2 (1) ICCPR in *Toonen v. Australia* to include "sexual orientation". Again, the Committee on Economic, Social and Cultural Rights has interpreted the phrase "Other status" in Article 2(2) to include "sexual orientation" in its general comments including general comments on the right to work, the rights to water and the right to health. He went on to say that the UN General Assembly, the Human Rights Council and special mandate holders have also made pronouncements that promote and protect human rights of LGBTI persons. He mentioned that the statement made by the UN General Assembly on human rights and SOGIE on December 18, 2008 illustrates this point. In addition, the Universal Periodic Review (UPR) mechanism of the Human Rights Council has provided apposite opportunities for states to seek guarantees from peer states that they should ensure equality and non-discrimination for persons of diverse sexual orientations and gender identities. For example, in 2015 Malawi had accepted a recommendation from Austria to take effective measures to protect LGBTI persons from violence and prosecute the perpetrators of violent attacks.

After outlining the international framework for the protection of human rights of LGBTI persons, Commissioner Mute took participants through the African human rights framework. He pointed out that the non-discrimination clauses in ACHPR and other regional instruments in Africa do not specifically mention SOGIE as one of the prohibited ground for discrimination. However, the African Commission has on several occasions used and has affirmed that sexual orientation and/or gender identity are prohibited grounds of discrimination. Furthermore, the ACPHR had, in 2014 adopted the Resolution 275: 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.

Finally, Commissioner Mute introduced participants to the Yogyakarta Principles (YP). He stated that the principles are of normative and non-binding nature. The

principles are based on the premise that persons around the world face violence and discrimination on the basis of SOGIE and there is need for States to prohibit these violations for the LGBTI persons enjoy human rights on equal basis with others. He pointed out that each principle apply the right in question to all human beings generally and LGBTI persons specifically before requiring states to fulfil their obligations to respect, protect and fulfil human rights of LGBTI persons. In a group activity, participants were asked to identify the relevance of some of the principles in the context of Malawi.

Discussion

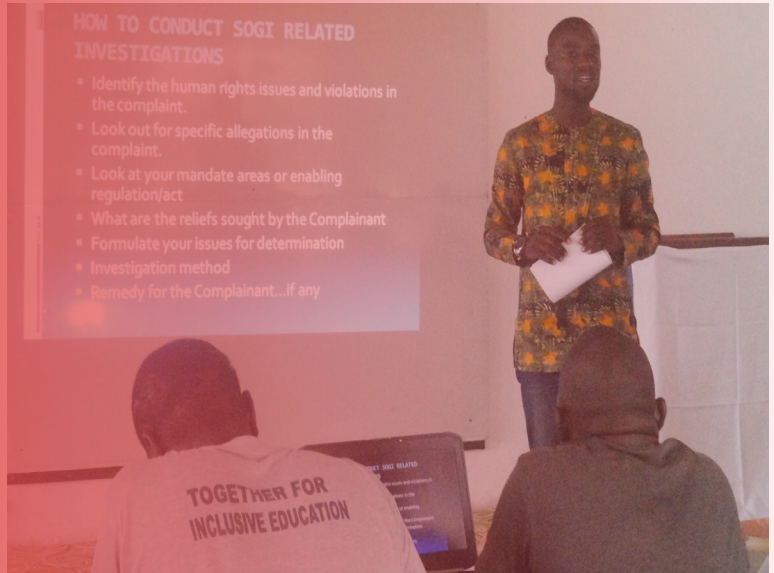
People suspected of being in same-sex relationships in Malawi are arrested or detained on the basis of public opinion. The case in point is that of Chimbalanga and Soko who were arrested after they had a public engagement. It was also pointed out that LGBTI persons do not get legal representation when arrested and prosecuted. Many people in Malawi including law enforcement agents lack understanding of LGBTI and SOGIE issues in general. There is need for civic awareness on these issues. It was recommended that in its civic education drive, MHRC should not necessarily come up with specific topics for rights of LGBTI, but generally preach the universality of rights. It was pointed out that in 2016 additional principles to the YP were developed to provide more explanations.



Commissioner Lawrence Mute in an aside talk with MHRC Commissioner Bertha Sefu during tea break.

2.0. SUMMARY OF PROCEEDINGS

DAY 2



2.1. Domestic Framework Relating to SOGIE Rights in Malawi

This session was led by Emma Kalea of the Center for Development of People (CEDEP). CEDEP is an organisation that programs around HIV with an aim to create a conducive environment where minority groups, including LGBTI persons, have an improved livelihood. Emma observed that LGBTI related issues in Malawi remain unsettled as the penal code still criminalises consensual same sex relations between adults. Subsequently, many still oppose the decriminalisation of the anti-homosexuality provisions in the Penal Code. She informed participants that government issued a moratorium, which suspended the sodomy laws. However, some grouping of pastors in Mzuzu challenged it and it was lifted by the High Court. Thus, owing to the unfriendly social and legal environment, the LGBTI community continues to experience violence, stigma and discrimination. She also pointed out that during the past three years, CEDEP and Centre for Human Rights and Rehabilitation (CHRR) have documented over 153 cases perpetrated against the LGBTI community in Malawi.

It was highlighted that there were some positive gains that Malawi has registered as regards to recognition of LGBTI people in the national policy framework. Firstly, the yet to be launched National Human Rights Action Plan talks of the review of sodomy laws and the implementation of the two recommendations Malawi had accepted during the 2015 UPR cycle. Secondly, the National Strategic Plan for HIV/AIDS (2015-2020) recognises men having sex with other men as one of the key populations in the fight against HIV/AIDS in Malawi. Emma ended her presentation by outlining the progress CEDEP has made over the years and the challenges it has faced with regards the protection of the human rights for LGBTI persons. The main achievement is that now CEDEP has cordial working relationship with MHRC, Ministry of Health, the Police and other stakeholders in this area. However, the unfriendly legal framework and retrogressive religious views pose a threat to the effective protection of the rights of the LGBTI persons in the country. Hence, there is need to make the general public as well as state agents such as the police aware of the human rights of LGBTI persons to realize their rights.

Discussion

Participants suggested that CEDEP should build the capacity of other CSOs (including organizations at grassroots level) on human rights of LGBTI persons that that these institutions should also promote and protect the human rights of LGBTI persons. Participants further urged the Commission to work hand in hand with CEDEP in promotion and protection of the human rights of LGBTI persons. It was also the participants' view that awareness raising of the human rights of LGBTI persons should target the media.

2.2. Economic and Social (ECOSOC) Rights of LGBTI persons

Michael Osei-Koranteng, Principal Investigator from the Commission for Human Rights and Administrative Justice (CHRAJ), Ghana, led this session. In his presentation he began by outlining the basic principles of Economic and Social Rights as outlined in Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). He mentioned that States are required to take steps towards the full realization of ESCR to the maximum of their available resources. He highlighted three obligations of the states namely: obligation to respect; obligation to protect; and obligation to fulfil. He also pointed out that State Parties have a minimum core obligation to ensure the satisfaction of “minimum essential levels” of each right, regardless of their level of economic development. Further, States are required not to discriminate on the basis on any prohibited ground as provided for under Section 2(1) of ICESCR. He added that States are required to move as efficiently and expeditiously as possible towards the full realization of ESCR.

After the overview of ESCR, Osei-Koranteng discussed the background to the economic and social human rights of LGBTI persons. He mentioned that even though the core human rights treaties including the ICESCR do not specifically mention ESCR of LGBTI persons, there have been some pronouncements at the international level that relate to SOGI and the protection of the human rights of LGBTI persons. These include:

1. Resolution on Protection against violence and discrimination based on sexual orientation and gender identity” adopted by the the United Nations on June 30, 2016
2. UN OHCHR report on LGTBT/SOGIE: “Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity” (A/HRC/19/41)
3. UN OHCHR booklet: “Born Free and Equal – Sexual Orientation and Gender Identity in International Human Rights Law” published in 2012
4. The Yogyakarta Principles as well as jurisprudence developed by UN treaty bodies
5. Jurisprudence developed by UN treaty bodies which include
 - i. General Comment No.18, CESCR
 - ii. General Comment No. 14, CESCR
 - iii. General Comment No. 20, CESCR which defines the phrase “other status” to include sexual orientation.

Finally, Osei-Koranteng outlined the challenges that impede the effective implementation of ESCR. He mentioned that one of the challenges include the thinking that ESCR are not justiciable, lack of adequate funding to implement ESCR and the notion that ESCR are not entitlements, but charities. Participants in their groups were then to discuss the application in the context of Malawi, the YP on the right to work, right to education, right to health, right to the highest standard of living and the right to housing.

Discussion

The general public do not know that ESCR are entitlements, therefore there is need for NHRIs to conduct trainings on and raise awareness of ESCR. NHRIs should also make governments accountable to when they are failing their duties to respect, protect and fulfill ESCR. An individual's sexual orientation and/or gender identity should never be a barrier to the enjoyment of ESCR. Lack of or inadequate international corporation and assistance should not be an excuse for State Parties for their ineffective implementation of their international obligations as regards ESCR. One of the factors that negatively affect the enjoyment of ESCR in Malawi is corruption.



A break-up group discusses issues related to promoting and protecting the rights of LGBTI persons during the NANHRI-MHRC March, 2018 workshop.

2.3. Experiences of LGBTI Persons in Malawi

Emma Kalea of CEDEP outlined the violations that LGBTI persons in Malawi face. She stated that CEDEP get these cases primarily from the network of peer educators they work with as well as through the organisation’s toll free line. She pointed out that once the cases have been reported, they are documented using Martus software. The software gathers, organizes, backs-up and retrieves information about human rights abuses in a secure way. From 2014 to 2017, a total of 153 cases have been documented by CEDEP and CHRR. According to CEDEP, a majority of human rights violations go unreported because of homophobia, self-stigma and fear of being exposed on the part of the LGBTI persons. It was reported that both LGBTI persons and human rights workers and defenders are exposed to violence. Emma stated that a close analysis of the cases documented reveals that the following are the cases perpetrated against LGBTI persons: verbal abuse; hate speech; physical assaults; harassment; loss of property, employment or livelihood; excommunication from church and other places of worship; police arrests and detention; sexual abuse ; and corrective rape among the lesbians or other women having sex with other women. At the end of her presentation, Emma showed participants two documentaries depicting experiences of LGBTI persons in Malawi.



M H R C
Executive
Secretary
David Nungu
addresses the
participants
of the SOGIE
in-country
workshop.

Discussion

Participants were concerned that the human rights of LGBTI persons in Malawi were being violated on the basis of SOGIE. They, therefore, implored for concerted efforts among all stakeholder holders to ensure the human rights of LGBTI persons were respected on an equal basis with others. They requested the Commission as an, NHRI, to champion this agenda.

2.0. SUMMARY OF PROCEEDINGS

DAY 3



3.1. Complaints Handling, Investigation and Documentation of SOGIE-related Violations

Michael Osei-Koranteng of CHRAJ, Ghana, presented on how best NHRIs can handle SOGIE related complaints. He stated that it is best practice to identify specific officers to specifically handle SOGIE related cases, and to observe privacy and confidentiality. Finally, the present placed in groups and were given a complaint case study to identify the following:

- 1. Human rights issues and violations
- 2. Specific allegations
- 3. Mandate area of the institution handling it.
- 4. Reliefs sought by the complainant
- 5. Issues for determination
- 6. Investigation methods
- 7. Remedies for the complainant, if any

Osei-Koranteng pointed out that one of the challenges in handling SOGIE-related cases, in the context of Ghana is that most of the complainants are anonymous. .

Discussions

Some officers, who refuse to handle and investigate cases related to SOGIE complaints, are advised not to allow their religious beliefs be in conflict with their work as human rights workers and defenders. MHRC should ensure that those involved in handling cases related to SOGIE violations should undergo targeted and proper investigation and comprehensive training on LGBTI issues.

The Role of MHRC in Promotion and Protection of the Rights of LGBTI Persons in Malawi

In his presentation, the MHRC Director of Political and Civil Right Peter Chisi, outlined the mandate and competence of the Commission. He said the Commission has the Constitutional and statutory mandate to promote, protect human rights and investigate human rights violations in Malawi. He then listed some of the human rights and principles that are enshrined in the Republic of Malawi Constitution that relate to human rights in general and the rights of LGBTI persons in particular. Some of the provisions include, sections 12, 19, 20, and 21 of the Constitution. Mr. Chisi also highlighted that during the 2015 UPR cycle, two recommendations that relate to rights of LGBTI persons were accepted by Malawi.



MHRC Deputy Executive Director Winston Mwafulirwa makes a presentation during the Malawi in-country SOGIE workshop.

Furthermore, in 2014 Malawi also received recommendations that relate to the rights of LGBTI persons from the Human Rights Committee. According to Chisi, the Commission throughout the years, has promoted and protected the rights of LGBTI persons through implementation of comprehensive programming in Sexual and Reproductive health and Rights (SRHR); development of guidelines on stigma and discrimination, human rights case handling, legislative advocacy, and media advocacy statement, among other initiatives. He further stated that the Commission is in the planning phase of the national wide study on the rights of LGBTI persons. On the national study, Chisi reported that the Commission has taken on board suggestions that various stakeholders have put forward.

Discussion

The Commission should partner with various CSOs that work in promotion and protection of human rights of LGBTI persons in their SOGIE activities. The Commission intends to take everybody on board during the forthcoming national study on the human rights of LGBTI person. Participants observed that the national study that is going to be conducted has legal backing and can be done properly within the law. However, there is need for the members and staff of the Commission to leave personal perceptions and attitudes at home as they do human rights work.

3.2. Action Plan Review and Revision

During this session, Commissioner Mute took participants through the planning of activities aimed at promoting and protecting the human rights of LGBTI persons. Participants were placed in five groups to come up with plans of action with objective (s), activities, actors and timelines. The groups used the following strategic objectives in the draft strategic plan (2016-2022) for the MHRC:

- i) Enhanced efficiency, effectiveness and responsiveness in the protection and promotion of human rights;
- ii) Improved rights based culture at all levels of the society;
- iii) Enhanced availability and accessibility of up-to-date and relevant human rights information and knowledge and;
- iv) Increased accessibility to services and visibility of the Commission

3.3. Conclusion



Participants of the Malawi in-country workshop on promoting and protecting the rights of LGBTI persons in a group photo.

In his Closing remarks, Mr. David Nungu, the Executive Secretary for the MHRC, thanked the facilitators, the NANHRI secretariat, MHRC Commissioners and Staff, officials from CSOs and the media for their contributions and active participation throughout the workshop.

ANNEX 1: PROGRAMME

Day One: Monday - March 20, 2018			
Chair: Winston Mwafuriwa, Deputy Executive Secretary- MHRC			
Session I Preliminary session	08:00am-8:30am	Registration	MHRC/NANHRI
	08:30am-9:00am	Climate Setting/ Introduction	Comm. Lawrence Mute and Winston Mwafulirwa
	9:00am-9:30 a.m	Opening remarks	Comm. Justin Dzonzi, Chairperson MHRC
	9:30am-10.00 a.m.	Debrief about the SOGIE training	Marie Ramtu, NANHRI
10.00 am- 10. 40am		Tea Break & Group Photo	
Session II Terminologies & definitions	10.40 a.m. – 1:00 p.m.	Introduction to Key Concepts	Marie Ramtu
1.00pm- 2:00pm		Lunch	
Session III International and Regional Frame- work	2:00p.m- 5.00p.m.	1. Interna- tional and Regional Framework Relating to SOGIE Rights	Comm. Lawrence Mute
5:00 p.m. Closure of Day 1 & Evening Tea Winston Mwafulirwa			

Day Two: Tuesday, March 21, 2018

Chair: Peter Chisi, MHRC

Session IV Domestic Framework	8:30am– 9:00 a.m.	Recap of Day 1	Peter Mota, Rap- porteur
	9:00am-10:30am	Domestic Frame- work Relating to SOGIE Rights in Malawi	Emma Kalea, CEDEP

10:30 - 11:00am Tea Break

Session V Economic and so- cial rights	9:00-10:30am	Economic and social rights for LGBTI persons	Michael Osei-Koranteg
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1:00pm - 2:00pm Lunch

Session VI Case studies	2:00pm-5:pm	Experiences of LGBTI persons in Malawi	Emma Kalea, CEDEP
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5:00pm Closure of Day 2 and evening tea- Peter Chisi

Day Three: Wednesday, March 22, 2018

Chair: Secret, Media Practitioner, MBC

Session VII Integrating SOGIE-related re- sponses in MHRC	8:30am-9:00am	Recap of Day 2	Peter Mota, Rap- porteur
	9:00am-10:00a.m	Complaints handling investiga- tion of SOGIE- related violations	Michael Osei- Koranteg
	10:00am-11:00am	The role of MHRC in the protection and promotion of the rights of LGBTI persons in Malawi	Comm. Justin Dzonzi, MHRC

11:00am-11:15am Tea Break

Session VIII Action plan re- view	11:15-1:00pm	Action plan review and revision	Comm. Lawrence Mute
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1:00pm-2:pm Lunch Break

Session IX	2:00pm-2:30pm	Evaluation/ way forward	Marie Ramtu- NANHRI
	2:00pm-3:pm	Closing remarks	Mr David Nungu, Executive Secretary, MHRC

ANNEX 2: Consolidated Action Plan

REF.	OUTCOME	OBJECTIVES	ACTIVITIES	ACTORS	TIME-FRAME
Strategic Outcome (SO) 1:	Enhanced efficiency, effectiveness and responsiveness in the protection and investigations of human rights	<ol style="list-style-type: none"> 1. To facilitate the reporting of complaints of violations of human rights of LGBTI persons 2. To ensure resolution of cases of human rights violations related to LGBTI 3. Investigate cases of violation of human rights of LGBTI persons in Malawi 	<ol style="list-style-type: none"> 1. Conducting investigations on cases of violations of human rights of LGBTI persons 2. Facilitating resolution of cases that relate to human rights of LGBTI persons through ADR, litigation etc. 3. Instituting complaints handling and reporting system and Procedures for cases of violation of human rights of LGBTI persons. 4. Monitoring places where LGBTI persons are susceptible to be subjected to abuse, violence, stigma and discrimination 	<ul style="list-style-type: none"> • MHRC • CSOs • MHRC • Police • Judiciary • Ministry of Health • Malawi Law Society • MoJCA • CBOs 	On going

Strategic Outcome (SO) 2:	Improved rights based culture at all levels of society	<ol style="list-style-type: none"> 1. To ensure responsiveness of laws and policies 2. To ensure that duty bearers fulfil their duties to respect, protect and fulfil human rights of LGBTI persons in Malawi 	<ol style="list-style-type: none"> 1. Lobbying for the review of laws and policies that discriminate against the LGBTI persons 2. Conducting Sensitization, training and awareness campaigns to the general public including the media on the human rights of LGBTI persons 3. Mainstreaming LGBTI rights in the work of CSOs that work in the area of human rights 4. Conducting baseline study regarding compliance with and adherence to principles of equality and non-discrimination on LGBTI 	<ul style="list-style-type: none"> • MHRC • CSOs • Ministry of Justice • Law Commission • Parliament • Media • NICE • Ministry of Information • Ministry of Civic Education. • Ministry of Gender • Ministry of Local government 	Immediate and on going
Strategic Outcome (SO) 3:	Enhanced availability and accessibility of up-to-date and relevant human rights information and knowledge	<ol style="list-style-type: none"> 1. To improve compliance with human rights standard and principles as they relate to LGBTI persons 2. To provide the Malawi public with information of emerging issues including those affecting LGBTI persons 	<ol style="list-style-type: none"> 1. Conducting national study the rights of LGBTI persons in Malawi 2. Publicizing research findings on the human rights of LGBTI persons 3. Raising awareness of the general public on the human rights of LGBTI persons. 4. Training MHRC Commissioners and staff on the human rights of LGBTI persons 5. Disseminating IEC materials on human rights including general comments, recommendations, observation, special reports etc. 	<ul style="list-style-type: none"> • MHRC • CSOs • MoJCA • Media • NICE • MoI • MoE • MoG • Public libraries. • Development partners • Media, 	To be determined On going

Strategic Outcome (SO) 4:	Increased accessibility to services and visibility of the Commission	<ol style="list-style-type: none"> 1. To improve capacity of the Commission to respond to human rights issues related to LGBTI 2. To improve collaboration between MHRC and stakeholders such as CSOs and MDAs 	<ol style="list-style-type: none"> 1. Establish outreach centres for case reporting 2. Opening district and regional MHRC offices 3. Publicizing the services of the Commission on LGBTI rights. 4. Profiling activities of the Commission on LGBTI 5. Establishing functional information management system, Documentation and record keeping 6. Setting up and running MHRC website. 	<ul style="list-style-type: none"> • MHRC • NICE • MEDIA • Government • Development partners 	Immediate
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