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PRESS RELEASE

Malawi: ARTICLE 19 Calls for Review of Amendment to the Penal Code

London 31.03.11: In a statement released today, ARTICLE 19 supports the constitutional challenge to the recent amendment to the Penal Code of Malawi, submitted by the Malawi Human Rights Commission to the High Court in Blantyre. ARTICLE 19 outlines its main concern with this controversial legislation and calls on the government of Malawi to respect and protect freedom of expression by ensuring the power to control media content is conferred to an independent self-regulating body, and abolish imprisonment for press-related offences.

“ARTICLE 19 is disturbed by the potential power of the government to control the media in Malawi which will be given by the recent amendment to the Penal Code,” says Dr Agnes Callamard, ARTICLE 19 Executive Director. *“We fully support the legal action undertaken by the Human Rights Commission to review the constitutionality of this piece of legislation.”*

ARTICLE 19’s statement, *High Court Must Invalidate Government’s Powers Over the Media*, supports the request of the Human Rights Commission to have the Amendment abolished. The statement was submitted to the High Court in support of the case. It also highlights the main shortcomings of the Amendment in the light of international and regional standards on freedom of expression, such as the broad ban on publication import, the powers of the minister of information to control the publication content, the possibility to ban publications based on “public interest”, and heavy sanctions for reproduction, importation and possession of prohibited publications.

ARTICLE 19 calls on the Malawi High Court to declare the Amendment unconstitutional and makes series of recommendations to the Government of Malawi. In particular, it asks to significantly review its Penal Code and ensure that it complies with Malawi international commitments to freedom of expression.

NOTES TO EDITORS:

- For more information please contact: Boyko Boev, Senior Legal Officer, at boyko@article19.org or at +44 20 7324 2500
- The text of the statement can be found: www.article19.org/pdfs/press/malawi-high-court.pdf
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name

from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.