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PRESS RELEASE

Malawi: Sentence Against Gay Couple Appalling

ARTICLE 19 condemns the appalling sentence imposed by a Malawian court on a gay couple, Steven Monjeza and Tiwonge Chimbalanga. Both have been found guilty of "gross indecency" and "unnatural acts" and condemned to 14 years hard labor.

Steven Monjeza and Tiwonge Chimbalanga were arrested by police on 28 December 2009 in Blantyre, two days after holding an engagement ceremony in Chirimba township. They were subsequently denied bail, a decision condemned by the Malawi Law Society which argued that society did not pose a danger to Malawi's first openly gay couple and vice versa.

ARTICLE 19 considers that the arrest and sentence constitutes a violation of article 19 of the International Convention on Civil and Political Rights (ICCPR) to which Malawi is party, and a violation of the African Charter on Human and Peoples' Rights and the Malawian Constitution.

The right to freedom of expression as established in Article 19 of the International Covenant on Civil and Political Rights constitutes "freedom to seek, receive and impart information and ideas through any media and regardless of frontiers." As established by courts around the world, the right to freedom of expression protects not only discourse and forms of expression that are conventional or socially acceptable, but also discourse that may be considered controversial and disturbing to some. It is increasingly accepted that the right to freedom of expression capacity can be exercised through different forms and mediums, personal preferences, and lifestyle choices.

ARTICLE 19 calls on the Government of Malawi to release unconditionally Steven Monjeza and Tiwonge Chimbalango and assure their protection upon release. The organisation also calls on the president of Malawi to reaffirm that all Malawians are entitled to enjoy the human rights laid out in the African Charter and other domestic, regional and international documents, regardless of their sexual orientation and gender identity.

Article 19 of the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity establishes freedom of expression without limitations in relation to gender identity or sexual preference. It states that "*Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or*

personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers.”

NOTES TO EDITORS:

- For more information please contact Oliver Spencer oliver@article19.org
- 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.