



## **A STATEMENT ON THE PENAL CODE (AMENDMENT) BILL PASSED BY PARLIAMENT**

The Malawi Human Rights Commission (the Commission) has welcomed the passing by Parliament of the Penal Code (Amendment) Bill which has repealed seditious-related laws, including the Protected Names, Emblems, and Flags Act. The laws that have been repealed were approved by Cabinet some months ago. The Commission wishes to commend Cabinet for taking this bold step and paving way for the amendments by Parliament.

The Commission considers the repeal of the seditious-related laws as a milestone in the protection and promotion of human rights in Malawi. For a long time in our national history, such laws have been used as an instrument of suppression and violation of the right to freedom of expression enshrined in the Constitution of the Republic of Malawi.

The Commission is also pleased with the decriminalization of consensual, non-exploitative sexual relationships between adolescent children. The new law now provides for defence to a consensual sexual relationship between adolescent children, with a two-year age difference between them. We believe that the new law will enhance the protection of the boy child and promote equal protection of children under the law.

While we celebrate this milestone, we are mindful that there are still some laws in the Penal Code that are not aligned with the Constitution of the Republic of Malawi and are not in conformity with international human rights standards. The Commission will continue to engage various key stakeholders to review such laws and ensure that they are in line with the Constitution and do not violate human rights.

Ms. Scader Louis  
**CHAIRPERSON**  
25<sup>th</sup> November, 2022