

February 21, 2010
Mr. Bingu wa Mutharika
President of Malawi
Fax: +265 1 788 456 / 789 273

Greetings,

I write to you on behalf of the Canadian Auto Workers union to express our grave concern over the arrest and imprisonment of Tiwonge Chimbalanga and Steve Monjeza, under Section 153 of your penal code that prohibits "unnatural offences" and under Section 156 concerning "public decency" used to punish homosexuals. The CAW calls for the immediate and unconditional release of Tiwonge Chimbalanga and Steve Monjeza.

The CAW is the largest private sector union in Canada and as part of our mandate as a socially progressive organization, we advocate for the protection of human rights, both in Canada and around the world. The detention, persecution and arrest of individuals based on sexual orientation, perceived sexual orientation or gender identity are gross violations of human rights.

Homosexuality is illegal in Malawi because of an inhumane British Colonial law in the penal code that penalizes homosexual acts with sentencing of up to 14 years; however, the Bill of Rights in the new Constitution clearly states that no one should be discriminated against, on the basis of – among other things – "sexual orientation." Chapter IV of the Malawian Constitution guarantees every person's right to liberty, dignity, and security. Article 20 prohibits discrimination on all grounds, and article 21 guarantees the right to privacy. Section 153 of the Malawian criminal code, which criminalizes consensual sexual conduct between adults, and section 156, which criminalizes "indecent" in both public and private, directly violates your country's own constitution.

These clear human rights violations of the individuals should not be tolerated. The international community is watching and I would suggest the greatest threat to public decency is the lack of respect your country shows its citizens.

Sincerely,

Ken Lewenza
National President
CAW - Canada

Copy to:

Minister of Justice and Constitutional Affairs

Hon. Arthur Peter Mutharika

Fax: +265 1 788 332/841

Minister of Home Affairs and Internal Security

Hon. Aaron Sangala

Fax: +265 1 789 509

Minister of Health and Population Services

Hon. Moses Charuwananga Chirambo

Fax: +265 1 789 431

Permanent Representative of the Republic of Malawi to the United Nations

Mr. Steve D. Matenje

Fax: +1 212 317-8729

Malawi Human Rights Commission

Fax: (265) 01 750 943

KL/VS/Malawi Let- KL - HR /so:cope343