

7 January 2016



Foreign &
Commonwealth
Office

Our ref: MIN/91522/2015

Humza Yousaf MSP
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

King Charles Street
London SW1A 2AH

Dear Humza,

Thank you for your letter of 16 December about press reports concerning the arrest of two Malawian men for alleged homosexual acts.

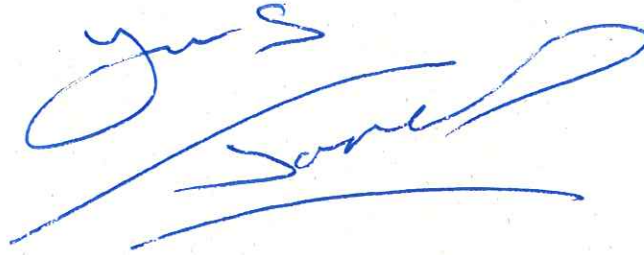
You asked what action the United Kingdom Government is taking to press the Government of Malawi for charges against the two men to be dropped. Our High Commissioner in Lilongwe discussed the arrest of the two men with the Government of Malawi soon after receiving the media reports. We encouraged the Government to clarify the facts surrounding the case, not least given the previous government's introduction of a moratorium on the arrest and prosecution of homosexuals. The Minister of Justice and Constitutional Affairs confirmed to our High Commissioner that the moratorium on the arrest and prosecution of homosexuals remained government policy and that he would look into the circumstances surrounding the case.

We welcome the subsequent statement of 19 December by the Minister of Justice and Constitutional Affairs affirming the moratorium on the arrest and prosecution of those involved in above-age, consensual homosexual acts. The Minister also stated that criminal charges against the men involved in this case have been dropped. We further welcome the Government of Malawi's commitment to review the laws on homosexuality under the penal code and their invitation to involve civil society in that process.

Our bilateral relationship with Malawi allowed us to play an important role in encouraging the Malawian Government to establish the facts, ensure the incident was dealt with in line with their own moratorium criteria and publicly re-state the moratorium policy. These are sensitive issues in Malawi, and there is a continued risk of a backlash against the LGBT community as a result of this case. We need to defend the rights of LGBT minorities in Malawi, discouraging negative and sometimes dangerously provocative comments against them. At the same time, our

private and public approach needs to be calibrated carefully in order to help, not hinder, the overall goal of improving the legal and societal environment for LGBT people in Malawi.

You mention you have written to the Malawian High Commissioner on this matter. While it may be useful that the Malawi High Commission is aware of your concern about this issue, I would be grateful if correspondence with governments on human rights and other reserved matters be cleared through this department.

A handwritten signature in blue ink, appearing to read 'James Duddridge', with a large, sweeping flourish underneath.

James Duddridge MP
Minister for Africa, the Overseas Territories, and the Caribbean