

WHAT YOU CAN DO

If you have suffered torture:

Report it.

Report the incident to trusted authorities, community leaders, or human rights organisations. Examples in Malawi include:

Official Bodies:

1. The Malawi Human Rights Commission (MHRC)
2. The Malawi Legal Aid Bureau
3. Office of the Ombudsman Malawi
4. The Independent Complaints Commission, Malawi (ICC)

Non-Official Bodies (NGOs):

1. Centre for the Development of People (CEDEP)
2. Centre for Human Rights Education and Assistance (CHREA)
3. Centre for Human Rights and Rehabilitation (CHRR)

Seek Support.

You have the right to receive medical care and psychological help to recover at the CEDEP managed drop-in centers in Hilltop Mzuzu, Area 47 Sector 5 Lilongwe, Mangochi Boma in Mangochi and Nyambadwe DIC in Blantyre, and in any health facility near you.

If someone else suffered torture:

Listen.

Hear their story (if they want to tell it) and offer them a safe space to share it (listen with empathy).

Help them connect.

Assist them in contacting authorities or organisations that can help.

Speak out and provide support.

Breaking the silence and standing together against torture helps end this practice.

WHO CAN HELP YOU?

Centre for the Development of People (CEDEP) focus on protecting vulnerable groups, including the LGBTIQ+ community.



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UNDERSTANDING TORTURE AGAINST LGBTIQ+ PERSONS

REDRESS

Ending torture, seeking justice for survivors



WHAT IS TORTURE?

Torture is when someone causes severe physical or mental pain to another person on purpose. It can be done by someone in power or by people in your community with the knowledge, participation or involvement of a government official. It often happens to punish, intimidate, or get information from someone. It can also be a way to discriminate against LGBTIQ+ persons because of who they are — because of their sexual orientation or gender identity.

Here are some examples:

- **Physical Harm.** Brutal arrests, beatings, sexual assault, or other forms of violence.
- **Psychological Harm.** Threats, intimidation, humiliation, or isolation.

These physical or psychological harms may also affect other areas of victims' and survivors' lives. For example, they may suffer economic hardship as a result of targeted isolation.

YOUR RIGHTS AS A VICTIM

Medical Attention.

You have the right to receive medical care and psychological support.

Legal Representation.

You have the right to a lawyer to help you in any legal action.

Justice.

You have the right to complain to authorities and have your case investigated.

Protection & Association

You have the right to be protected from further harm while pursuing your case, and a right to assistance during your case (which necessarily entitles you to participate in your case).

Reparation.

You may be entitled to compensation and other measures to redress the harm you suffered.

Non-Discrimination.

You have the right not to be discriminated on the basis of sex, gender and 'other status' (amongst other things).

THE LAW

Malawi has an obligation to prohibit and prevent torture. Authorities must investigate torture, bring those responsible to justice, and punish them appropriately. Authorities must also assist and protect victims and ensure they receive reparation.

Laws in Malawi:

- **Constitutional Prohibition.** It prohibits torture and cruel treatment (Section 19(3)).
- **No Torture Exceptions.** The law cannot permit torture under any circumstances (Sections 44 and 45(2)(b) of the Constitution).
- **Safeguards for Detainees.** The Constitution provides safeguards against torture, including during emergencies (Sections 42 and 45(7)).
- **Penal Code.** While not specifically addressing torture, acts of violence can be prosecuted under other crimes.

International Law:

- **The UN Convention Against Torture (UNCAT).** This treaty requires Malawi to prevent and respond to torture.
- **The International Covenant on Civil and Political Rights (ICCPR).** This treaty prohibits torture and cruel treatment.
- **The African Charter on Human and Peoples' Rights (ACHPR).** This charter requires Malawi to prohibit and prevent torture.