



## **Commonwealth Lawyers Association condemns Malawi gay couple imprisonment**

*Legal opinion from Clifford Chance and Doughty Street Chambers finds anti-gay laws incompatible with human rights.*

The Commonwealth Lawyers Association ("CLA") notes with concern the conviction and imprisonment of Steven Monjeza, 26, and Tiwonge Chimbalanga, 20 for "unnatural acts and gross indecency" as a result of consensual homosexual conduct.

Mohamed Husain, President of the CLA, said the following: "Convictions such as these have no place in modern civilised society. In the 21st Century any criminalisation of private homosexual conduct between consenting adults is incompatible with the international law. It breaches the rights to dignity, equal treatment and privacy enjoyed by all human beings. This has been recognised by Courts as diverse as the Indian High Court, the Fijian High Court, the United States Supreme Court and the South African Constitutional Court. This latest development is of grave concern not just for the individuals affected but also because of the increasing prevalence of anti-homosexual legislation in a number of Commonwealth countries."

The CLA recently commissioned a legal opinion on the compatibility of sexual orientation legislation, such as Uganda's proposed Anti-Homosexuality Bill, with international law. This found that the proposed law was incompatible with Uganda's international treaty obligations and customary international law, and went on to find that any criminalisation of private homosexual conduct between consenting adults is incompatible with the rights to dignity, equal treatment and privacy enjoyed by all human beings. The opinion was provided by Michael Smyth CBE and Fraser Campbell of Clifford Chance LLP and Tim Otty QC, Jonathan Cooper OBE, Judith Farbey and Gemma Hobcraft of Doughty Street Chambers. The CLA is today publishing that opinion and a copy is available upon request by contacting the CLA on +44 (0)207 862 8824 or [cla@sas.ac.uk](mailto:cla@sas.ac.uk)

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Commonwealth Lawyers Association

*The Commonwealth Lawyers Association (CLA) is a professional association of lawyers that exists to maintain and promote an independent legal profession and the rule of law throughout the Commonwealth. Further information is available at [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)*