



REPUBLIC OF MALAWI
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS
HUMAN RIGHTS SECTION

THE STATE OF HUMAN RIGHTS IN MALAWI

**DELIVERED AT THE 65TH SESSION OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS,
BANJUL, THE GAMBIA**

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Madam Chairperson, Commissioners and all distinguished delegates,

The Government and people of Malawi are very pleased to be part of the Commission session as we gather here in Banjul, the Gambia to share our values as a people and to celebrate the achievements we have made in the area of human rights.

We would like to share developments in the promotion and protection of human rights in Malawi, since the 64th session of the Commission held in April 2019. Firstly, we join everyone in paying tribute to the recently departed Sir Dawda Kairaba Jawara, for his immense contribution to the African human rights landscape.

We would also like to pay tribute to the outgoing Chairperson and Vice Chairperson, Commissioners Maiga and Mute, respectively for their tremendous contribution to the Commission. We wish you well as you continue serving this continent in different capacities. To the new Chairperson and Vice Chairperson of the Commission, you

can count on our support as you steer the Commission to greater heights.

Malawi cherishes the spirit of inclusivity, diversity and a common sense of purpose. The following Ministries, Departments, Agencies and Civil Society Organizations are represented at this Session:

1. The Ministry of Justice and Constitutional Affairs
2. The Office of the President and Cabinet
3. Ministry of Gender, Children, Disabilities and Social Welfare
4. The Law Commission
5. Malawi Police Service
6. Malawi Human Rights Commission
7. Legal Aid Bureau
8. Paralegal Advisory Service Institute (PASI)
9. Centre for Human Rights Education, Advice and Assistance (CHREAA)
10. Centre for the Development of People (CEDEP)
11. Centre for Human Rights and Rehabilitation (CHRR)

May 21 Elections and the Aftermath

Following the May 21 elections, the number of female Members of Parliament has gone up to 44 from 32 representing a 22% increase. We also now have a female Speaker of Parliament for the first time in our history.

We reiterate our belief that the people of Malawi are in line with our Constitution free to demonstrate and express themselves. It is regrettable however that following the May elections, the demonstrations that have occurred have led

to loss of life and property. Our view is the exercise of rights without a sense of responsibility and duty towards your neighbour, is an affront to the values and dictates of democracy and the rule of law.

Regarding the ongoing case in which two candidates are challenging the Presidential election results, we urge calm and patience for the court to hear the case and reach its verdict. Our constitutional scheme has well articulated means of dispute resolution.

Persons with Albinism and Rights of Persons with Disabilities

We have previously reported on the increase in attacks on persons with albinism. Malawi's response to this scourge is anchored in The National Action Plan On Persons with Albinism launched in 2018. In the 2019/2020 annual budget, a total of MK1 Billion has been allocated solely for protecting persons with albinism. Out of this, MK 600 million has been earmarked for the construction of houses for persons with albinism and the remaining MK 400 million will be used for the implementation of the National Action Plan. The 2018 census shows that Malawi has a total population of 134, 636 persons with albinism. Additionally, in an effort to empower persons with disabilities, MK200 million has been allocated in the 2019/2020 budget to operationalize the Disability Fund as provided for in the Disability Act.

Reports and Law Reform

We have concluded our periodic report on the Charter and the Protocol and we will submit it in the course of this session. The report covers the period 2015 to March 2019,

and in line with the Commission's Guidelines contains PART A on the Charter and PART B on the Protocol. We are looking forward to the review of the report.

Last week we submitted our initial report on the Convention against Torture.

On law reform, the Law Commission has concluded work on the review of the Prisons Act and a proposed new Act on Sentencing Guidelines. These two will be discussed and approved by Cabinet before the Bills are presented in Parliament.

The Prisons Inspectorate has released its 2018 state of prisons report. The report points out many challenges in our prison system, which the Government is determined to resolve.

Conclusion

We reiterate our firm commitment to the human rights cause both at home and abroad. We are eager to work with the Commission and other key actors. If we are to achieve Agenda 2063 we need to be resolute and united in purpose. We are surrounded by a cloud of witnesses of great men and women who trail blazed the road to liberation and freedom, cheering us on from the balconies of up yonder. This should always encourage us, that the Africa We Want is possible.

We wish all of us fruitful deliberations. God Bless Africa!