



**REPUBLIC OF MALAWI**

**STATEMENT BY  
ATTORNEY GENERAL, THABO CHAKAKA-NYIRENDA, SC**

**DELIVERED ON  
THE MALAWI HUMAN RIGHTS COMMISSION'S COMMISSIONERS  
FAREWELL COCKTAIL**

**ON  
9<sup>TH</sup> FEBRUARY 2023**

The Outgoing Chairperson of the Malawi Human Rights Commission, Ms. Scader  
Louis

The Law Commissioner, Ms. Rosemary Kunitsonyo Kanyuka

All Outgoing Commissioners

The UN Resident Coordinator, Ms. Rebecca Adda-Dontoh

The Resident representative for UNDP, Shigeki Komatsubara

The Clerk of Parliament, Mrs. Fiona Kalemba

Members of staff of the Malawi Human Rights Commission,

The Media

Ladies and gentlemen.

Good evening to all of you!

I sincerely feel greatly honoured and highly privileged to make this statement today on behalf of the Minister of Justice, Honourable Titus Mvalo. He would have loved to be present at this function, however he is also attending another equally important activity. Hence his assignment to me to represent him.

The Malawi Human Rights Commission is one of the most important governance institutions in Malawi with extensive powers transcending public and private

institutions. I notice that under section 12 of the Human Rights Commission Act (Chapter 3:08 of the Laws of Malawi), ***“The Commission shall be competent in every respect to protect and promote human rights in Malawi in the broadest sense possible and to investigate violations of human rights on its own motion or upon complaints received from any person, class of persons or body.”*** The Constitution at section 129 emphatically gives the Human Rights Commission powers of investigations ***‘of violations of the rights accorded by this Constitution or any other law.’*** Mark the phrase ***‘the rights accorded by this Constitution or any other law’*** denoting virtually any constitutionally protected right or right protected by any law. To be appointed as a Commissioner of a constitutional body with such wide ranging powers on wide ranging aspects of life is a great privilege, a great source of pride and a great gift from God.

In this era, observance of human rights is key to sustenance of the rule of law and attracting trade and investment. In my role as Attorney General for the Republic of Malawi, I have been reviewing agreements with some investors. I have come to realise that protection of human rights is now key in investment and trade agreements. I have come to learn that global reference to human right protection as is the case with reference to anti-corruption and anti-money laundering safeguards, is a key requirement for the bankability of projects that investors undertake. As ‘social licence, investors are required to comply with human rights as resulting from applicable law, including international treaties for their provisions directly applicable to the investors. The United Nations Sustainable Development Goals also place great emphasis on promotion and protection of human rights. I have come to realise that the work and relevance of the Commission towards social development and economic development is perhaps underrated. You had a huge task to counterbalance between economic development and social development.

The aspirations of the Constitution and the Vision 2063 would be a mere pipedream if human rights are not championed and protected.

This farewell function is not a sad goodbye but a joyous celebration of men and women that selflessly gave their time and expertise to serve in a field of human rights protection and promotion that a lot would be too reserved to serve. It was in a similar interaction on 20<sup>th</sup> February, 2020 where the former Minister of Justice sworn in the seventh cohort at the delegation of the State President, His Excellency Dr Lazarus MacCathy Chakwera.

The three years that you have been with the Commission has its up and downs, yet you persevered to the end of your term of office. We salute you. Also remember what Abraham Lincoln famously said: ‘The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.’

As a representative of the Minister of Justice, I know that the Ministry does not work as an island in as far as human rights protection and promotion for all Malawians is concerned. Human rights is a core element in the work of the Ministry in providing access to justice for all. I am also informed that during the seventh cohort, the Commissioners have worked and supported the Ministry in its work of submitting state reports to International Human Rights Mechanisms. The Ministry of Justice has reciprocated by providing legal representation in case of court litigation against the Human Rights Commission.

The Commission is a working partner of the Ministry in promoting good governance in Malawi. The Minister also present the Commission budget in Parliament. For this reason, it can be said that the Ministry is also bidding farewell to Commissioners that served the Ministry and Malawians at large.

The Government of Malawi is hugely indebted to you all for the work that you have done with the Commission to ensure that human rights are promoted and protected. It is clear from the statement of the Chairperson and Executive Secretary on the enormous work that you have achieved during your tenure. It is my utmost honor to stand before such esteemed human rights defenders. As a citizen of this wonderful country, it gives me a sense of assurance in the freedoms that are guaranteed to me because of the work of the Malawi Human Rights Commission and the contributions of the Commissioners in making the work of the Commission not only possible but both effective and efficient.

I would like to reaffirm the Ministry's continued support and collaboration with the Malawi Human Rights Commission in ensuring that all Malawians are accorded the human rights that they are entitled to and that all Malawians are able to access various remedies and that justice is not selective. Our support will be to ensure that the up-coming re-accreditation in October, 2023 by the Global Alliance of National Human Rights Institutions (GANHRI) is successful and the Commission retain its 'A' Status at international level. We will also support the Commission to ensure that it submits is bi-annual reports to African Commission on Human Peoples Rights (ACHPR).

To the outgoing Commissioners, I have particularly followed with keen interest your works during your tenure especially regarding investigations of reports of human rights violation. Very remarkable achievements have been attained by your team which has gone a long way towards strengthening the trust of the Commission, and invariably the rule of law. The reports that I have read are masterpieces. You will be retiring with your shoulders-high. Everything that happens in our life, I mean the good things, are God's plans. You were also God's watchmen over public officers. As watchmen, you were able to warn us against possible violation of Human Rights. You have served your nation and you have served us well; there are no words to express the gratitude that we all have for your service. We shall forever be indebted to you for what you have done to the Country. And as you retiring, remember the words, *'once a soldier always a soldier.'* To this end, I believe that *'once a human rights defender, always a human rights defender.'* You are forever etched in the history of this nation and we will forever look up to you as our leaders. With these few remarks, and gratitude to the organizers of this function, on behalf of the Government, I wish you and your family who supported you during this journey, a good health and successful life.

I thank you for listening.

May the Most High God bless you All!