



MALAWI:

Submission to the 63RD Ordinary Session of African Commission on Human and People's Right

CHRR AND CEDEP STATEMENT AT THE 63RD SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

BANJUL

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Your Excellency Madam Chairperson, Honorable Commissioners, State delegates, representatives of National Human Rights Institutions, esteemed fellow representatives of Civil Society Organizations, Ladies and Gentlemen, on behalf of the Centre for Human Rights and Rehabilitation (CHRR) and its partners Centre for Development of People (CEDEP) and the Human Rights Defenders Coalition of Malawi (HRDC), I would like to thank you for granting us this opportunity to address the 63th Session of the African Commission on Human and Peoples' Rights on the situation of human rights in Malawi. It is always a great pleasure to appear and address this Honourable Commission which to us is a success story, I salute our founding fathers and mothers and all the commissioners present and former for the invaluable service they have rendered to the African Continent.

To begin with Madam Chairperson, Ladies and gentlemen, allow me to express our heartfelt gratitude for the presence of our Government at the important session. The fact that our government is here with us is a demonstration beyond measure that the government is committed to this Honourable Commission which is our golden hub in advancing humanity and justice in our lovely continent. Beyond this, the state has in recent years passed a number of progressive laws and policies for the protection and promotion of human and peoples' rights of the people of Malawi. To mention but a few, gender and child related laws, the disability act, the trafficking in person's act, the marriage act, the access to information act, the national human rights action plan and the establishment of the human rights unit in the ministry of justice. This is progress madam chair! It is our hope and appeal that the State will continue and remain true to these sacred obligations. Let me single out the human rights Unit for the great job it is doing in mobilizing all stakeholders in Malawi for the advancement of human and peoples' rights of our people.

This said Madam Chairperson, let me borrow the wise words said during the opening session of the 61st session of the ACHPR by the current President of Gambia His Excellency Adama Barrow, he said that 'passing Laws and signing to the human rights treaties is not an end in itself but the means, the end lies in the implementation by developing necessary institutions, policies and programmes for the advancement of

justice and humanity which is the very essence the Commission and governments were created for.' We therefore, appeal to our government to ensure that these laws, policies and institutions established are operational and properly funded: For instance we have the Legal Aid Bureau which is under-staffed and under-funded; we have progressive gender related laws but in the recent past; cases of gender based violence in Malawi have escalated; the human rights action plan was finalized but up-to date, it has not yet been adopted and it is not operational; the Access to information law was passed in 2016 but up to date it has not been operationalised; the government prepared electoral reforms bill, took it to parliament and miraculously rejected their own reforms; the establishment and operationalization of the police complaints commission has taken more than long time; we have the anti-corruption bureau yet corruption cases have escalated in recent times and its independence is sometimes highly questionable. These are bad indicators but we believe our government can work on this. **We urge the commission to continue encouraging the Government of Malawi to continue with the good measures it has initiated in safeguarding fundamental rights and freedoms by walking the talk through implementation.**

Further to this, **Madam Chairperson, honorable Commissioner, ladies and gentlemen**, allow me to make the follow few submissions which our government needs to consider seriously:

- a. Corruption and abuse of public resources in Malawi has reached historical and worrisome levels in our beloved country, everyday our media is greeted with sad reports of serious and organised corruption involving senior government officials. The recent reports from Malawi Anti-corruption Bureau implicating the President is even more disturbing. Madam Chair, i would like to bring to your attention that corruption is a human rights issue and it is so destructive in that it erodes government's capabilities and to implement Human and Peoples' Rights especially economic social and cultural rights. It stagnates development efforts in general, as we speak our economy is not in good shape and social service delivery has been highly crippled.
- b. Madam chairperson next year Malawi will be holding general elections, we would like to bring to you attention that already we have witnessed a number of political violence incidents which up to date are not yet addressed, for instance some members of the opposition have lost their vehicles through torching by unknown criminals. To make matters worse some political leaders have been preaching hate speeches during their political rallies. These are early warning signs and if not properly handled we might end up have a violent election.
- c. We commend our government and stakeholders for a great job they have done in fighting the barbaric and inhuman experiences people with albinism are facing in the country. The killing and abduction of people with albinism was the worst experience which greeted our great country. Thanks to the efforts coordinated by the government, the cases have drastically reduced and we are moving towards the eradication of this malpractice. However, we want the government to do more by ensuring that those cases in court must come to their logical conclusion.
- d. The government should, as a matter of urgency, bring to book those responsible for the brutal murder of one of directors of the Anti-corruption Bureau, the late Mr. Issa Njaunju and a student activist Robert Chasowa. These are issues that have taken suspiciously too long to be brought to an end: and are typical cases of justice denied is justice delayed.

Madam Chairperson, I will be doing a disservice to the cause if I do not raise our concerns on the shrinking political and civic space in Malawi. The fight against corruption has become a dangerous scheme to the extent that Civil Society Leaders championing the fight against corruption have been receiving death threats. Recently madam Chairperson, on the 30th of August an office belonging to Centre for Human Rights and Rehabilitation (CHRR) was attacked by unknown thugs who were looking for its Executive Mr.

Timothy Mtambo, they left a security guard heavily injured and threw a petrol bomb around the office premises. Public institutions such as the Malawi Communications Regulatory Authority (MACRA) have time and again been used to silence political and human rights activists as well as media houses that have vigilantly reported on corruption. As I speak, there is drafted NGO policy which has repressive provisions and if adopted and passed as it is will have a negative impact on the operation of NGOs and activists in the country.

- We urge Malawi government to depoliticize the state governance institutions such as MACRA, Malawi Broadcasting Corporation, Malawi NGO Board and Anti-corruption Bureau which have been used as vehicles to stifle the civil and political space.
- We further appeal to Malawi government to review the draft NGO policy so that it is in line with international best practices of NGO policies and laws. In a democracy NGO policies and laws should aim at strengthening NGOs and expanding the Civic space rather than the opposite.

In conclusion Madam Chair, we further call upon the Commission to urge the Government of Malawi to give serious attention to:

- Reform the Anti-corruption Bureau for its complete independence including the appointment its director General which should be done by the Parliament rather than the executive as it is now.
- The government should urgently bring to book all those implicate on corrupt practices without fear or favour
- Investigating and bringing to book persons who were responsible for arbitrary arrests, death threats and arson of offices and homes of various human rights and political activists in Malawi from 2009 to 2012 including the recent attacks during the current regime.
- Operationalise the Independent Police Complaints Commission established under the new Police Act
- The government should as a matter of urgency retable and pass electoral reforms bills
- Expedite the operationalisation and implementation of the access to information act.

I thank you for your kind and undivided attention: May the heavens shower Africa with endless blessings of freedom, peace, love, development and justice.