

MALAWI HUMAN RIGHTS COMMISSION

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STATEMENT DELIVERED AT THE 71st ORDINARY SESSION OF AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

- 1.0 This Statement is made in accordance with the Malawi Human Rights Commission's (MHRC) mandate as an independent National Human Rights Institution (NHRI) that is established under Chapter XI of the Constitution of the Republic of Malawi. The Human Rights Commission Act (HRCA), section 12, provides for the primary mandate of the Commission as promoting and protecting human rights, and investigating violations of human rights in the broadest sense possible. MHRC is further given the mandate to enforce the implementation of the Gender Equality Act and oversee the implementation of Access to Information Act under the Gender Equality Act (GEA) and the Access to Information Act (ATIA) respectively.
- 2.0 It is therefore necessary that the Commission provides an input on progress that the Malawi Government has achieved in the realization of human rights and critical impediments standing in the way of the efforts to give practical meaning to the provisions of the African Charter on Human and Peoples Rights.
- 3.0 The Government of Malawi is commended for promoting gender equality by appointing 12 women against 17 men into the current cabinet representing 41% women and 59% men. This is a right step in as far as compliance with section 11(1) of the Gender Equality Act is concerned. Further, the appointment of women into decision making positions in public offices, among others, some heads of Diplomatic Missions, the office of Anti-Corruption Bureau, Accountant General, Ombudsman and the Vice Chancellor of Malawi University of Business and Applied Sciences (MUBAS), institutions that are currently headed by women.
- 4.0 The citizens through various Civil Society Organisation (CSOs) were able to mobilise and exercise their rights to freedom of expression, demonstration and assembly, to express their concerns on various critical issues affecting their lives and the country.
- 5.0 The Malawi Government has signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (the Disability Rights Protocol). Protocol is expected to bring a lot of benefits to people with disabilities including enhancing their equal participation in the socio-economic development of the country. We therefore call upon Government to ratify the Protocol.
- 6.0 Despite some positive human rights developments relayed above, there have been some impediments to the full enjoyment of human rights.
 - There have been continued threats to the enjoyment of the right to demonstration through denial of permission to hold demonstrations. There have also been some violence and political

interference in the decisions of District Commissioners or Chief Executive Officers in rejecting notifications to conduct demonstrations e.g. the recent Citizens against Impunity demonstrations on 4th March 2022.

- There is gross inadequate funding to MHRC to fully implement its mandate and operationalize the Gender Equality Act (GEA) and Access to Information (ATI)
- The recent cycle of Affordable Inputs Programme (AIP) aimed at allowing Malawian subsistence farmers to purchase farm inputs at a subsidized cost with the government paying over 70% of the cost was marred with a lot of challenges including corruption, network outages and delayed delivery of inputs. The lengthy periods people spent on queues, sometimes lasting for a number of days exposed the women to situations of sexual harassment and abuse.
- There are delays to clear the backlog of corruption cases and there is a growing public perception of the Executive undermining the fight against corruption through shielding some high profile figures and the under resourcing of the Anti-Corruption Bureau to perform its legal mandate
- Malawi continues to register a rise in cost of living due to increase in prices of basic needs like food, rents and supplies, and unemployment estimated at 6 percent by ILO. This has led to many Malawians across the country struggling to make ends meet and challenging to enjoy their human rights.
- The shortage of drugs in the public hospital has compromised the right to health. In November 2021 where 11 of Malawi's 28 district hospitals run out of standard anesthetics and doctors were forced to use second-line drugs and shut operating theatres. Covid-19 vaccination uptake is currently at 4.5%. This is very low.

7.0 The MHRC recommends to Government the following:

- Support and strengthen the full operationalization of ATIA and the GEA through allocating adequate financial resources to the Commission.
- The Government needs to strengthen mechanisms of fighting corruption. The rhetoric doesn't match the actions. More needs to be done in this area and resourcing of the Ant Corruption Bureau which is mandated by law to curb, arrest and fight corruption.
- The Government should ensure the implementation of Socio-economic recovery plan 2021 – 2023 to mitigate the socio-economic challenges facing many Malawians.
- Government should adequately stock the Central Medical stores with essential drugs to improve their availability and accessibility. Further, it should scale-up COVID-19 vaccine uptake through awareness in order to protect the citizenry against severe forms of the disease, hospitalization and the emergence of variants.
- Malawi is committed to the implementation of the African Union (AU) Plan of Action on Ending Attacks and Discrimination against People with Albinism (Plan of Action) through its National Action Plan and budget allocations. On the other hand, the Executive Council of AU decided to provide for the appointment of a Special Envoy on Albinism to ensure the implementation of the Plan of Action. However this has delayed since 201 and we therefore call for speedy process in the appointment by the AU Commission.

8.0 In conclusion, the Commission notes the remarkable gains made by the Malawi government towards the enjoyment of human rights and commends the Government for its continued efforts towards the realization of enjoyment of human rights by all. However, the Commission implores the Government to take positive steps in addressing the challenges and the recommendations that have been raised herein.

Thank you very much



Ms. Scader Louis
Chairperson
Malawi Human Rights Commission
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