



THE REPUBLIC OF MALAWI

STATEMENT BY MALAWI DELEGATION

ON THE STATE OF HUMAN RIGHTS SITUATION IN MALAWI

**DELIVERED DURING THE 69TH ORDINARY SESSION OF THE
AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS**

**BY HONORABLE REYNECK MATEMBA
SOLICITOR GENERAL AND SECRETARY FOR JUSTICE**

MONDAY, 15TH NOVEMBER, 2021

The Chairperson, Commissioners, and All Distinguished Delegates,

It is a great honor for me to address the African Commission on behalf of the Republic of Malawi. The Government and indeed the people of Malawi are once again pleased to be part of this 69th Ordinary Session of the African Commission on Human and People's Rights.

At the onset we would like to reiterate that the Government of Malawi affirms her commitment to advance the international cause of human rights. Through her liberal constitution and progressive domestic laws, Malawi continues to work hard to ensure that it registers significant progress in the protection and promotion of rights of its citizens including women, children and persons with disabilities.

We would like to share some developments that have taken place in Malawi in the protection and promotion of human rights since our Report was reviewed during the 68th Session of the Commission in April, 2021.

Following parliamentary by-elections held on 26th October, 2021 Malawi made history when Mr. Overstone Kondowe, a person with albinism was elected as a member of parliament, becoming the first person with albinism in Malawi to be elected to the National Assembly. This is an important milestone in the protection and promotion of human rights of persons with

albinism in Malawi and demonstrates Malawi's commitment of leaving no one behind on human rights issues.

On empowerment of persons with Disabilities and Albinism, the 2021/2022 National Budget made several monetary allocations towards activities for these groups. Some of the allocations included approximately USD 90 thousand to the Disability Fund, approximately USD 375 thousand for the implementation of the Action Plan and approximately USD 500 thousand to Ministry of Lands for the construction of houses for persons with albinism.

Mr. Chairperson,

We are pleased to report to the Commission that our exercise of reviewing our laws to align them to our Constitution and international human rights standards currently in progress is yielding fruitful results. In this regard, we have amended our Labour Laws among others, to provide for paternity leave every three years, to at least two weeks' paternity leave on full pay. Additionally, the amendments enjoins employers to provide a suitable space for breastfeeding women at the workplace which ensures privacy and safety. The amendments have also incorporated special work conditions for pregnant women in work places in its quest to affirm the dignity of every Malawian woman.

Commissioners,

As regards sexual violence against women, the Judiciary has been resolute in meting out severe sentences to perpetrators of sexual

violence in order to decisively deal with the scourge. In the spirit of leaving no one behind, the Legal Affairs Committee of Parliament has embarked on consultations with key stakeholders in order to examine the laws on sexual violence which discriminate against the boy child with a mission to amend our laws so that the boy child is equally protected.

Distinguished delegates,

As a country we have made great strides in the enjoyment of Civil and political rights of our citizens. We have a free press, a very thriving civil society and Malawians are able to peacefully assemble and demonstrate without interference by the State.

Similarly, the Judiciary and the whole legal profession in Malawi is independent from interference from the executive and legislature. Judges and lawyers discharge their duties freely without any interference from the State. There have been numerous occasions when the judiciary has made decisions against the executive branch of Government without negative consequences.

The Police Independent Complaints Commission is up and running enhancing justice for both police officers and the public.

Mr. chairperson, Commissioners, Distinguished delegates,

Malawi has not been spared from the adverse effects of COVID-19 pandemic. In her quest to protect her citizens, Malawi has managed

to fully vaccinate a sizeable of its population. We are not forcing people to get vaccinated. Be that as it may, as a country we have been educating our people on the importance of getting the vaccine to protect themselves and their loved ones.

Following the launch of the national development vision called Malawi 2063, earlier this year which is aligned to the Agenda 2030 and Africa's Agenda 2063 designed to propel Malawi to social economic prosperity, the President of the Republic of Malawi a few weeks ago officially launched a 10-year implementation plan for Malawi Agenda 2063. The Malawi Government is determined to improve Malawians lives to be self-sufficient and reduce all indicators of poverty by 2063. We are determined to ensure that access to quality service provided should be to all regardless of their background, gender, tribe or religion.

To address other human rights challenges the President of the Republic of Malawi has instituted a Presidential Delivery Unit (PDU), which will be tracking progress in the implementation of programs in relation to the Agenda 2063, so that the right to development can be fulfilled.

We are pleased to report to the Commission that Malawi has instituted other specific divisions of the High Court; High Court Family and Probate Division and High court Revenue Division to improve access to justice for the poor people of Malawi.

Distinguished delegates,

We are pleased to notify the Commission that Malawi has ratified the African Protocol on Older Persons and we are committed to ratify both the OPCAT and the African Protocol on Rights of Persons with Disabilities.

We have held several review sessions on the African Protocol on Older Persons essentially to identify gaps in its implementation and to enhance the protective framework for older persons.

Mr. chairperson,

The Government of Malawi in corroboration with partners remains committed in protecting and promoting the rights of her citizens so that no one is left behind in the enjoyment of his/her rights.

I thank you for your indulgence.