

ACHPR68 | Periodic review of the Republic of Malawi

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In compliance with Article 62 of the African Charter, States have the obligation to report every two years on the legislative, administrative and political measures taken with a view to give effect to the human rights guaranteed by the Charter. The Republic of Malawi, which ratified the Charter in 1989, submitted its 2nd and 3rd Periodic Reports.



On 16 and 19 April 2021, the African Commission of Human and Peoples' Rights (ACHPR) reviewed the Republic of Malawi's periodic [report](#) on the implementation of the African Charter on Human and Peoples' Rights and the Maputo Protocol. The report, encompassing the period between May 2015 and March 2019, was submitted to the ACHPR in February 2020.

During the state report presentation, the Malawian delegation exposed several positive steps recently undertaken in the implementation of the rights entrenched in the Charter and the Protocol. Those involved, among other things, measures to promote access to justice and accountability, to enhance gender equality, to grant increased protection to vulnerable groups, to ensure access to information and to guarantee freedom of association and peaceful assembly.

In the discussion that followed the presentation of the state report, members of the Commission had the chance to pose questions and request clarifications about the content thereof, which were answered on 19 April. Commissioners unanimously welcomed the submission and congratulated the government of Malawi for the progress made, including the plan to ratify the Optional Protocol to the Convention Against Torture (OPCAT), the UN Convention relating to the Status of Stateless Persons, and the African Protocol on the Rights of Persons with Disabilities (CRPD). Yet, a number of concerns were raised, in particular as regards to the conditions of vulnerable people including people living with HIV, women, minors, elderly people, people with disabilities, people in detention, refugees and asylum seekers.

Among the points addressed, Vice-Chair of the ACHPR and Special Rapporteur on human rights defenders Commissioner Rémi Ngoy Lumbu, asked the delegation to provide an update on the situation of human rights defenders Reverend MacDonald Sembereka, Gift Trapence and Timothy Mtambo, that were arrested and taken into police custody in March 2020. Additionally, he called on authorities in Malawi to adopt legislation to protect human rights defenders, and to allow them to carry out their activities without any hindrance, fear of reprisals or of acts of harassment, including at the judicial level. In turn, it was noted that the Malawian director of public prosecution has recently discontinued the cases against the defenders, and they are therefore no longer being prosecuted. Furthermore, the delegate reiterated Malawi's pledge to ensure that citizens are free to express themselves through peaceful assemblies and demonstrations, and that police authorities refrain from using excessive force against them.

To conclude, as declared in the state report, 'the state is the main human rights defender': nevertheless, challenges to the enjoyment of social and economic rights remain in Malawi. In this context, human rights defenders have an essential role to play, and the state should commit to engage constructively with them.

Watch the review [here](#) and [here](#).

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