



Oral statement

ITEM 3: INTER-ACTIVE DIALOGUE WITH THE INDEPENDENT EXPERT ON THE ENJOYMENT OF HUMAN RIGHTS BY PERSONS WITH ALBINISM

THE CRIMINAL JUSTICE SYSTEM IS FAILING PERSONS WITH ALBINISM

UN Human Rights Council

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Mr President,

Amnesty International welcomes the findings of the Independent Expert on the enjoyment of human rights by persons with albinism on the right to access to justice for persons with albinism.

In 2018, Amnesty International published the briefing '[Towards effective criminal justice for people with albinism in Malawi](#)' which documents challenges in access to justice for persons with albinism. The briefing revealed that there was an increase in the number of crimes against persons with albinism from 107 crimes reported in 2017 to 163 in February 2019.

Although some individuals have been arrested, charged and convicted the majority of crimes remain unresolved and the charges and penalties often have not matched the gravity of the crimes, furthering a climate of impunity as well as deep fear. The docket tracing exercise conducted by the Malawi Police Services and Ministry of Justice and Constitutional Affairs in February 2018 revealed that 44 cases had been concluded whilst 22 murder cases have not yet been finalised.¹

Statistics show that the judicial process is slow compared to other criminal investigations. The briefing also reveals that of the 148 cases reported, only 44 had been concluded by February 2018 with police failing to finalize investigations in 45 cases whilst 21 murder cases had been submitted to the Director of Public Prosecution's office. The police had also failed to resolve 14 cases.

We recognise efforts by the Malawi government to recruit 15 professional magistrates to improve delivery of the justice however, Amnesty International urges the government of Malawi to improve the criminal justice system by also developing a stronger case management system, improve evidence preservation and recruiting more legally qualified prosecutors. Malawi must ensure that all reports of violence, including pending murder cases, against persons with albinism are promptly, thoroughly and transparently investigated.

Thank you.

¹ Joint Docket Tracing Exercise Report for Cases of Persons with Albinism in Malawi, Malawi Police Services and Ministry of Justice and Constitutional Affairs.