



MALAWI: BEYOND THE BALLOT BOX

EIGHT HUMAN RIGHTS PRIORITIES FOR THE INCOMING
GOVERNMENT OF THE REPUBLIC OF MALAWI

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Cover photo: TOPSHOT - People walk across a makeshift bridge over flood water in Blantyre on March 14, 2023, caused by heavy rains following cyclone Freddy's landfall. - Cyclone Freddy, packing powerful winds and torrential rain, killed more than 100 people in Malawi and Mozambique on its return to southern Africa's mainland, authorities said on March 13, 2023.

Freddy, on track to become the longest-lasting storm on record, barreled through southern Africa at the weekend for the second time within a few weeks, making a comeback after a first hit in late February. (Photo by Jack McBrams / AFP) (Photo by JACK MCBRAMS/AFP via Getty Images)

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BACKGROUND

As Malawi approaches general elections on 16 September 2025 to elect the president and members of parliament, Amnesty International calls on the government and political parties to ensure respect for human rights before, during and after elections. Those contesting for seats in parliament and for presidency can use this election to reshape Malawi's human rights record.

During his first tenure as President of Malawi, Lazarus Chakwera, the sixth president of The Republic of Malawi, promised to ensure economic liberation and to "clear the rubble of impunity". He promised to "operationalize the Access to Information Act in order to end the era of government secrecy and usher in the dawn of government accountability". He further promised to challenge parliament to "repeal and replace bad laws that remain on [the] books" and to "challenge civil society organizations to maintain a culture of robust protest".¹ Unfortunately, none of these promises have been fulfilled. Malawi continues to face human rights violations including restrictions on civic space, inadequate access to food and healthcare, discrimination and lack of accountability. At a time of multiple and overlapping crises such as inflation, debt, food and fuel price rises, the aftermath of the Covid-19 pandemic, environmental degradation, biodiversity loss and climate change, many in Malawi face poverty and inequality with lack of access to basic services. There remains a lack of government transparency and laws preventing the full realization and enjoyment of human rights remain on the books. The death penalty, which is the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life, remains in the country's legal framework. As Malawi approaches its 2025 general elections, the incoming government administration must seize this opportunity to take effective measures to advance human rights as a foundation for real change and to improve life for all in Malawi.

1. ABOLISH THE DEATH PENALTY

Malawi retains the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that it has not executed anyone for more than 30 years and has had an established practice or policy not to carry out any executions. Furthermore, Malawi voted in favour of resolution 79/179 of 17 December 2024, which is the tenth resolution on a moratorium on the use of the death penalty adopted by the UN General Assembly since 2007 and was adopted with the support of two-thirds of all UN members. In 2021, the Supreme Court of Appeal published a judgement declaring the death penalty unconstitutional and contrary to the right to life guaranteed under the Constitution of Malawi. However, a perfected judgement was subsequently issued by the same court overturning the declaration of unconstitutionality. In 2022, parliament rejected a legal affairs committee report which supported proposals for the abolition of the death penalty which indicated majority support for abolition.² The government of Malawi has affirmed its commitment to eliminating the death penalty.³ President Chakwera has commuted death sentences to life imprisonment, but this is not enough.⁴ The use of the death penalty is reserved to an ever-increasing minority of countries in the world with countries in the region such as Zimbabwe and Zambia recently abolishing the death penalty for ordinary and all crimes, respectively.⁵ It is now time to turn Malawi's commitment into concrete action by enacting legislation that permanently removes the death penalty from Malawi's legal framework.

1 Inaugural address by the state president of the Republic of Malawi, His Excellency Dr. Lazarus McCarthy Chakwera, 6 July 2020.

Available at <https://www.malawi.gov.mw/index.php/resources/news-and-media/speeches?download=47:h-e-chakwera-speech-no-5>

2 Nyasa Times, Malawi Parliament reject death penalty abolition, 11 August 2022. Available at: Malawi Parliament reject death penalty abolition - Malawi Nyasa Times - News from Malawi about Malawi See also Parliamentarians for Global Action, A parliamentary peer exchange supports efforts to end the death penalty in Malawi and beyond, 9 April 2025. Available at: A Parliamentary Peer Exchange Supports Efforts to End the Death Penalty in Malawi and Beyond - News Center

3 Malawi Voice, Malawi Commits to abolish death penalty, 16 January 2025. Available at: Malawi Commits to Abolish Death Penalty - Malawi Voice See also Malawi24, Govt says death penalty will be abolished in Malawi, 12 October 2023. Available at: Govt says death penalty will be abolished in Malawi | Malawi 24 | Latest News from Malawi

4 MalawiVoice, Malawi President Chakwera Commutes 22 Death Sentences, 16 August 2022. Available at: Malawi President Chakwera Commutes 22 Death Sentences - Malawi Voice Nationoine, Chakwera removes 'Nachipanti', 21 others from death row, 17 August 2022. Available at: Chakwera removes 'Nachipanti', 21 others from death row - Nation Online

5 Amnesty International, Death Sentences and Executions 2024, 8 April 2025. Index number ACT 50/8976/2025. Available at: Death sentences and executions in 2024 - Amnesty International

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Take measures to review and ratify all outstanding international human rights treaties, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Fully abolish the death penalty and commute any existing death sentences.

2. PROTECT CIVIC SPACE

A) REVIEW LAWS RESTRICTING FREEDOM OF ASSOCIATION AND EXPRESSION

Despite President Chakwera’s promise to ensure that civil society in Malawi “maintains a culture of robust protest” and can freely do its work, the existing law governing such organisations threatens their right to freedom of association. In March 2022, parliament passed the draconian NGO Amendment Bill⁶ despite a 2018 court injunction against it on the grounds that it was inconsistent with international human rights standards.⁷ The Bill became law in May 2022 and its provisions include compulsory registration requirements for Non-Governmental Organizations (NGOs) as a pre-requisite for the right to operate; excessive discretion is granted to the official regulatory body with the authority to suspend, cancel and revoke registration; and it prescribes disproportionate criminal sanctions against organizations and their leaders for non-compliance with the Act.⁸ Furthermore, the Act provides that staff and management of NGOs shall not engage in partisan politics, including electioneering and politicking. These terms are not defined and could be abused and prevent NGOs from conducting voter education work. Many NGOs have been impacted by the government’s enforcement of mandatory registration requirements⁹ as “hundreds of NGOs remained unlicensed”.¹⁰ Civil society play an important role in ensuring government accountability and supporting communities to exercise their human rights. Accordingly, the legal framework should protect their right to freedom of association, not erode it.

Whilst the Constitution of Malawi guarantees the right to freedom of expression and the country has made some progress in ensuring its protection,¹¹ there are still laws which limit the effective enjoyment of the right. Violence and harassment against journalists have decreased in the past five years, but there are concerns that the Electronic Transactions and Cybersecurity Act 2016¹² is being used to suppress peaceful dissent.¹³ The Act has been used against journalists who have been charged for simply doing their work;¹⁴ and against members of opposition parliamentarians and political activists.¹⁵ The incoming government must ensure that these laws are reviewed to ensure the effective realization of human rights including the rights to freedom of association, peaceful assembly and expression.

B) GUARANTEE ACCESS TO INFORMATION

President Chakwera promised to “operationalize the Access to Information Act in order to end the era of government secrecy and usher in the dawn of government accountability.” Yet accessing public information remains a struggle and is yet to be fully implemented and operationalized. Malawi passed the Access to Information (ATI) Bill in 2016, which came into force in 2020. The Act provides for the appointment of information officers and establishment of procedures for compliance with the Act. Information officers are charged with handling all requests for information made pursuant to the Act and must assist any person seeking such information. Despite this, journalists continue to struggle to access public information to do their work. According to MISA Malawi “most local councils are yet to appoint or designate information officers in line with the ATI Act, and some of them do not have proactive means of disclosing information

6 The Malawi Gazette Supplement, Non-Governmental Organizations (Amendment) Bill, 2022, 25 February 2022. Available at: BILL-No-10-OF-2022-NGO-Bill-1-current.pdf

7 Nyasa Times, Parliament passes NGO Bill despite court injunction, 23 March 2022. Available at: Parliament passes NGO Bill despite court injunction - Malawi Nyasa Times - News from Malawi about Malawi

8 International Centre for not-for-profit law, Malawi. Available at: Malawi Civic Freedom Monitor - ICNL See also Civicus, Restrictive laws, abductions, detentions, vilification and protest dispersal characterize downward spiral of civic space, 01 November 2022. Available at: Restrictive laws, Abductions, Detentions, Vilification and Protest dispersal characterize downward spiral of civic space - Civicus Monitor and International Centre for Not-for-profit law, Malawi’s Non-governmental Organizations Bill- significant challenges remain in the 2020 revision, March 2021. Available at: Malawi’s Non-Governmental Organizations Bill - ICNL

9 The Malawi Post, NGORA gives unlicensed, unregistered civil rights groups, NGOs till March 31 or face complete ban in Malawi, 4 February 2025. Available at: NGORA gives unlicensed, unregistered civil rights groups, NGOs till March 31 or face complete ban in Malawi - The Maravi Post

10 International Centre for not-for-profit law (previously cited)

11 For example the decriminalisation of criminal defamation. See MISA Malawi, MISA Malawi celebrates decriminalisation of defamation, 16 July 2025. Available at: MISA Malawi celebrates decriminalisation of defamation | MISA Malawi

12 Electronic Transactions and Cyber Security Act, 33 of 2016. Available at: Electronic Transactions and Cyber Security Act - MalawiLII

13 Civicus Monitor (previously cited). See also Malawi Voice, MISA-Malawi Renews calls for review of Oppressive laws, 18 July 2024.

Available at: MISA-Malawi Renews Call for Review of Oppressive Laws - Malawi Voice

14 Africa-China reporting project-Wits Centre for Journalism, Malawi: Silencing dissent through the Electronic Transactions and Cyber Security Act, 17 January 2024. Available at: Malawi: Silencing dissent through the Electronic Transactions and Cyber Security Act - ACRP

15 Malawi24, NAP Condemns Police for Misusing Cyber Security Law to Silence Dissent, 25 June 2024. Available at: NAP Condemns Police for misusing cyber security law to silence dissent | Malawi 24 | Latest News from Malawi

such as indigenous systems, websites, or social media platforms.”¹⁶ The incoming government must ensure the full operationalization of the Act to ensure access to information and government transparency and accountability.

C) UPHOLD AND ENSURE THE RIGHT TO PEACEFUL ASSEMBLY

The right to peaceful assembly is guaranteed under the Constitution of Malawi and human rights treaties including the African Charter on Human and Peoples’ Rights to which the country is a state party. However, the authorities are failing to respect, protect, promote and fulfil the right in practice. In November 2024 peaceful protesters were violently attacked by unknown armed masked people in Lilongwe with police failing to protect the protesters.¹⁷ On 26 June 2025 masked weapon wielding men attacked peaceful demonstrators in the presence of police who allegedly failed to intervene. The protest against government’s handling of upcoming national elections ended in violence, with several people injured and one person needing medical attention.¹⁸

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Review, update and implement legislation to ensure a human rights respecting environment and the full enjoyment of the rights to freedom of expression, peaceful assembly and association and access to information. In particular, review the Non-Governmental Organisations (Amendment) Act 2022 and the Electronic Transactions and the Cybersecurity Act 33 of 2016 and bring the laws in line with international human rights standards.
- Ensure the full and effective operationalization and implementation of the Access to Information Act 13 of 2017.
- Take effective and credible measures to protect and facilitate the exercise of the rights to freedom of peaceful assembly by promptly, thoroughly, independently, impartially, transparently and effectively investigating allegations of the violations of the rights of peaceful protesters and ensuring that those suspected to be responsible are brought to justice in fair trials. Victims must be provided with access to justice and effective remedies.
- Ensure that cases of violence, threats and intimidation against journalists are promptly, thoroughly, independently, impartially, transparently and effectively investigated and that suspected perpetrators are effectively brought to justice in fair trials.

16 MISA Malawi, MISA Malawi calls for Access to information in local councils, 28 September 2024. Available at: MISA Malawi calls for access to information in local councils | MISA Malawi

17 Civicus Monitor, Violations to peaceful assembly documented ahead of 2025 elections, 20 February 2025. Available at: Violations to peaceful assembly documented ahead of 2025 elections - Civicus Monitor

18 Malawi 24, MHRC slams mob attack, police silence. 27 June 2025. Available at: MHRC slams mob attacks, police silence | Malawi 24 | Latest News from Malawi See also: Human Rights Watch, Malawi: Police look on as Peaceful Protesters Assaulted, 1 July 2025. Malawi: Police Look on as Peaceful Protesters Assaulted | Human Rights Watch

3. RESPECT AND PROTECT THE RIGHTS OF LGBTI PERSONS

The criminalization of same-sex sexual conduct has been linked to the reinforcement of state violence and promotion of discriminatory violence by state and non-state actors in Malawi as well as barriers to healthcare.¹⁹ Articles 153 and 154 of the Penal Code criminalise “unnatural offences” which carry a penalty of up to fourteen years imprisonment²⁰ for individuals.²¹ In June 2024, the Constitutional Court ruled to uphold the ban on consensual same-sex sexual conduct between adults.²² Following the judgement an escalation of discrimination, victimisation and bullying towards LGBTI individuals was recorded, with many LGBTI persons reporting intensified challenges in accessing essential services. These provisions impact the enjoyment of a range of human rights by LGBTI persons in Malawi including their right to freedom of association, their right to dignity and their right to the highest attainable standard of health.²³ LGBTI persons experience violence, arbitrary arrests, physical and sexual violence, threats and harassment by both state and non-state actors and laws criminalising consensual same-sex conduct between adults are a significant contributor.²⁴ ²⁵ They must be repealed and the government must ensure the protection of LGBTI persons from violence and discrimination in Malawi.

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Uphold the principle of non-discrimination by decriminalizing consensual same-sex sexual conduct and relationships and explicitly include sexual orientation and gender identity among the grounds of discrimination prohibited by the Constitution.
- Ensure the protection of LGBTI persons from violence and discrimination through properly trained law enforcement and healthcare professionals and raise awareness to educate the public on the human rights of LGBTI persons.
- Ensure that laws criminalizing same-sex conduct between consenting adults are not used as a basis to deny rights to freedom of association, expression and assembly.

19 REDRESS, Joint Submission to the UN Human Rights Council's Universal Periodic Review Working Group Regarding the Fourth Cycle of Review of Malawi, 7 April 2025. Available at: Joint Submission to the UN Human Rights Council's UPR Working Group Regarding the Fourth Cycle of Review of Malawi | Redress

20 Malawi Penal Code of 1 April 1930. Available at: Penal Code - MalawiLII

21 REDRESS (previously cited)

22 Amnesty International, Malawi: Decision to uphold ban on consensual same-sex conduct is a bitter setback for human rights, 28 June 2024. Available at: Malawi: Decision to uphold ban on consensual same-sex conduct is a bitter setback for human rights - Amnesty International

23 Civicus, Malawi: Many will interpret the court ruling to mean there's no place for LGBTIQI+ people in our country', 12 August 2024. Available at: MALAWI: 'Many will interpret the court ruling to mean there's no place for LGBTIQI+ people in our country'

24 REDRESS (previously cited)

25 Nyasa Rainbow Alliance, Report on colonialism and SGOGIESC. Available at: subm-colonialism-sexual-orientation-cso-nyasa-rainbow-alliance-input-1.pdf

4. ADDRESS THE IMPACT OF CLIMATE CHANGE ON A RANGE OF HUMAN RIGHTS INCLUDING THE RIGHT TO FOOD

Malawi is one of the world's most vulnerable countries to climate change. The impact of Cyclone Freddy in 2023 which killed 679 individuals and 537 people went missing,²⁶ combined with other floods made worse by climate change,²⁷ as well as droughts often linked to the El Niño climate phenomenon²⁸, have exacerbated Malawi's already severe conditions, including poverty, unemployment, food insecurity, and limited access to other necessities.²⁹ According to the World Bank, more than 50% of families in Malawi experienced food insecurity in May 2024, 60% said they had run out of food in the previous month, 65% went hungry and skipped meals, and 23% said they had gone a full day without eating.³⁰ Malawi is facing a food security crisis because of El Niño-induced dry spells that damaged 44% of the national crop as at May 2025 combined with economic pressures.³¹ The Ministry of Health's recent Nutrition SMART survey revealed that malnutrition rates doubled from 4.4 to 7.1 percent during the past lean season.³² Furthermore, the Malawi Human Rights Commission has found a shortage of food in prisons leading to widespread malnutrition among inmates.³³ The nutrition situation in Malawi has worsened over the years having a particularly negative impact on women and children.³⁴ Malawi's Social Cash Transfer Programme does not cover a significant portion of the population living in extreme poverty and it does not adequately cover disability-related expenses. Current contributory social protection schemes are limited in reach as they are restricted to the formal sector and do not extend coverage to working refugees and migrants.³⁵ In March 2024, president Chakwera declared a state of disaster in 23 out of Malawi's 28 districts due to El Niño conditions.³⁶ Climate change has exacerbated the food crisis in Malawi and will continue to do so. Therefore, the incoming government must recognize the challenge and respond adequately to ensure the full realization of the right to food.

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Provide timely food assistance, nutrition, and livelihood support to vulnerable populations in anticipation of and response to seasonal or other shocks, by strengthening and scaling up existing social protection systems where possible by taking all measures necessary to ensure the effective administration, supervision, financing and expansion of the Social Cash Transfer Programme to cover all persons living in extreme poverty, providing both basic income security and, when necessary, disability-related costs; and expanding the coverage of contributory social security

26 Care Climate Change, Freddy, the worst cyclone to hit Malawi- so far, 6 November 2024. Available at:

<https://careclimatechange.org/freddy-the-worst-cyclone-to-hit-malawi-so-far/>

27 World Weather Attribution, Climate change increased rainfall associated with tropical cyclones hitting highly vulnerable communities in Madagascar, Mozambique & Malawi, 11 April 2022. Available at: Climate change increased rainfall associated with tropical cyclones hitting highly vulnerable communities in Madagascar, Mozambique & Malawi – World Weather Attribution

28 World Weather Attribution, El Niño key driver of drought in highly vulnerable Southern African countries, 18 April 2024. Available at: El Niño key driver of drought in highly vulnerable Southern African countries

29 Amnesty International, The State of the World's Human Rights, April 2025, Index: POL 10/8515/2025. Available at:

<https://www.amnesty.org/en/location/africa/southern-africa/malawi/report-malawi/> See also Green Network, How Climate Change Exacerbates the Food Crisis in Malawi, 19 November 2024. Available at: How Climate Change Exacerbates the Food Crisis in Malawi - Green Network Asia

30 World Bank, Poverty and Equity Brief, October 2024. Available at:

<https://documents1.worldbank.org/curated/en/099929301062529471/pdf/IDU-530009c3-daf1-44bd-b97b-0989d78a6022.pdf>

31 World Food Programme, Malawi country Brief, May 2025. Available at: docs.wfp.org/api/documents/WFP-0000167088/download/?_ga=2.177182694.25721154.1752824608-1482294812.1752824608. See also Zero Hunger Coalition, Tackling food insecurity and climate challenges: A closer look at Malawi. 28 November 2024. Available at: Tackling food insecurity and climate challenges: A closer look at Malawi | The Zero Hunger Coalition

32 World Food Programme (previously cited)

33 Malawi Human Rights Commission, Investigation report on torture and adult malnutrition at Mikuyu 1 Prison, August 2025.

34 UNICEF, Report of Round 8 Nutrition SMART Surveys, July 2025. Available at: SMART ROUND 8 REPORT 2024.pdf.pdf

35 United Nations Committee on Economic Social and Cultural Rights, Concluding Observations the Initial Report of Malawi, 24 October 2024, para 31. Available at:

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FMWI%2FCO%2F1&Lang=en

36 OCHA, Malawi: Drought Flash Appeal July 2024-April 2025, July 2024. Available at: Malawi: Drought Flash Appeal July 2024 - April 2025 (July 2024) | OCHA

schemes to include all workers, particularly those in the informal sector, as well as working refugees and migrants.

- Provide an integrated package of climate and nutrition-sensitive resilience and livelihoods building support to households and communities, particularly smallholder farmers and value chain actors.
- Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks.
- Take concrete measures to protect the agricultural sector against the negative effects of climate change.
- Increase budgetary allocations for social spending on climate change adaptation and mitigation and ensure that these resources are ring-fenced.
- Continue to seek international cooperation and assistance, including needs-based climate finance in the form of grants and not loans, from countries able to provide it, especially those most responsible for historical greenhouse gas emissions, to enable swift implementation of these measures.

5. ENSURE THE PROTECTION OF REFUGEES AND MIGRANTS

Refugees and Migrants in Malawi lack legal protections to enable them to enjoy fundamental human rights. When Malawi acceded to the 1951 UN Convention Relating to the Status of Refugees, it made a wide range of reservations including limiting refugees' right to work and placing restrictions on their right to freedom of movement, which remain in force.³⁷ Malawi's Refugees Act³⁸ is not in line with international human rights standards, and is outdated and insufficient to cater for refugees in the country.³⁹ Whilst a Refugees Bill has been drafted, it is yet to be made law. Similarly, the Immigration Act⁴⁰ is yet to be reformed in line with recommendations from the Law Commission.⁴¹ This combined with Malawi's Encampment Policy results in a significant lack of protection for refugees who experience ongoing human rights violations.⁴² In March 2023, the government ordered all refugees and asylum seekers to return to Dzaleka refugee camp by 15 April or face enforced relocation.⁴³ In May 2023, police arrested hundreds of refugees from their homes and businesses in the capital Lilongwe, relocating them to the camp.⁴⁴ Police confiscated property and demanded bribes from some of them, and many had to abandon their livelihoods. Dzaleka camp is reportedly severely strained on resources, infrastructure and essential services. While designed to accommodate 12,000, it is now believed to host over 50,000 refugees, with around 8,000 living just outside the camp.⁴⁵

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Speed up the adoption of the migration policy and the promulgation of the Refugee Bill, to be in line with international human rights standards and to ensure the protection and enjoyment of human rights by refugees and migrants.
- Enhance refugee status determination and support the self-reliance of refugees.
- Foster regional cooperation and solidarity with relevant stakeholders to ensure protection of migrants and refugees.
- Protect and ensure the rights and dignity of refugees by addressing overcrowding at Dzaleka camp through rights-based, gender-responsive, and inclusive settlement solutions developed with UNHCR and affected communities.

37 UN Refugee Agency, State Parties, including reservations and declarations to the 1951 Refugee Convention. Available at: States parties, including reservations and declarations, to the 1951 Refugee Convention | UNHCR

38 Act No.3 of 1986

39 INUA Advocacy, Position paper on the revision of the Malawi Refugee Act, 28 April 2025. Available at:

Inua_Advocacy_Position_Paper_on_Refugee_Act_Revision.pdf See also United Nations Refugee Agency, Submissions by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report- Universal Periodic Review, The republic of Malawi, April 2010. Available at: UNHCR submission Malawi 9th UPR session

40 Act No.20 of 1964

41 United Nations Human Rights Council, National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21, 3 March 202. A/HRC/WG.6/36/MWI/1, para 76 Available at: A/HRC/WG.6/36/MWI/1

42 GlobalDetentionProject, Malawi's Encampment Policy: Forced Relocations and Detentions, 2 November 2023. Available at: Malawi's

Encampment Policy: Forced Relocations and Detentions - Global Detention Project | Mapping immigration detention around the world

43 UNHCR, UNHCR Warns of Human Suffering due to Malawi's "back to camp" refugee policy, 24 May 2023. Available at: UNHCR warns of human suffering due to Malawi's 'back to camp' refugee policy | UNHCR

44 Reliefweb, Malawi: Refugees, Including Children, Forcibly Relocated, 5 June 2023. Available at: Malawi: Refugees, Including Children, Forcibly Relocated - Malawi | ReliefWeb

45 Dzaleka.com, The Unseen Struggle of Dzaleka Refugees, 24 January 2025. Available at: The Unseen Struggle of Dzaleka Refugees!

6. ENSURE ACCESS TO ADEQUATE HEALTHCARE, INCLUDING ENJOYMENT OF SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

The Constitution of the Republic of Malawi provides for the progressive implementation of healthcare laws and policies to ensure the provision of healthcare for all, commensurate with needs.^{46 47} Yet, this right remains elusive for many, especially women, due to a restrictive legal framework. Like many countries in the region, Malawi faces significant disease burdens and poor health indicators such as “high under five mortality of 37.8 compared to SADC average of 50 deaths per 1000 live births; maternal mortality rates of 349 compared to the SADC average of 297.8 deaths; and high fertility or 4.2 children per woman against a normal rate of 2.1.”^{48 49} The country’s indebtedness, poor budget management, corruption, reliance on donor funding, and exposure to severe climate disasters mean that the government is unable to ensure that people in Malawi can adequately access the right to health.^{50 51 52} The budget allocation of 9.2 percent in 2025/26 compared to 8.7 in 2023/24, while an improvement, remains below the Abuja Declaration target for African States to allocate at least 15% of their national budgets to health care.⁵³ Whilst the 2024/25 health budget received the second largest allocation of all services after education, marking a positive shift towards meeting health targets, the country’s rising debt burden continues to constrain expenditure on healthcare.⁵⁴ In June 2025, Afrobarometer reported that among citizens that visited public healthcare facilities in the past 12 months, nearly two thirds said it was difficult to obtain health services reporting lack of medicines or supplies, long wait times and unaffordable costs.⁵⁵

Women in Malawi do not enjoy full access to sexual and reproductive healthcare, goods and services. Malawi has no laws to ensure women can access safe abortions. Instead, abortion is criminalized in Malawi under Malawi’s Penal Code⁵⁶ and punishable by imprisonment for up to 14 years. The Penal Code provides for an exception where surgical operation is permissible “for the preservation of the mother’s life”. The provisions of the Penal Code are unclear in that, whilst they provide for an exception, where surgical intervention is done in good faith to “preserve life” there is no clarity on what “preserving life” entails, and under what circumstances this would be sufficient. These provisions are therefore inadequate to ensure access to safe abortions for all who need them; many women and girls, including victims of rape and sexual assault are excluded from their scope and therefore cannot lawfully access a safe abortion.⁵⁷ Consequently, many women access unsafe abortions and some lose their lives while doing so, with many experiencing complications requiring treatment that may be unavailable.⁵⁸

46 Article 13(c) of The Republic of Malawi (Constitution) Act, 1996, “the State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving [...] Health: To provide adequate health care, commensurate with the health needs of Malawian society and international standards of health care.”

47 Malawi Government, The 2021/2022 Budget Statement, 28 May 2021. Available at: [2021-2022_National_Budget_Statement.pdf](#) See also Malawi Government, The 2022/203 Budget Statement, 18 February 2022. Available at: [2022-23_Budget_Statement_Final.pdf](#)

48 High fertility rates present can negatively impact mothers and infants because of an increase risk of mortality in infancy and early childhood and an increased risk of maternal mortality at younger and older ages. The risk of maternal death is reduced by the average number of pregnancies each woman experiences. World Bank Group, Determinants and consequences of high-fertility: a synopsis of the evidence, June 2010. Available at: World Bank Document

49 AFIDEP, Malawi’s health renaissance: Prioritising health in the pursuit of universal coverage in the 2024/25 financial year, 10 May 2024. Available at: [Malawi's health renaissance: Prioritising health in the pursuit of universal coverage in the 2024/25 financial year - African Institute for Development Policy - AFIDEP](#)

50 Amnesty International, The Stifled promise of the right to health in Malawi: Corruption, public debt and the search for solutions, 10 July 2023. Available at: [The stifled promise of the right to health in Malawi: corruption, public debt and the search for solutions - Amnesty International](#)

51 World Health Organization, Cholera- Malawi, 27 April 2022. Available at: [Cholera – Malawi](#)

52 World Health Organization, Outbreak and other Emergencies: Week 24:10-16 June 2024. Available at: [OEW24-1016062024.pdf](#)

53 UNICEF Budget Brief 2024/25, https://www.unicef.org/malawi/media/11766/file/UNICEF_MLW_Health_Budget_Brief_2024-25.pdf

54 UNICEF, Budget Brief -Health: Promoting investments in primary healthcare systems in Malawi, 2024/25. Available at: [UNICEF_Health_Budget_Brief_2024-25_A4_v2.indd](#) See also AFDEP (previously cited)

55 Most Malawians lack medical insurance and struggle to access public health services, Afrobarometer survey shows, 20 June 2025

56 Sections 149-151, 231 and 243

57 Southern Africa Litigation Centre, Malawi’s obligation to enact the Termination of Pregnancy Bill, 27 September 2021. Available at: [Malawi's obligation to enact the Termination of Pregnancy Bill](#)

58 Centre for Solutions Journalism (Blantyre), Malawi: Enact Termination of Pregnancy Bill to Reduce Maternal Morbidity and Mortality, 28 September 2024. Available at: [Malawi: Enact Termination of Pregnancy Bill to Reduce Maternal Morbidity and Mortality - allAfrica.com](#) See also ZAM, Malawi The Perils of Unsafe Abortions, 01 December 2022. Available at: [Malawi | The Perils Of Unsafe Abortions - ZAM](#) and African Population and Health Research Centre, Unintended Pregnancies, Unsafe Abortion and its Implications on women of Reproductive Age in Malawi, November 2023. Available at: [Unintended Pregnancies, Unsafe Abortion and its Implications on Women of Reproductive Age in Malawi - APHRC](#)

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Take the necessary measures to strengthen the provision and management of resources by preventing and combating corruption to ensure adequate government funding for healthcare.
- Engage with creditors to reduce the debt burden to ensure funds are not diverted from providing available, accessible, acceptable, and quality healthcare towards debt servicing.
- Take progressive taxation measures including those necessary to increase national resource mobilization to expand fiscal space by expanding the tax base, improving tax collection, increasing the corporate income tax and reviewing private sector tax benefits to assess revenue losses. Increase budgetary allocations for social spending on healthcare and ensure that these resources are ring-fenced.
- Repeal provisions in the Penal Code criminalizing abortion and enact comprehensive laws guaranteeing access to sexual and reproductive health rights, goods and services including safe abortions.

7. PROTECT WOMEN FROM VIOLENCE

The state has failed to ensure protection of women from various forms of violence through the implementation of law and policy. High rates of unemployment, poverty and natural disasters expose women to sexual exploitation, trafficking and gender-based violence.⁵⁹ 34% of women aged 15-49 experienced physical violence since age 15 and 21% of them experienced sexual violence in their lifetime. 76.3% of adolescent girls aged 13-17 years, reported experiencing multiple incidents of sexual abuse.⁶⁰ 42% of girls are married before the age of 18 and 9% are married before 15.⁶¹ Child marriage is a widespread problem in Malawi denying adolescent girls their right to healthcare, education and to live in security.⁶² 49% of women who experienced physical or sexual violence, have never sought help nor told anyone about the violence they experienced.⁶³ Whilst Malawi has enacted law and policy geared at the protection of women from gender-based violence, there is weak enforcement, low and fragmented allocation of resources to support implementation of existing laws and weak monitoring frameworks.⁶⁴ Women and girls bear the harshest impacts of the consequences of climate change through increased risk of sexual and gender-based violence with victims facing significant barriers to access to justice.⁶⁵

Malawi has also failed to ensure that women participating in Informal Cross-Border Trade are protected from gender-based violence and economic exploitation, which have impeded their ability to exercise their human rights in the context of decent work.⁶⁶ In addition, female informal traders frequently face sexual assault, violence and rape at the hands of law enforcement with many too afraid to report these crimes.⁶⁷

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Ensure effective implementation of the Gender Equality Act. Repeal or reform all discriminatory laws and policies; and adopt laws and policies which prohibit gender-based discrimination and violence against women and girls, and introduce effective measures for prevention, protection and support for victims and survivors.
- Ensure timely and effective access to protection and support mechanisms, justice and remedies for all victims and survivors of gender-based violence, by providing accessible information and legal aid.
- Ensure ongoing capacity-building for the police and judiciary in professional and gender-responsive handling, investigation and prosecution of cases of violence against women and girls.
- Ensure the implementation of laws proscribing child marriage and ensure girl children and young women have access to education and adequate, age appropriate sexual and reproductive health information, goods and services.
- Ensure local by-laws allow persons, including women to freely and safely trade with adequate protection.

59 UNICEF, Malawi: Ending Violence Against Women and Girls in Malawi: What do we know, 2020. Available at: [Spotlight_Ending_Violence_Against_Women_andGirls_v2_15062020_WEB_0.pdf](#)

60 UNICEF (previously cited)

61 The World Bank, Malawi Gender-Based Violence Assessment: Scope, Programming, Gaps and Entry Points, March 2022. Available at: <https://openknowledge.worldbank.org/server/api/core/bitstreams/40aeb302-9235-5aa4-9c10-300caf1c5c93/content>

62 UNFPA, Malawi: Child marriage, Available at: UNFPA Malawi | Child Marriage

63 The World Bank (previously cited)

64 The World Bank (previously cited)

65 EqualityNow, Climate change in Malawi is putting women and girls at greater risk of sexual and gender-based violence, 24 April 2023.

66 Amnesty International, Southern Africa: "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-boarder traders in Southern Africa. 8 March 2024. Index Number: AFR 03/7792/2024. Available at: Southern Africa: "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-border traders in Southern Africa - Amnesty International

67 Southern African Litigation Centre, "We just want to work": The Struggle of Informal Traders in Malawi, 25 June 2025. Available at: "We Just want to work": The struggle of informal traders in Malawi - Southern Africa Litigation Centre

8. ENSURE PROTECTION OF PERSONS WITH DISABILITIES INCLUDING PERSONS WITH ALBINISM

Persons with disabilities in Malawi face social exclusion and discrimination. This includes facing challenges in accessing education, including early childhood development, primary, secondary and tertiary education.⁶⁸ The country has made progress protecting the rights of persons with albinism following Amnesty International's 2016 report documenting widespread killings, abductions and discrimination due to erroneous beliefs. However, persons with albinism still face killings, abductions and attacks in Malawi.⁶⁹ This led to the 2018–2022 National Action Plan, a guide for the Malawi government and stakeholders to address challenges faced by persons with albinism including violence, discrimination and in promotion of their rights. This multisectoral approach resulted in improved police investigations, convictions, and civic education campaigns. Despite this, significant gaps remain, including insufficient public awareness, delays in implementing a new action plan due to funding, and inadequate social protections.⁷⁰ Standing Voice,⁷¹ a Malawian human rights NGO, documented three attempted abductions of children with albinism under 10, including a one-year-old; and four attempted attacks on persons with albinism between January and August 2024. Only one arrest was made in 2023 cases. In June 2023, Tony Robert's grave was violated in M'maliha village in Blantyre; police and local community members confirmed that only his torso remained. The incoming government must ensure protection of persons with disabilities from discrimination and violence through implementation of law and policies and awareness raising on the rights of persons with disabilities.

RECOMMENDATIONS:

Amnesty International urges the incoming government administration to:

- Ensure the implementation of the Disability Act 4 of 2024 and review existing laws to effectively capture the gravity of crimes against persons with albinism and provide appropriate penalties without resorting to the death penalty.
- Ensure thorough, impartial, transparent and effective investigations into violations and abuses of the rights of persons with albinism and ensure prosecution of suspected perpetrators in fair trials.
- Finalize and fully implement a new National Action Plan on Persons with Albinism with clear timelines, dedicated funding, and multi-sectoral coordination beyond 2022.
- Enhance community awareness and protection programs, engaging traditional leaders, schools, and media to combat stigma, myths, and discrimination.
- Effectively prevent and combat stigma, stereotypes, harmful practices and deep-rooted beliefs against persons with albinism and persons with disabilities through awareness-raising campaigns and affirmative action measures, ensuring that all persons enjoy human rights without discrimination.

68 Centre for Human Rights University of Pretoria, Repository on Disability Rights in Africa: Malawi- revised country report. Available at: Repository on Disability Rights in Africa - Malawi: Revised Country Report

69 Amnesty International, Malawi: Impunity fuels killings of people with albinism for their body parts, 28 June 2018. Available at: Malawi: Impunity fuels killings of people with albinism for their body parts

70 Committee on Economic Social and Cultural Rights (previously cited)

71 SUPPORTING SURVIVORS by Standing Voice

CONCLUSION

As Malawi approaches its 2025 general election, this presents a significant opportunity for the incoming government to advance and prioritize human rights. Amnesty International calls on the government to ensure respect for human rights before, during and after the elections. We call on the government to fulfil its promise to “clear the rubble of impunity;” to operationalize the Access to Information Act and other laws protecting human rights; and to ensure government transparency and accountability and an end to impunity for human rights violations. The government must repeal and replace bad laws to ensure Malawi meets its international human rights obligations and seek international assistance as needed to be able to realise economic social and cultural rights and take climate action. Malawi must fully abolish the death penalty ensuring it is permanently removed from its legal framework. Government must ensure a safe and enabling environment for civic space, so that civil society organizations and actors can effectively do their work, and people can fully and effectively exercise their rights to freedom of expression, association, and peaceful assembly.

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MALWAI: BEYOND THE BALLOT BOX

EIGHT HUMAN RIGHTS PRIORITIES FOR THE INCOMING GOVERNMENT OF THE REPUBLIC OF MALAWI

As Malawi approaches general elections on 16 September 2025 to elect the president and members of parliament, Amnesty International calls on the government and political parties to ensure respect for human rights before, during and after elections. Those contesting for seats in parliament and for presidency can use this election to reshape Malawi's human rights record.