

# Malawi

Malawi is a Member State of the African Union (AU) and of the United Nations (UN), and has human rights obligations at both the regional and universal levels.

## Regional: African System



Malawi has ratified the African Charter on Human and Peoples' Rights (African Charter), and its human rights policies and practices are monitored by the African Commission on Human and Peoples' Rights (ACHPR), which reviews the State's reports concerning its human rights situation and decides complaints of alleged violations. Additionally, Malawi has accepted the jurisdiction of the African Court on Human and Peoples' Rights to hear complaints presented by the Commission, African intergovernmental organizations, and States parties to the African Charter. Malawi has also declared that individuals and non-governmental organizations may submit complaints to the Court.

Individuals and groups have submitted complaints of human rights violations committed by Malawi to the [African human rights system](#). For example, in *Krishna Achuthan and Amnesty International v. Malawi*, the Commission found numerous violations in the solitary confinement and poor detention conditions of a prominent Malawi political figure; the large-scale and arbitrary arrests of office workers, trade unionists, Roman Catholic bishops, and students; and the solitary confinement and indefinite detention of another individual. See ACommHPR, [Krishna Achuthan \(on behalf of Aleke Banda\) and Amnesty International \(on behalf of Orton and Vera Chirwa\) v. Malawi](#), Communication No. 64/92-68/92-78/92\_8AR, 16<sup>th</sup> Ordinary Session, 22 March 1995.

Malawi has fallen behind in submitting its [periodic reports](#) to the ACHPR on human rights conditions in the country. The ACHPR conducted a mission to Malawi, on prisons and conditions of detention, in [2001](#).

Malawi has ratified the following **regional human rights treaties**:

- African Charter on Human and Peoples' Rights
- African Charter on the Rights and Welfare of the Child
- AU Convention Governing Specific Aspects of Refugee Problems in Africa
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa

## United Nations System

As a UN Member State, Malawi is subject to the oversight of various [UN human rights bodies](#), including the [Human Rights Council](#) and its [Universal Periodic Review](#) and thematic [special procedures](#). As a party to specific universal human rights treaties, Malawi's policies and practices are monitored by [UN treaty bodies](#). It has accepted the complaints procedure of one treaty body.

Malawi has ratified the following **UN human rights treaties**:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on the Rights of the Child (CRC)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Malawi has also ratified the optional protocols to the CRC addressing children in armed conflict and the sale of children, child prostitution, and child pornography. Malawi has a duty to submit **State reports** to the UN treaty body associated with each treaty Malawi has ratified. These reports must be submitted on a periodic basis, and describe the steps Malawi has taken to implement the treaty provisions.

Malawi has ratified the [optional protocol](#) allowing individuals to submit **complaints** against the State alleging violations of the ICCPR. Additionally, certain UN treaties include **inquiry procedures**, which allow the UN treaty body to consider allegations of grave or systematic human rights violations. Malawi has accepted the inquiry procedure of the CAT.

Malawi has not extended a **standing invitation** to UN special procedures, which means that special rapporteurs and working groups must seek specific invitations from Malawi to conduct a visit within the State. For example, the Special Rapporteur on the right to food conducted a mission to Malawi in July 2013, and published a [report](#) in January 2014.

For more information on Malawi's engagement with [UN human rights bodies](#), visit <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/MWIndex.aspx>.

*Last updated: September 15, 2017*