

MALAWI HUMAN RIGHTS COMMISSION



**Statement during the UPR Info Session 2020 focusing on Detention
and Albinism**

Delivered by

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One of the recommendations that Malawi received under the 2015 Universal Periodic Review process is on the conditions of detention as well as promotion and protection of the rights of persons with albinism. The Malawi Human Rights Commission recognizes that persons in detention and persons with albinism are among the most vulnerable categories of persons in Malawi with respect to enjoyment of human rights.

Conditions of Detention

Despite some improvements in prison conditions, by November 2019, 75% of prisons in Malawi were still congested. According to data collected by the Commission, prisons in Chitipa, Mzimba, Nkhata Bay, Nkhotakota, Dedza, Zomba and Chichiri had inmates more than twice their holding capacity. In addition, the majority of police cells had smaller rooms for detainees and there was low adherence to the 48-hour rule for keeping detainees, and ineffective diversion program for minor or petty offenders.

Malawi Prison Regulations require a daily food ration of not less than 680 grams of maize meal and 170 grams of beans per person per day. However, due to shortage of funding, the majority of prisons were unable to provide the minimum daily ration.

Promotion and Protection of Right of Persons with Albinism

Guided by a National Action Plan on Albinism, Government and some stakeholders provided security gadgets to over 40 percent of the persons with albinism, conducted awareness on the rights of Persons with albinism and trained Community Policing Forums in 22 districts. Further, the government reviewed and amended the Penal Code and the Anatomy Act to address the legal challenges.

While the Commission notes that there has been slow progress in the prosecution of murder cases on albinism, there is good outcome in the case of Goodson Fanizo where the perpetrators were convicted and there is steady progress on the case of MacDonald Masambuka.

Recommendations

In order to further promote the rights of persons in detention and rights of people with albinism, the Commission makes the following three strategic recommendations:

- a) Malawi Government should increase accommodation space and adopt alternative sentencing measures to address the problem of overcrowding.
- b) Malawi should ensure total compliance with COVID-19 prevention measures in places of detention.
- c) Malawi Government should expedite prosecution of all suspects connected with killings and abductions of person with albinism to deter future incidences.