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Summary of Stakeholders' submissions on Malawi*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. MHRC stated that Malawi had not ratified the Convention on the Prevention and Punishment of the Crime of Genocide, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[2]

3. MHRC stated that Parliament had passed into law the Access to Information Bill. However, this legislation was yet to come into force. The Law Commission completed the review of the Prevention of Domestic Violence Act, 2006, and a report was submitted to the Government in that regard. In addition, reviews of the Witchcraft Act, 1911, the Citizenship Act and the Prisons Act were ongoing.[3]

4. MHRC stated that the Human Rights Commission Act was yet to be amended to ensure the full independence of the Commission. Also, an Independent Police Complaints Commission was yet to be established.[4]

5. MHRC stated that although Malawi had taken steps to reduce the overcrowding in prisons, this remained a challenge.[5]

* The present document was not edited before being sent to United Nations translation services.

6. Noting the related initiatives that had been taken, MHRC stated that violence against women and children in the form of emotional, psychological and physical violence, as well as sexual violence, continued to resurface in the country. In the case of children, cultural practices such abduction, forced marriage, betrothal, sexual cleansing and the pledging of children as collateral, were still being practiced.[6]

7. MHRC stated that attacks and killings of persons with albinism have persisted. Noting the development of a handbook to guide the police on the management of cases involving persons with albinism, MHRC stated that the police continued to have inadequate skills and knowledge in investigating such cases.[7]

8. MHRC stated that efforts to diversify the agriculture sector and the economy to include sectors such as industry, mining, and tourism have not been effective because of several challenges including weak energy supply and poor infrastructural development.[8]

9. MHRC stated that the quality of education was compromised by challenges including the shortage of class rooms, teachers and resources in primary and secondary schools.[9]

10. MHRC stated that the health care system has experienced regular shortages of essential medical products. Health service delivery in public hospitals was in a poor state due to factors including the high disease burden and inadequate funding to the public health sector.[10]

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[11]

11. Noting that Malawi was a party to several international and regional human rights treaties, JS4 stated that Malawi was yet to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the African Charter on the Rights of Persons with Disabilities in Africa.[12]

12. ICAN noted Malawi has signed the United Nations Treaty on the Prohibition of Nuclear Weapons on 20 September 2017, but was yet to ratify the treaty.[13]

13. JS7 stated that in 2018 Malawi reported agreed to work towards acceding to the 1961 Convention on the Reduction of Statelessness, and called for accession of the Convention.[14]

B. National human rights framework[15]

14. Noting the amendment to the Constitution which now defined a child as a person below the age of 18 years, JS11 stated that there was a need to harmonize all laws relating to children, including the penal code with the Constitution.[16]

15. JS3 stated that a draft Termination of Pregnancy Bill had been released in 2015, and was awaiting debate in Parliament. The adoption of this Bill was shrouded in uncertainty due an opposition to this Bill based on religious and cultural values.[17]

16. S11 noted that there was a delay in tabling the draft bill on adoption of children, including international adoption, in Parliament for enactment.[18]

17. Noting that the NGO Act (2000) already restricted the operations of civil society organizations, JS5 stated that in 2018, the new bill introduced to amend this Act contained provisions that also posed a threat to civic space.[19] SALC stated that following a court application by human rights defenders on 3 December 2018, the High Court granted an injunction restraining the Government from tabling the draft NGO (Amendment) Bill in Parliament.[20]

18. MRFN stated that it had spearheaded the drafting of the Right to Food Bill in 2002 and called for its speedy passage into legislation.[21]

19. Referring to a relevant supported recommendation from the previous review,[22] JS8 stated that Malawi Human Rights Commission had institutional independence and processed a relatively high number of complaints. However, the efficiency of the Commission was constrained by sever funding shortfalls and limitations in geographical accessibility.[23]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[24]

20. Noting the publication of the implementation guidelines for the Gender Equality Act and the establishment of a committee to monitor its implementation and enforcement, JS7 stated that implementation of the Act remained a challenge as many institutions have demonstrated a lack of commitment to its implementation.[25]

Development, the environment, and business and human rights[26]

21. MRFN stated that the Mining Act of 1981 was outdated and exacerbated the continued exploitation of poor and vulnerable communities, while making it easier for mining companies to protect their interests.[27]

2. Civil and political rights

Right to life, liberty and security of person[28]

22. JS6 stated that in Malawi, death sentences were executed by hanging which in itself was considered to be cruel, inhuman and degrading punishment. [29] As of May 2019, there were 19 people on death row.[30]

23. Noting that Malawi had not executed the death sentence since 1992,[31] JS6 stated that Malawi should institute a de jure moratorium on executions with a view to abolishing the death penalty.[32]

24. According to JS6, prisoners on death row had no access to pardon or to commutation of their sentence and were thus stuck indefinitely on death row.[33]

25. JS6 stated that in 2019, for convicted persons were sentenced to death in two separate cases. The Judge in one of the cases explicitly stated that the convicted persons were sentenced to death in order to deter others from committing similar offences. According to JS6, there was no evidence to suggest that the death penalty had a deterrent effect and thus the sentence had no basis in penology.[34]

26. JS8 stated that there were reliable reports from former prisoners that the police was extra judicially executing prisoners upon their release, particularly those who had served a sentence of armed robbery.[35]

27. Referring to relevant supported recommendations from the previous review,[36] AI stated that there has been an increase in the number of abductions and killings of people with albinism, stemming from prejudice and a lack of understanding of the condition. AI added that in many cases people with albinism have been killed for ritualistic purposes and because of a superstitious belief that their body parts would bring good luck in business and politics. According to AI, this situation was exacerbated by inadequate resources from the Government to deal with these crimes, which invariably lead to a culture of impunity.[37]

28. Noting the actions taken by Malawi to address the violence against persons with albinism and their inclusion of persons with albinism in mainstream development,[38] JS1 stated that persons with albinism continued to be discriminated against and lived in fear of violence, abduction, mutilation and murder. This has had countless effects on the ability of

children and adults to lead full and productive lives, to learn and work and access services on an equal basis with others. JS1 further stated that efforts by persons with albinism to assert and defend their human rights through peaceful protest has been met with violence and arbitrary arrest by the authorities.[39]

29. GIEACPC stated that corporal punishment was lawful in the home and that the prohibition of violence and abuse in the Constitution (1994) and the Penal Code (1929) (amended 2009), had not been interpreted as a prohibition of corporal punishment in the rearing of children.[40]

30. GIEACPC stated that corporal punishment was unlawful in state institutions under article 19 of the Constitution (1994). However, corporal punishment would appear to be lawful in private institutions and in non-institutional forms of care, due to a lack of an explicit prohibition in relevant legislation.[41]

31. Referring to a relevant supported recommendation from the previous review,[42] JS12 stated that the criminalization of same sex conduct had a direct impact on the levels of violence against persons based on their sexual orientation and gender identity and expression and their ability to access justice and services. It added that the moratorium placed on the prosecution of persons for consensual same-sex acts in 2012, was suspended in 2016, which represented a significant barrier to the implementation of the aforementioned recommendation.[43]

32. JS8 stated that amongst other conditions, there were severe overcrowding, high rates of malnutrition, poor sanitation and inadequate access to health care in prisons. These conditions had led to life-threatening outbreaks of diseases, including outbreaks of deadly and highly-contagious multi-drug resistant tuberculosis and had posed a threat to not only the life and dignity of the prisoners, but also the prison staff.[44]

33. JS6 stated that Zonda Central Prison was condemned for human habitation by the Prison Inspectorate in 1997, but remained in use without modification or improvement and currently held at least 100 percent more prisoners than it had the capacity to accommodate.[45]

34. JS8 expressed concern about children incarcerated in prisons, including in the Bvumbwe and Kachere prisons, even though these facilities were not formally designated as safety homes or reformatory centres.[46] These children were either awaiting their trial or serving their sentences. In addition, children were also incarcerated with care givers when the latter was serving prison sentences.[47]

Administration of justice, including impunity, and the rule of law[48]

35. JS6 stated that section 176 of the Penal Code sets a low threshold for the admissibility of confessions obtained through torture. It elaborated that confessions could be admitted into evidence provided that they were relevant and admissible, notwithstanding objections that the statements were not made freely and voluntarily.[49]

36. JS6 stated that in the cases of all 19 persons on death row their sentences had been handed down in trials that failed to accord with the minimum standards of fairness and due process.[50]

37. JS8 stated that the Legal Aid office remained underfunded. With the majority of those convicted unable to afford legal representation, they were unable to appeal convictions and sentences and relied on the automatic review of the judgments issued by magistrates by the higher courts. However, many convicted persons end up serving their sentences without such review.[51]

38. JS4 stated that policies and practices have failed to address the specific barriers in accessing justice experienced by persons with disabilities, particularly women.[52] It noted that courts did not have appropriate infrastructure to cater for persons with disabilities and that there were concerns about the accessibility of legislation and court documents to persons with disabilities. In addition, court staff and judicial officers were not trained to interpret or use sign language. JS4 observed that there was a lack of awareness among the judiciary and judicial actors of the Convention on the Rights of Persons with Disabilities and the Disabilities Act, 2012, due to a lack of training by the authorities.[53]

39. JS8 stated that pursuant to section 138 of the Penal Code, it was an offence to have sexual intercourse with a girl under the age of 16 years. The lack of exceptions for child offenders, meant that consensual sex between adolescents were also criminalized. Consequently, many boys, some as young as 15 years of age, have been convicted under section 138. According to JS8, the criminalization of consensual sex between adolescents was contrary to the best interests of these children.[54]

Fundamental freedoms and the right to participate in public and political life[55]

40. JS5 stated that the Access to Information Act, promulgated in 2017, would be an effective tool to develop a culture of transparency and openness in government operations, provided it is effectively implemented.[56] SALC stated that the Access to Information Act, 2017, was yet to be properly implemented.[57]

41. JS9 stated that freedom of expression both online and offline have been restricted with the Government sometimes using legislation on anti-sedition and the breach of peace to stifle criticism.[58]

42. AN stated that the Electronic Transactions and Cyber Security Act, enacted in 2016, to regulate e-commerce and outline cybercrimes, contained provisions that have raised concern such as the restrictions on online communications.[59]

43. JS9 stated that while people's access to the internet improved from 9.6 percent in 2016 to 13.1 percent in 2018, the number of people with access to the internet remained relatively low when compared to the country's regional neighbours. The cost of internet services was priced beyond the reach of the majority of the people in Malawi. In addition, those people with internet access often receive poor and unreliable services.[60]

44. AN stated that on the evening of 21 May 2019, election day, Malawi experienced a disruption in the internet connectivity. Reports had suggested that this disruption was an intentional act of the leadership of the ruling party in order to disrupt the flow of information and to keep citizens uninformed during the election.[61]

45. AI stated that following the election in May 2019, there has been a wave of organised demonstrations against what demonstrators considered to be the mismanagement of the election. Organizers of these demonstrations have been attacked and intimidated.[62]

46. JS5 stated that human rights defenders, civil society activists and journalists experienced threats, harassment, arbitrary arrests and intimidations in the course of their work.[63]

47. SALC expressed concern about the use of vague and outdated offences to target women human rights defenders.[64] S11 stated that on 6 June 2019, the police had thrown teargas canisters into classrooms interrupting classes and subjecting pupils to psychological trauma and fear.[65]

48. SALC stated that in September 2019, the Supreme Court held that the Police Act No. 12 of 2010 only required the organizers of demonstrations to give notice to the police of an intended demonstration and did not require the organizers of demonstrations to seek the permission of the police. Also, "the reason for demonstrating need not be acceptable to the notice recipients".[66] According to SALC, while this judgment provided useful guidance on the right to peaceful assembly, concerns remained with regard to section 106(1) of the Act which were considered to be overly broad and used to curb the freedom of assembly.[67]

49. JS5 stated that according to the Non-Governmental Organisations (Fees) Regulations of 2017, gazetted effective 1 January 2018, the annual fee has been increased by 1900 percent and must be payed within the first three months of the year.[68]

Prohibition of all forms of slavery[69]

50. JS2 stated that Malawi was a source, transit and destination country for human trafficking.[70] Malawi has made positive strides in implementing relevant supported recommendations from the previous review.[71] The Trafficking in Persons Act was passed, the National Plan of Action against Trafficking in Persons was adopted, and an Anti-

Trafficking in Persons Fund was established. Standard operating procedures for working with victims was also launched.[72]

51. JS10 stated that the Trafficking in Persons Act comprehensively covered the offence of trafficking in persons and established measures for the care and protection of victims.[73] However, several barriers remained in addressing the trafficking of children, including the culture of silence, poverty and corruption.[74]

52. JS2 stated that there was a lack of transparency in the management of the Anti-Trafficking in Persons Fund and the utilization of the funds. According to JS2, accountability measures for all stakeholders were required.[75]

53. JS2 stated that shelters for victims were yet to be established or designated, pursuant to section 45(1) of the Trafficking in Persons Act.[76]

54. JS2 stated that in Mangochi District along the Lake Malawi, small scale businesswomen were coerced into have sex with fishermen or middlemen in order to access the fish market. Women with limited capital were also coerced with offers of more fish, in exchange for sex. Also, poor village women who were without food were also coerced into having sex in exchange for fish.[77]

Right to privacy[78]

55. AN stated that Malawi had not been adequately vigilant to the threats upon digital rights. Increased mandatory data collection, such as SIM card registration and biometric data collection through the Malawi national ID program directly threatened the safety of users' data and their right to privacy.[79] It stated that an effective policy framework for national ID programmes must be supported by an equally strong technology and cybersecurity framework.[80] JS9 stated that Malawi needed a specific data protection law.[81]

56. AN stated that although digital identity programmes often intend to enhance the efficiency and accuracy of the delivery of services, they can themselves become impediments to governance and harm the provisions of welfare services and the wider inclusion of citizens, which was the case in 2017 when the National Registration Bureau cameras were unable to capture the faces of certain citizens.[82]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[83]

57. JS12 stated that the criminalisation of some aspects of sex work and the widespread lack of clarity about the legal status of sex work lead to high levels of violence and discrimination against sex workers by state and non-state actors. Male sex workers are additionally targeted by state and non-state actors based on the legal status of same sex conduct which is criminalised.[84]

Right to social security

58. JS11 noted that Malawi had social protection programmes including the Social Cash Transfer Programme, the Public Works Programme, the Farm Inputs Subsidy Programme, the Community Support Initiative Programme and the Village Savings and Loans Programmes. However, these Programmes were either politicized for the benefit of a political party in government, or were affected by corruptive practices, and maladministration. In addition, the management of these Programmes lacked transparency and accountability.[85]

Right to an adequate standard of living[86]

59. MRFN stated that the Department of HIV and AIDS has been developing the "Right to Food Guides for monitoring School Feeding programs", which, once developed, would guide those government programmes supporting the rural population in their farming, fishing and livestock rearing activities, and hence, progressively alleviating poverty, hunger and malnutrition.[87]

60. MRNF stated that the Malingunde community in Lilongwe were living in fear of forced eviction from their ancestral land to pave way for mining activities, following the reported discovery of a large graphite deposit in their area.[88] These ancestral lands served to sustain the livelihood of the community through activities such as farming, fishing and livestock rearing. Mining activities on these lands would violate the economic, social and cultural rights of the community, including the right to food.[89]

Right to health[90]

61. Referring to relevant supported recommendations from the previous review, JS3 stated that Malawi had one of the highest maternal mortality rates in the world.[91] Noting the efforts made by Malawi, JS3 stated that inadequate access to maternal health care and poor quality of care was a leading contributor to maternal mortality and morbidities. According to JS3, distance that patients needed to travel to visit health centres, the attitudes of health workers and the high levels of congestion in health facilities were key barriers to accessing quality health services.[92]

62. JS3 stated that most maternal deaths were attributed to direct obstetric causes, such as haemorrhage, sepsis, complications of abortion and hypertensive disorders.[93] In addition, with no access safe abortion services, post-abortion care was the only opportunity to prevent maternal morbidity and mortality by treating complications related to unsafe procedures. There was a serious need for post-abortion care.[94]

63. ADF stated that all maternal deaths were preventable, particularly when skilled birth attendants were present to manage complications and availability of the necessary medication. However, there was a lack of medication, poor infrastructure including the lack of electricity and running water and inaccessibility of hospitals due to weather conditions, amongst other problems.[95] Given the dire maternal health situation in Malawi, resources must be invested in improving conditions for pregnant women, women undergoing child birth, and postpartum women.[96]

64. JS11 stated that Malawi had not taken any progressive steps to revise it law on abortion in alignment with applicable human rights standards, and was thus in contravention of article 14(2) of the Maputo Protocol. Consequently, the basic right of women and girls to control their fertility and to decide whether or when to have children and the number of children was not respected.[97]

65. SALC stated that abortion was criminalized under the penal code, with an exception, and there was no stand-alone law regulating abortion and access to abortion, which created a dire situation in a country with high prevalence of rape and sexual violence. In 2015, the Malawi Law Commission reviewed the abortion law recommended reforms that would enable girls and women to access safe abortion on various specified grounds. It was unclear when the law will come before Parliament for debate, in the face of resistance on religious and moral grounds.[98]

66. JS4 stated that the Government has failed to provide appropriate health care services to persons with disabilities, pursuant to the Disability Act, 2012. The current sexual and reproductive health policy, which ought to have been revised in 2015, did not include persons with disabilities. [99]

67. JS4 stated women with disabilities had reported mistreatment during antenatal clinics, delivery and postnatal services, stemming from the negative stereotypes about women with disabilities.[100]

68. SALC stated that the lack of designated health services for adolescents resulted in them experiencing barriers when seeking medical assistance. There was a need for child friendly services in relation to adolescent health and increased support for reproductive health and family planning services.[101]

69. JS11 stated that Malawi had continued to provide free Antiretroviral Treatment to children infected with HIV and AIDS. In addition, Malawi was implementing campaigns with a view to ensuring universal access to treatment.[102]

70. JS12 stated that Prevention of Mother to Child HIV Transmission (PMTCT) programmes continued to ignore the needs and rights of unmarried women and female sex workers. The PMTCT programme required pregnant women to attend their first antenatal clinic visit with their spouse. Mother to child transmission among sex workers and unmarried women was therefore higher when compared to married women who are able to access PMTCT services.[103]

71. SALC stated that Malawi has made positive strides in its responsive to HIV. However, weak health systems infrastructure continued to constrain universal and sustainable access to HIV services and treatment for the most vulnerable populations in Malawi.[104]

72. Referring to a relevant supported recommendation from the previous review,[105] JS12 stated that the National AIDS Prevention Strategy included a number of positive actions to be taken in increasing the HIV prevention and response outcomes for key populations. However, two of the key populations were very narrowly defined to include men who have sex with men and not LGBTI persons, and female sex works, excluding male sex workers and trans* women sex workers.[106]

Right to education[107]

73. JS11 stated that access to primary education remained a challenge because of the long distances the children would need to travel to attend school. In addition, parents were required to pay registration fees, examination fees, development fees and other costs charged by the school authorities, which lead to some parents not registering their children in school or withdrawing their children from school.[108]

74. JS11 stated that although the objective of the Community Day Secondary Schools was to ensure accessibility of secondary education to all school going children, access to secondary education continued to be a challenge.[109]

75. Noting the 5-year National Strategy on Inclusive Education, launched in 2017, the commitment to education in the context of the current Malawi Growth and Development Strategy, and the decision of the Government to make inclusive educations a propriety at the Disability Summit in 2018, JS4 stated that these initiatives have not been translated into practice, and the education sectors remained inaccessible and excluded many children with disabilities.[110]

76. JS4 stated that teachers had not been trained to provide inclusive education and materials were not available in accessible formats.[111] It expressed the view that there was a pervasive lack of disability-friendly educational facilities in schools, including assistance devices and support aids.[112] JS4 added that inclusive education was hindered by the failure of the Government to develop sign language as a national language, pursuant to the Disabilities Act, 2015.[113]

4. Rights of specific persons or groups

Women[114]

77. JS3 stated that gender-based violence, encompassing sexual and domestic violence, remained prevalent in Malawi and covered all stages of women's lives. Domestic violence was recognized as a major public health concern.[115]

78. Referring to relevant supported recommendations from the previous review,[116] JS12 stated that the application of the law and policies relating to gender based violence and violence against women did not adequately address the intersectional nature of violence and discrimination and instead reinforced narrow patriarchal, heteronormative ideas and gender norms. Consequently, services and programmes only catered for homosexual women who complied with gender norms and expectations.[117]

Children[118]

79. JS8 stated that some of the most critical provisions in the Child Care, Protection and Justice Act have not been consistently implemented.[119]

80. Recalling that during the previous review, Malawi supported a recommendation to strengthen the legal and institutional framework to combat child marriage, JS8 commended the Government for inter alia stipulating the minimum age for marriage as 18 years in section 14 of the Marriage, Divorce and Family Relations Act No. 4 of 2015.[120] JS10 stated that the Act provides for formal government registration of all marriages. However, child marriage continued to persist.[121]

Persons with disabilities[122]

81. JS4 stated that Malawi had failed to fully implement relevant supported recommendations from the previous review in relation to women with disabilities.[123]

82. JS4 stated that the Disability Act, 2012, failed to address the specific needs and concerns of women and girls with disabilities, and that the Disability Trust Fund, which was crucial to the implementation of the Act, was yet to be established.[124]

Migrants, refugees and asylum seekers[125]

83. JS8 stated that the detention of increasing numbers of asylum seekers and migrants lacked judicial oversight. They were detained for indefinite periods of time without any periodic review of their detention and were unable to challenge their detention because of a lack of access to legal aid. In some cases they were unable to communicate with their families to seek legal assistance on their behalf.[126]

Stateless persons[127]

84. Referring to relevant supported recommendations from the previous review,[128] JS7 stated that according to the 1966 Citizenship Act, Malawian men have the right to confer nationality on non-national spouses, while women were denied this same right.[129]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
AN	Access Now, New York (USA);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
MRFN	Malawi Right to Food Network, Lilongwe (Malawi);
SALC	Southern African Litigation Centre, Johannesburg, (South Africa).

Joint submissions:

JS1	The Association of Persons with Albinism in Malawi, Lilongwe (Malawi) and Southern Africa Litigation Centre, Saxonworld (South Africa) (Joint Submission 1);
JS2	People Serving Girls at Risk, Blantyre (Malawi) and Equality Now, Nairobi (Kenya) (Joint Submission 2);
JS3	Center for Reproductive Rights, New York (USA) AND Women and Law in Southern Africa Research and Education Trust Malawi, Blantyre (Malawi) (Joint submission 3);
JS4	Disabled Women in Africa, Lilongwe (Malawi) and Women Enabled International, Washington, (USA) (Joint submission 4);
JS5	CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa), Centre for the Development of People and Centre for Human Rights and Rehabilitation (Malawi) (Joint submission 5);
JS6	Centre for Human Rights and Rehabilitation, Lilongwe (Malawi), Community of Sant'Egidio, Blantyre (Malawi), Paralegal Advisory Service Institute, Lilongwe (Malawi), Prison Fellowship Malawi, Balaka (Malawi) and Reprieve, London (United Kingdom of Great Britain and Northern Ireland (Joint submission 6);
JS7	Institute on Statelessness and Inclusion, Eindhoven (Netherlands), Malawi Human Rights Resource Centre, Lilongwe (Malawi) and Global Campaign for Equal Nationality Rights, New York (United States of America) (Joint submission 7);
JS8	Centre for Human Rights Education, Advice and Assistance, Blantyre (Malawi), Youth-Watch Society, Mzuzu (Malawi) and the Southern Africa Litigation Centre, Johannesburg, (South Africa) (Joint submission 8);
JS9	Small Media, London (United Kingdom of Great Britain and Northern Ireland), Collaboration on International ICT Policy in East and South Africa, Kampala (Uganda) and Centre for Human Rights and Rehabilitation, Lilongwe (Malawi) (Joint submission 9);
JS10	Marist International Solidarity Foundation, Rome (Italy) and Zomba Catholic Secondary School, Zomba (Malawi) (Joint Submission 10);
JS11	NGO Coalition on Child Rights comprising of: Civil Society Education Coalition, Lilongwe (Malawi), Malawi Economic Justice Network, Lilongwe (Malawi), Family Planning Association of Malawi, Lilongwe (Malawi), NGO Gender Coordination Network, Lilongwe (Malawi), Centre for Youth and Children Affairs, Lilongwe (Malawi), Centre for Youth Empowerment and Civic Education, Lilongwe (Malawi),

	Malawi Human Rights Network, Lilongwe (Malawi), and Human Rights Coordination Committee, Lilongwe (Malawi) (Joint submission 11);
JS12	M Community Health Rights Advocacy, Lilongwe (Malawi), African Sex Workers Alliance, Nairobi (Kenya) and Sexual Rights Initiative, Geneva (Switzerland) (Joint Submission 12).

National human rights institution:

MHRC	Malawi National Human Rights Commission, (Malawi).

[2] MHRC, para. 2.1.
[3] Ibid, para. 2.3.1.
[4] Ibid, para. 2.4.1.
[5] Ibid, paras. 2.5.1 and 2.7.1.
[6] Ibid, paras. 2.8.1 and 2.8.2.
[7] Ibid, para. 2.8.3.
[8] Ibid, para. 2.11.2.
[9] Ibid, paras. 2.12.1.
[10] Ibid, para. 2.13.3.
[11] For relevant recommendations see A/HRC/30/5, paras. 110.1–10, 110.12, 110.49–56, 112.1–3, 7, 9–11, 113.1–5, 113.7 and 113.10.
[12] JS4, para. 4. JS4 made recommendations (p.11).
[13] ICAN, p. 1. ICAN made a recommendation (p. 1).
[14] JS7, paras. 16 and 26(ii).
[15] For relevant recommendations see A/HRC/30/5, paras. 110.11, 110.19–21, 110.26–28, 110.30–36, 110.39, 110.45–47, 110.58–64, 111.4–6, 111.8, 112.4, 112.5, 113.11, 113.17, 113.18, 113.21, 113,27.
[16] JS11, p. 1. JS11 made recommendations (p. 1).
[17] JS 3, paras. 11 and 12.
[18] JS11, p. 16.
[19] JS5, paras. 2.2-2.4. JS5 made recommendations (para. 6.1).
[20] SALC, para. 9.
[21] MRNF, pp. 1 and 4.
[22] JS8, para. 39, referring to A/HRC/30/5, para. 110.33 (Portugal).
[23] JS8, paras 39 and 40.
[24] For relevant recommendations see A/HRC/30/5, paras. 113.13, 113.14, 113.19, 113.22 and 113.28.
[25] JS7, paras. 20 and 25.
[26] For relevant recommendations see A/HRC/30/5, paras. 110.37, 110.117 and 110.132.
[27] MRFN, p. 3. MRFN made a recommendation (p. 5).
[28] For relevant recommendations see A/HRC/30/5, paras. 113.15, 113.16, 113.20 and 113.23–26.
[29] JS6, p. 8, para. 16.
[30] Ibid, p. 4.
[31] Ibid, p. 4.
[32] Ibid, p. 14.
[33] Ibid, p. 7.
[34] Ibid, p. 4.
[35] JS8, para. 25. JS8 made recommendations (p. 10).
[36] AI, p. 1, footnote 1, referring to A /HRC/30/5, para. 110.48 (France), para. 110.73 (Italy), para. 110.74 (Austria), para.110.99 (Norway), and para. 111.11 (Sierra Leone).
[37] AI, p. 3. AI made recommendations (p. 59).
[38] JS1, p. 3.
[39] JS1, p. 4. JS1 made recommendations (pp. 4-5).
[40] GIEACPC, p. 2. See also JS11, p. 15. JS11 made recommendations (p. 15).
[41] GIEACPC, p. 3.
[42] JS12, para. 8.1, referring to A /HRC/30/5, para. 110.93 (Austria).
[43] JS12, para. 8.1. JS12 made a recommendation (para. 34).
[44] JS8, paras. 2 and 3.JS8 made recommendations (p. 4).
[45] JS6, p. 8, para. 13.
[46] JS8, para. 7.
[47] JS8, para. 8.
[48] For relevant recommendations see A/HRC/30/5, paras. 110.78, 110.102, 110.103, 110.105, 110.106, 110.109, 110.112, 111.12.
[49] JS6, p. 10, para. 27.
[50] Ibid, p. 12, paras. 38-41.
[51] JS8, paras. 12-14.
[52] JS4, para. 9.
[53] JS4, paras. 9-16.

[54] JS8, para. 9. JS8 made a recommendation (p. 5).
[55] For relevant recommendations see A/HRC/30/5, paras. 110.67, 110.110, 110.114, 112.8.
[56] JS5, para. 4.2.
[57] SALC, para. 12. SALC made a recommendation (p. 3). See also JS9, para. 19.
[58] JS9, para. 11. JS9 made a recommendation (para. 27(a)).
[59] AN, para. 7. AN made a recommendation, para. 21.
[60] JS9 paras. 23 and 24.
[61] AN, paras. 8-9. AN made a recommendation (para. 18). See also SALC, para. 14. SALC made a recommendation (p. 4).
[62] AI, pp. 2 and 5. AI made recommendations (p. 5). See also SALC, para 5. SALC made recommendations (p. 2).
[63] JS5, para. 3.3. JS5 made recommendations (para. 6.2).
[64] SALC, para. 8. SALC made recommendations (p. 2).
[65] JS11, p. 16.
[66] SALC, para. 6 and endnote 4, referring to *Attorney General v Gift Trapence, Timothy Mtambo, Malawi Human Rights Defenders Coalition*, MSCA Civil Appeal No. 55 of 2019, 30 September 2019.
[67] SALC, para. 7. SALC made recommendations (p. 2).
[68] JS5, para. 2.3.
[69] For relevant recommendations see A/HRC/30/5, paras. 111.2, 111.10, 110.99, 110.100, 110.101 and 110.107.
[70] JS2, para. 5.
[71] JS2, paras. 9 and 11, referring to A/HRC/30/5, para. 110. 99 (Norway), para. 110.100 (Switzerland), para. 110.107 (Switzerland), para. 111. 2 (Egypt) and para. 111.10 (Spain).
[72] JS2, para. 11. See also JS10, para. 8. JS10 made recommendations (p. 4).
[73] JS10, para. 8.
[74] Ibid, para. 9. JS 10 made recommendations (p. 4).
[75] JS2, para. 15. JS2 made recommendations (p. 6).
[76] Ibid, para. 16. JS2 made recommendations (p. 6).
[77] Ibid, para. 19. JS2 made recommendations (p. 6).
[78] For relevant recommendations see A/HRC/30/5, paras. 110.22 and 110.23.
[79] AN, para. 14.
[80] Ibid, para. 17. AN made recommendations (para. 22 (a)-(e).
[81] JS9, para. 26.
[82] AN, para. 15.
[83] For relevant recommendations see A/HRC/30/5, paras. 110.10 and 112.2.
[84] JS12, para. 3. JS12 made a recommendation (para. 33).
[85] JS11, p. 12.
[86] For relevant recommendations see A/HRC/30/5, paras. 110.38, 110.115, 110.116, 110.118–120.
[87] MRNF, p. 1
[88] Ibid, p. 2.
[89] Ibid, p. 3. MRNF made recommendations (p. 4).
[90] For relevant recommendations see A/HRC/30/5, paras. 110.121, 110.122–126, 112.6, 112.12, 112.13.
[91] JS3, para. 1 and endnote 1 referring to A/HRC/30/5, para. 110.68 (Nepal), para110.124 (Togo), para. 112.6 (Congo) and para. 112. 12 (Slovenia).
[92] Ibid, paras. 1-4. JS3 made recommendations (p. 8). See also JS11, p. 9. JS11 made recommendations (p. 9).
[93] Ibid, para. 6.
[94] Ibid, para. 13. JS13 made recommendations (pp. 8-9.
[95] ADF, para. 13.
[96] Ibid, para. 20. ADF made recommendations (paras. 21 (d) and (e).
[97] JS11, p. 13. JS11 made recommendations (p. 14).
[98] SALC, paras. 16-18. SALC made recommendations (p. 5).
[99] JS4, para. 32. JS4 made recommendations (p. 12).
[100] Ibid, para. 29. JS4 made recommendations (p. 12).
[101] SALC, para. 19.
[102] JS11, p. 9.
[103] JS12, para. 29. JS12 made a recommendation (para. 37).
[104] SALC, paras. 21-23. SALC made a recommendation (p. 5).
[105] JS12, para. 8.3, referring to A/HRC/30/5, para. 110.125 (Burkina Faso).
[106] Ibid, para. 8.3.
[107] For relevant recommendations see A/HRC/30/5, paras. 110.127-130, 111.13, 113.39.
[108] JS11, p. 7. JS11 made recommendations (p. 8).
[109] Ibid, p. 7. JS11 made recommendations (p. 8).

[110] JS4, paras 18 and 19. JS4 made recommendations (p. 12).
[111] Ibid, para. 19.
[112] Ibid, para. 23. JS4 made recommendations (p. 12).
[113] Ibid, para. 22. JS4 made recommendations (p. 12).
[114] For relevant recommendations see A/HRC/30/5, paras. 110.17, 110.18, 110.44, 110.65, 110.68, 110.83–85, 110.92, 110.94, 110.108, 113.12, 113.38, 113.40, 113.41.
[115] JS3, para. 16. JS3 made a recommendation (p. 9).
[116] JS12, para. 8.2, referring to Para110.84 (Ghana), para. 110.85 (Iceland) and para. 110.108 (Uruguay).
[117] Ibid, para. 8.2.
[118] For relevant recommendations see A/HRC/30/5, paras. 110.13, 110.14, 110.15, 110.16, 110.29, 110.40–43,110.66, 110.72, 110.86, 110.87–91, 110.95–98, 110.113, 111.1, 111.9, 111.13, 111.7.
[119] JS8, para. 6.
[120] Ibid, para. 33. See also JS10, para. 1.
[121] JS10, para. 1. JS10 made recommendations (p. 2).
[122] For relevant recommendations see A/HRC/30/5, paras. 110.48, 110.73, 110.74, 110.131, 111.11.
[123] JS4, para. 2 and endnote 4, referring to A/HRC/30/5, para. 110.73 (Italy) and para. 110.131 (Singapore).
[124] Ibid, para. 6. JS4 made recommendations (para. 45).
[125] For relevant recommendations see A/HRC/30/5, para. 113.10.
[126] JS8, para. 10. JS8 made recommendation (p. 6).
[127] For relevant recommendations see A/HRC/30/5, paras. 110.57, 110.69, 110.70 and 110.71.
[128] JS7, para. 7, referring to A/HRC/30/5, para. 110.26 (Portugal), para. 110.57 (Algeria), para. 110.60 (Austria), para. 110.69 (Kenya), para. 110.70 (Canada), para.110.71 (Mexico) and para. 110.72 (Namibia).
[129] Ibid, para. 14. JS7 made a recommendation, (para. 26).