



INVESTIGATION REPORT

IN THE MATTER OF MALMED HEALTHCARE SERVICES LIMITED ALLEGED PREFERENTIAL COVID-19 TREATMENT TO ASIAN/INDIAN COMMUNITY

Date: 23rd APRIL 2021

EXECUTIVE SUMMARY

Background

Between 20th and 21st March 2021 social media was awash with negative reactions to a WhatsApp message purportedly originating from Malmed Health Care Services Limited, Blantyre clinic (hereinafter to be referred as “Malmed”) about a special arrangement between the clinic and Blantyre District Health Office (DHO) to accord Asian/ Indian Community preferential treatment for Covid-19 vaccine on 21 March 2021 (Sunday). According to this alleged special arrangement, Asian/Indian Community were to be vaccinated first between 9:00am and 10:00am before opening up to other people. The WhatsApp message generated public uproar with some accusing the clinic and Blantyre DHO Office of practicing discrimination based on race. In line with its mandate, the Human Rights Commission (hereinafter to be referred as “the Commission”) instituted investigations into the matter. The Commission has concluded its investigation and this report contains findings from the investigation and recommendations to relevant stakeholders. The report has been arranged according to specific sections with respect to each of the following areas:

1. Introduction
2. Legal Mandate of the Commission
3. Human Rights Issues
4. Methodology
5. Objectives of the investigation
6. Facts and Evidence
7. Human Rights Analysis
8. Key findings
9. Recommendations

Mandate of the commission

The Commission is an independent National Human Rights Institution and a constitutional body with administrative and functional autonomy. The Commission is established under Chapter XI of the Constitution of the Republic of Malawi. The mandate of the Commission as provided for in section 129 of the Constitution is broad, encompassing the promotion, protection and investigation of violations of human rights.

The Commission is further regulated by the Human Rights Commission Act (herein referred to as the HRC Act). The HRC Act stipulates among other things, the Commission’s operational principles, competence, powers, duties, functions, responsibilities, methods of operation, appointment, terms of office and powers of commissioners, among other things. Section 12 of the HRC Act specifically mandates the Commission “to promote and protect human rights in

Malawi in the broadest sense possible and to investigate violations of human rights on its own motion or upon complaints received from any person, class of persons or body”.

Purpose of the Investigation

The main purpose of the investigation was to ascertain the facts surrounding the allegations in order to determine whether there were human rights violations occasioned or not. Specifically, the objectives of the investigation were:

1. To verify whether Malmed and the Blantyre DHO had any special arrangement regarding the vaccination of members of the Asian/Indian Community and others on the said date (21st March 2021). By extension, to establish the content of such an arrangement.
2. To verify whether Malmed issued such a directive or WhatsApp message (as circulated on social media) which included prioritizing Asian/Indian Community for the vaccination and establish reasons behind such a prioritization (if any).
3. To verify whether Malmed was certified to provide Covid-19 vaccination services.
4. To establish whether the alleged planned vaccination based on the alleged special arrangement proceeded.
5. To establish whether Blantyre DHO Covid-19 team were paid the alleged allowances to carry out the vaccination exercise and also the rates and justification of the said allowances.
6. To verify whether having special arrangements between DHOs and private clinics to administer Covid-19 vaccine for special or all groups (upon requests by the private clinics) was in sync with government policy and guidelines on Covid-19 vaccination.

Methodology

By the nature of the matter at hand, which required an in-depth appreciation of the issues it presented, the Commission adopted a qualitative investigative design where face-to-face interviews (within the scope of strict Covid-19 guidelines) with key parties involved and implicated in the matter and some relevant players were done. Officials from Malmed, Blantyre DHO, the Asian Association of Maravi (AAM), and HISCO were interviewed. These included:

1. Dr. Charles Dзамalala – Medical Director of Malmed (who is also one of the 3 owners of Malmed – others being Mr. Mahesh Kotecha and Professor George Liwomba Senior).
2. Dr. George Liwomba Junior – Hospital Manager of Malmed.
3. Mr. Millan Kotecha – General Manager of HISCO (who is also a son of Mr Mahesh Kotecha).
4. Ms. Harriet Kaime – Human Resources and Administration Manager for HISCO.
5. Dr. Gift Kawalazira – Director of Health and Social Services (DHSS) at Blantyre District Council – DHO.
6. Dr. Zaziwe Gundah – District Medical Officer and Chairperson of Covid-19 Taskforce Blantyre.

7. Ms. Jean Kachala – Coordinator for Emergency Programme on Immunization (EPI)
8. Mr. Rafik Hajat – Chairperson of Asian Association of Maravi (AAM)

Relevant documents, that is, reports, circulars, guidelines, policies, Legislations and international human rights instruments, and Treaty bodies general comments were collected, reviewed, and analysed. The Commission, through proactive consent of some interviewees, was also able to collect and review conversations between the parties involved as regards to the matter at hand. And this included WhatsApp conversations.

Based on the facts and evidence gathered and analysis made, the Commission has come up with the following findings:

Factual Findings

a). Timeline of events as they unfold

This timeline of events as they unfold during the whole saga is based on evidence and analysis of WhatsApp conversations and verified recorded statements from the parties involved and relevant stakeholders:

- **19th March 2021:** Mr Millan Kotecha had a series of phone conversations with Dr Dzamalala and Dr Liomba junior on the possibility of having a special vaccination arrangement at Malmed on Sunday targeting 70-100 people. According to Dr. Dzamalala, Mr Millan Kotecha wanted to primarily target his Asians/Indians Community while Mr Millan Kotecha indicated that the target was the HISCO staff. According to Dr. George Liwomba Junior testimony, he said Mr. Kotetcha indicated to him in that call that there were over a hundred people who wanted to receive the Covid-19 vaccination. According to Dr. George Liomba Junior, Mr Kotetcha, however, did not indicate which community the people were from but that about 40 of them were employees and their families from his company, HISCO Limited
- **20th March 2021 (Saturday), 1:51pm:** Dr Zaziwe shares the contacts for Ms Jean Kachala for further discussion as regards to the special vaccination arrangement at Malmed.
- **20th March 2021 (Saturday), 3:35pm:** Mr Millan Kotecha texts Dr Charles Dzamalala to check if the Blantyre DHO had confirmed about the special vaccination arrangement the following day (Sunday). "Hi Doc. Any confirmation from them for tomorrow?". Dr Dzamalala did not respond immediately (but later at 6:32pm). During this time Mr Millan Kotecha keeps on calling Dr Dzamalala whose phone remain unanswered.

- **20th March 2021 (Saturday), 5:36pm:** Dr Dzumalala texts Ms Jean Kachala to get the feedback as regards to the special vaccination arrangement the following day at Malmed: *"Good evening Jean. Still waiting to hear from you... as per our earlier discussions. Dzumalala"*.
- **20th March 2021 (Saturday), 6:08pm:** Ms Jean Kachala responds that she will revert soon: *"Ok ok will come to you soon"*.
- **20th March 2021 (Saturday), 6:32pm:** Dr Charles Dzumalala finally responds to Mr Millan Kotecha text message that they were optimistic that the special arrangement would happen the following day at their Blantyre Malmed premises. Added Dr Dzumalala. *"We are waiting for confirmations of starting time. Please stay tuned as I will be touching base again this evening"*.
- **20th March 2021 (Saturday), 6:53pm:** Ms Jean Kachala finally confirms that the special vaccination arrangement will proceed at Malmed on Sunday, starting from 9:00am: *"We will be there by 9:00am and we will be a team of 8 people driver inclusive"*.
- **20th March 2021 (Saturday), 7:19pm:** Dr Dzumalala then further asks Ms. Jean Kachala to clarify the allowance rates for the 8 people coming from Blantyre DHO office for the vaccination. *"Many thanks! See you there... Allowances are at how much per person?"*. Ms. Jean Kachala responds within 3 minutes that K20,000 per person covering meals and transport.
- **20th March 2021 (Saturday), 7:21pm:** Immediately after talking to Ms. Jean Kachala Dr Charles Dzumalala gives feedback to Mr. Millan Kotecha about the now confirmed Sunday arrangement: *"Now confirmed; starting at 9:00am at Malmed Blantyre premises until the last person... Will get back to you on the allowance issue"*.
- **20th March 2021 (Saturday), between 7:21pm and 7:24 pm** a confirmation about the allowance rate for the 8 health officials including driver is made.
- **20th March 2021 (Saturday), 7:24pm:** Dr Charles Dzumalala feedbacks Mr Millan Kotecha on the allowance issue as follows: *"The allowance issue is big!!! 20 pin per person, transportation, food inclusive!!! That means sourcing 20 times 8=160. So, we will need to pay them a whopping K160,000!!! Please confirm that you can source that money from the community"*. **Note:** the word "community" was used by Dr. Charles Dzumalala to refer to the Asian/Indian Community which Mr Millan Kotecha was mobilizing for the vaccination at Malmed the following day under this special arrangement with Blantyre DHO through Ms. Jean Kachala.
- **20th March 2021 (Saturday), 8:08pm:** Mr Millan Kotecha confirms with Dr Charles Dzumalala that his [Asian/Indian] community would cover the "whooping K160,000" allowance for Blantyre DHO medical officials, and that 50 (from his community) had so far confirmed. Mr Millan Kotecha further indicates that he would come around 8:45am at the vaccination site. *"Confirmed. I will be there around 8:45am. 50 so far confirmed"*.
- **20th March 2021 (Saturday), between 8:08pm and 8:42pm:** Mr Millan Kotecha extends the invitation to some interested HISCO Blantyre staff members (predominantly Malawians of Malawi origin) to benefit from this Asian/Indian primarily targeted

arrangement through Ms Harriet Kaime who is asked to communicate through the HISCO staff WhatsApp group. **Note:** the initial agreed (DHO officials and Malmed) number for vaccination was between 70-100. The failure to reach this agreed number may have forced Mr Millan Kotecha to extend the invitation to his HISCO Blantyre staff. This could also be as a result of Dr Dzamalala's proposal of opening up to some Malawians of Malawi origin (e.g. friends on Great Minds WhatsApp group and HISCO staff) to avoid creating public suspicion and outrage after only seeing Asians/Indian community patronizing the vaccination at the clinic which would send – according to Dr Dzamalala – a wrong image of the clinic. It's further important to note that Mr Kotecha had at 20:08 indicated to Dr Dzamalala that 50 (from his community) had so far confirmed. Clearly this did not include staff members of HISCO who were communicated about this arrangement for the first time at 20:42 by Harriet.

- **20th March 2021 (Saturday), 8:42pm:** Ms Harriet Kaime shared the following message on HISCO staff WhatsApp group: *"Good evening fam. Hope we are all fine. With much gratitude let me inform you my fellow hisco family members, especially those in Blantyre that Management has arranged Covid Vaccine tomorrow at Malmed. Those willing to receive the vaccine please inbox me so that I can forward the names to GM [General Manager]. Please respond ASAP."* It's important to note – contrary to Mr Millan and Ms Kaime recorded statement – this communication did not include the specific time for vaccination. The Commission strongly suspects that there might have been an already agreed arrangement between Mr Kotecha and Mr Dzamala that the Asians/Indian community would be prioritized between 9:00am and 10:00am, and as such those members of staff who had confirmed with Mr Kotecha through inbox may have been told to come after that time (10:00am).

- **20th March 2021, 8:54pm:** Dr Charles Dzamalala drafts a message and shares it on GREAT Minds WhatsApp group inviting them to participate in an Asian/Indian Community primarily targeted Covid-19 vaccination arrangement with Blantyre DHO. Reads the full text:

"By special arrangement with the Asian/Indian Community in town, we have organized a hassle-free AZ vaccination exercise at my institution tomorrow Sunday starting from 9:00am. If any of you are passing town tomorrow and have not had the jab yet, please feel free to partake. BT DHO COVID 19 Vaccination Team will run the show. Several Indians have put together something to pay allowances for the BT COVID team for making them work on this on a Sunday. The first one hour or so (9:00 to 10:30am will therefore be dedicated to the Indians. Thereafter its free for anyone coming in. The DHO Team has promised to be around until the last person. We are Malmed Healthcare Service and our Blantyre location is: Behind Chibisa House and Opposite TNM Car Park. Please inbox if you need more details"

- Dr Dzamalala's message is received with mixed reactions on the GREAT MINDS WhatsApp group: One Charles Shemu reacts: "I will come, Doc, I am dying for a jab"

(9:14pm, 20th March 2021) and one Ken Maleta reacts: "I find this very disappoint in a large way that a public office as the DHO would make special provisions for one sect among us. Even more worrying that they will be motivated by financial inducement..."

(9:52pm, 20th March 2021). Mr Mahesh Kotecha (one of the owners of Malmed) comments on the suggestion to bring crates of beer for the vaccination exercise as follows: "*Dumisani happy to offer a (beer) for every person taking a Vaccine amongst the friends we have got who will go to Malmed... kkkk Subject to Doc allowing the crates in his Car Park ...*". Ironically, Mr Mahesh Kotecha is said – according to Mr Rafik Hajat recorded statement- to have not been aware of this arrangement as was outside the country. Being one of the proprietors of Malmed and a member of the GREAT MINDS WhatsApp group, his comments on the GREAT MINDS WhatsApp group could be interpreted as an approval of this discriminatory special arrangement especially in the context that other people on the same group had raised serious reservations with the message as posted by Dr. Dzamalala.

- Between 10pm and the following morning the social media was awash with condemnation of the message, a scenario that forced the Blantyre DHO to release a statement distancing itself from such an arrangement. This was followed by Asian Association of Maravi (AAM) statement signed by Mr Rafik Hajat condemning the same. The arrangement was later cancelled due to public pressure
- On 21st March 2021, Sunday 8:54am Ms Harriet Kaima announced on HISCO WhatsApp group that the vaccination exercise had been postponed due to technical problems: "*morning all. The vaccination exercise has been postponed for today due to technical problems. Will announce when another date has been arranged. Good day to all*".

b)). Whether Malmed had a special Covid-19 vaccination arrangement with Blantyre DHO office prioritizing Asian/Indian Community

1. There was a special arrangement between the officials from the DHO office and Malmed to have members of the Asian/Indian Community and others to be vaccinated on 21 March 2021 (Sunday) starting from 9:00am.
2. The Commission has found that while the arrangement included other groups of people beyond Indians and Asians such as employees at HISCO and Malmed as well as friends and clients of Dr Dzamalala and Malmed respectively, the real trigger or necessity to have such an arrangement was largely influenced by Mr Millan Kotecha's request to have members of the Indian/Asian Community be vaccinated on Sunday.
3. The inclusion of other groups was merely secondary and based on an attempt to look politically correct by Malmed and hence avoid attracting public criticism of promoting racism.
4. This special arrangement involved Dr. Charles Dzamalala, Dr George Liwomba Junior, Mr Millan Kotecha, Ms Jean Kachala, and Dr Zaziwe Gunda. However, the Commission has

found that it was Ms Jean Kachala, Dr Charles Dzamalala, and Mr Millan Kotecha who were at the centre of this arrangement, both directly and indirectly in the case of Kotecha.

b). The Content and trigger of the Special Arrangement between Malmed

1. That the DHO office through Ms Jean Kachala would bring 8 health personnel, including the driver, to administer the Covid-19 vaccine at Malmed Health Care Services Limited on 21 March, 2021 starting from 9:00am.
2. That Malmed with financial support from the targeted Asian/Indian Community as coordinated by Mr. Millan Kotecha, would cover the allowance payments of the 8 health personnel to administer the vaccine, and that such payments would be made directly by Mr Millan Kotecha to them. Malmed would simply play a facilitating role.
3. That the rate of allowances given to each of the 8 health personnel including the driver would be K20,000. Such a rate was decided and dictated to Malmed by the DHO's office through Ms. Jean Kachala. Ironically, such a rate did not have any basis, if a circular from the Ministry of Health dated 20 April 2021 titled: "Allowances for Health workers undertaking Covid-19" was anything to go by. According to this circular, lunch was at K4,000 while dinner at K6,000. However, by virtue of being a half day arrangement there was no need for dinner. Even if transport costs were factored in, it would warrant the exorbitant K20,000 allowance per person.
4. There was no formal arrangement, that is, through letters, MEMOs or circulars between the DHO office and Malmed, and that the decision to communicate this informal special arrangement was done through mere text messages without the knowledge and consent of Director for Health and Social Services (DHSS).
5. The decision by Malmed to have this Special arrangement was largely influenced or triggered by Mr Millan Kotecha who constantly exerted undue pressure on Malmed Medical Director, Dr. Dzamalala and Manager, Dr Liwomba Junior despite the two doubting it's practicality in the context of government's regulations. In the same breath, the Commission finds the conduct of the two doctors especially Dr. Dzamalala for succumbing to undue demands by Mr Millan Kotecha to have his Asian/Indian Community get vaccinated through an irregular and discriminatory arrangement with Blantyre DHO. Dr Dzamalala's actions of not only succumbing to Mr Kotecha's suggestions but also going further to put some racism tone to the WhatsApp message and also mindful of him being a renowned and mature doctor went below the expected standards that the public would reasonably hold of him.

c). Whether Such a special arrangement had the blessings of any Asian/Indian Associations

1. The Commission did not find any evidence implicating Asian Association of Maravi (AAM) let alone any specific Association of Indians, Hindus, or Sikhs as being part of such an arrangement to have special consideration for Indians as a priority.
2. If anything, the Commission established that Mr Milan Kotecha was the one who influenced such an arrangement targeting probably Asians or Indians within his cycle or friends and those around him.
3. The said planned exercise however was cancelled a night prior to its implementation following a growing public uproar especially on social media, who viewed the conduct as being discriminatory.
4. The Commission commends AAM for coming out strongly to condemn the discriminatory actions by Malmed following the release of the exercise through the WhatsApp message.

d). Whether Malmed issued a discriminatory WhatsApp Message giving preferential treatment to Asian/Indian Community for Covid-19 Vaccine.

1. The message circulating on social media was drafted by Dr Charles Dзамalala, Malmed Medical Director. The message was drafted on WhatsApp and initially (and solely) shared by Dr Dзамalala on Great Minds WhatsApp group.
2. The reasons behind Dr Dзамalala's sharing and drafting of such a message on Great Minds WhatsApp group was to invite his friends to also benefit from this Asian/Indian community special targeted arrangement by getting vaccinated.
3. The decision to include other groups was as a result of fear of creating public suspicion, curiosity and anger if the public noticed that there were only Indians at the clinic to be vaccinated.
4. The Commission however finds Dr. Dзамalala's conduct of extending this message NOT (emphasis added) only to Indians but also to his friends as another form of preferential treatment and biasness towards his friends.

e). Whether Malmed was certified as a Covid-19 Vaccination center or to be involved in Covid-19 vaccination services

1. Malmed was one of the vaccination sites under phase one of the exercise, targeting public health workers and men in uniform.
2. However, Malmed was not a Vaccination Site under phase 2 and phase 3 which remained the preserve for government and CHAM health facilities based on government circular.
3. The Commission further did not find any evidence, through policy, regulations or legislation, supporting special arrangements between DHOs and private clinics to

administer Covid-19 vaccine for the public or special groups upon requests by the private clinics.

Legal Findings

1. Section 20 (1) of the Constitution of the Republic of Malawi and Article 2 of International Convention on Elimination of All Forms of Racial Discrimination (ICERD) provide for right to equality and non-discrimination including on grounds of race. Article 2(b) of ICERD specifically calls upon each State Party not to sponsor, defend or support racial discrimination by any persons or organisations.
2. Article 12 and 15 of International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 25 of Universal Declaration of Human Rights (UDHR) clearly show that every person has a right to the enjoyment of the highest attainable standard of physical and mental health as well as a right to enjoy the benefits of scientific progress, and this includes access to immunization programmes against the major infectious diseases (the UN Committee on Economic, Social and Cultural Rights General Comment No.14 [2000] para 35).
3. Both rights show that every person has a right to have access to a vaccine for Covid-19 that is safe, effective and based on the application of the best scientific developments (Statement on Universal and equitable access to vaccines for Covid-19 by UN Committee on Economic, Social and Cultural Rights, 15 December 2020)
4. In line with Article 2, 12 and 15 of the ICESCR, States have an obligation to take all the measures necessary to the maximum of available resources, to guarantee access to vaccines for Covid-19 to all persons without discrimination. In order to achieve this, the UN Committee on Economic, Social and Cultural Rights provides the following guidance to States:
 - To remove any discrimination based on grounds such as religion, race, age, disability, race and ethnic identity, social origin or poverty, sex or any other relevant status
 - To guarantee physical accessibility to vaccines especially for marginalized groups and people living in remote areas, using both State run and private channels and by strengthening the capacity of health system to deliver vaccines
 - To guarantee affordability or economic accessibility for all including by providing vaccines for free of charge, at least for lower income persons and the poor
5. Mindful of the fact that vaccines may not be immediately accessible to everyone especially in the initial stages, the prioritisation of access to Covid-19 vaccines by special groups is inevitable. Such prioritization however must be based on medical needs and public health grounds. The UN Committee on Economic, Social and Cultural Rights in this regard guides the States to prioritise health staff and care workers, the elderly, and those with underlying conditions.

6. It is therefore against this background that the Ministry of Health guidance on phased approach (which Blantyre DHO adopted in their 12th March 2021 and 19th March 2021 circulars detailing the schedule of Covid-19 vaccination) was in line with international human rights standards and guidance from international human rights treaty bodies such as the UN Committee on Economic, Social and Cultural Rights. According to the circular signed by Dr Gift Kawalazira, DHSS, the initial phase for vaccination which ran from 15th to 19th March 2021, targeted frontline health workers, men in uniform (the Malawi Defence Force-MDF, Police, Prison, and Immigration); the second phase which ran from 22nd to 26th March 2021, targeted the elderly, those with underlying conditions, and social workers; and the last phase would include everyone above 18 years old.
7. However, the Blantyre DHO, despite having such an elaborate plan in sync with human rights standards and government policy, still found themselves in violation with such standards by getting into a discriminatory and unlawful arrangement with Malmed to prioritise vaccination of Asians or Indians. By getting into such an arrangement, Blantyre DHO violated Section 20(1) of Malawi Constitution; Article 2(b) of the ICERD; Article 2, 12 and 15 of ICESCR; and Article 25 of UDHR. The same applies to Malmed who besides consenting to such a discriminatory arrangement with Mr Millan Kotecha proceeded to issue a discriminatory message showing the preferential treatment to Indians and Asians.
8. Therefore, this discriminatory arrangement to grant Asians/Indians preferential treatment to access Covid-19 vaccine was racist and must be condemned in the strongest sense. This discriminatory arrangement sends a very bad message that the rest of the general public can be treated as secondary citizens in their own country just because of money. It is clear that this arrangement was not only made to benefit a particular community but money also played a huge role in deciding to carry out such an arrangement. It is deplorable to think that the DHO officers, Mr. Millan Kotecha, and Dr Dzamalala were prepared to violate the rights to health and dignity of the rest of the general public for a particular community for monetary benefits contrary to law and policy.

Recommendations

Pursuant to the powers conferred on it by Section 130 of the Constitution and Section 22 of the Human Rights Commission Act, the Commission makes the following recommendations:

1. The Blantyre DHO should institute disciplinary action against Dr Gunda and Ms Kachala for their involvement in this discriminatory arrangement with Malmed Health Care Services Limited. Such a disciplinary action should take into account the extent of their respective involvement in this special arrangement as unearthed by this report. The Commission shall follow up on the progress of this by 30th May 2021.
2. The Blantyre DHO should put in place stronger monitoring systems of the phased approach of Covid-19 vaccination to ensure adherence to human rights standards and

government policy on Covid-19 and vaccination. The Commission shall expect this to be done by 30th May 2021.

3. The Blantyre DHO should ensure that all officers involved in Covid-19 vaccination are well oriented on human rights standards and government policy in relation to Covid-19 and vaccination in order to avoid a repeat of the same. The Commission shall expect this to be done by 30th May 2021.
4. Malmed should retract their statement and issue a public apology for their role in the discriminatory arrangement. Such a statement should run ten (10) times over a period of two weeks on one public and one private radio stations during prime time and should also be published on Mondays and Wednesdays in the two daily papers, twice in the two weekend newspapers over a period of two weeks. The Commission shall expect this to be done by 30th May 2021.
5. Malmed should develop an internal organization's non-discrimination policy in line with the Constitution and human rights standards. The Commission will follow up on this recommendation by 30th June 2021.
6. Malmed should ensure that the whole management and staff are well oriented on human rights standards and government policy in relation to Covid-19 and vaccination. The Commission shall expect this to be done by 30th June 2021.
7. Mr. Millan Kotecha, the General Manager of HISCO, should issue a public apology for influencing the initiation of such a discriminatory arrangement between Malmed and Blantyre DHO office. Such a statement should run ten (10) times over a period of two weeks on one public and one private radio stations during prime time and should also be published on Mondays and Wednesdays in the two daily papers and twice in the two weekend newspapers over a period of two weeks. The Commission shall expect this to be done by 30th May 2021.
8. Mr. Millan Kotecha should stop meddling or interfering in Malmed related business particularly on matters relating to medical ethics and professionalism.
9. The Ministry of Health and the Presidential Taskforce on Covid-19 should develop guidelines on non-discrimination in the context of Covid-19 and vaccination. The Commission shall expect this to be done by 30th June 2021.
10. The Ministry of Health and the Presidential Taskforce on Covid-19 should strengthen their monitoring systems of the implementation of government policy on Covid-19 vaccination. The Commission will follow up on this by 30th May 2021.
11. In line with Section 46 of the Medical Practitioners and Dentist Act of 1987, the Medical Council of Malawi should institute disciplinary action against Malmed for initiating such a discriminatory arrangement which is not in sync with government policy and medical ethics. In line with same Section 46 of the Medical Practitioners and Dentist Act of 1987, the Medical Council of Malawi should institute disciplinary hearing against Dr. Dzumalala. The Commission recommends to the Council to handle this in a manner that sends a right message to all that such kind of racist conduct shall never be condoned anywhere in

- this country regardless of who perpetrators are. The Commission shall expect reports on the above processes by 31st May 2021.
12. AAM should institute a disciplinary action against Mr Millan Kotecha for masterminding or triggering such a discriminatory and unlawful special arrangement between the DHO and Malmed. The Commission shall expect reports on the above processes by 31st May 2021.
 13. AAM should develop guidelines on non-discrimination and orient all members on peaceful co-existence, non-discrimination and human rights in line with the objectives of the Association and the Constitution of the Republic of Malawi. The Commission shall expect reports on the above processes by 30th July 2021.

Conclusion

This report has addressed the human rights issues pertaining to the alleged preferential treatment to Indians/Asian Community to access to Covid-19 vaccine by DHO office and Malmed in Blantyre. The evidence gathered by the Commission points to the fact that Malmed, Dr Dzumalala, Mr Millan Kotecha, and the two DHO officers (Mr Gunda and Ms Kachala) acted in contravention of Sections 20[1], 30[2], and 13(c) and other international human rights principles and standards provided for in the UDHR, ICERD, ICCPR, and ICESCR. Page 8 to 9 of the report has made recommendations to relevant authorities and individuals to take action. The Commission is ready to work with all these authorities and individuals to ensure that the violations of human rights identified in this report are remedied. The Commission will, apart from the specific dates provided in the recommendations section, follow up on the progress made on all recommendations in this report by September 30, 2021.



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Commissioner Honorable Martha Chizuma

Chairperson, Economic, Social and Cultural Rights (ESCR) Committee