

**MALAWI HUMAN RIGHTS COMMISSION**



**A REPORT ON THE PUBLIC INQUIRY ON  
THE STATUS AND PROTECTION OF PWAS IN MALAWI**

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**OCTOBER, 2016**

We, the members of the Panel of a Public Inquiry on the Status of Human Rights of PWAs submit this report pursuant to Section 129 of the Constitution of the Republic of Malawi as read with Section 12 and 13(e) of the Human Rights Commission Act and commend the Report and its recommendations to the Government, Parliament and the people of Malawi.

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.....

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## Acknowledgement

The Report on the Public Inquiry into the Status and Protection of Human Rights of PWAs in Malawi is a property publication of the Malawi Human Rights Commission (herein referred to as the commission). The Public Inquiry into the Status and Protection of Human Rights of PWAs was conducted through engagement with multiple stakeholders from various communities and establishments in Malawi.

Special credit goes to Justice Ken Manda from the High Court of Malawi who through his vast knowledge, expertise and skills spearheaded the Public Inquiry and managed to create a conducive environment for all participants and all witnesses to explain and provide their testimonies without fear and interference from anybody, hence the commission collected live evidence from live situations experienced by PWAs and their relatives.

The Commission is thankful to Commissioner Baldwin Chiyamwaka, Commissioner Martha Mwangonde, Mr. Alex Machira, Mrs. Pamela Juma, Mr. Action Amos, Mr. Enock Chilemba and Mrs. Grace Malera who were also instrumental during the public hearings.

Profound appreciation goes to Mr. Wycliffe Masoo, Director of Disability and Elderly Rights and his entire team for spearheading all the technical processes of the Public Inquiry.

Last, but not least, the Commission is greatly obligated to the people of Malawi and all stakeholders who played a part in one way or another in the success of this Public Inquiry.

This Public Inquiry was conducted with funding from European Union and their contributions have been an asset for management and conduction of all the processes before, during and after the inquiry. The EU Democratic Governance Programme (DGP) in Malawi deserve special thanks for their support in respect of the public inquiry.

## Foreword

It is my singular honor and privilege to submit the report on the Public Inquiry on the Status and Protection of Human Rights for Persons with Albinism in Malawi to various authorities, the public and all interested parties for their consideration and action.

The Public inquiry mainly aimed at generating evidence to inform the design and implementation by concerned duty bearers of appropriate and effective interventions for addressing the systemic human rights violations, including attacks, faced by PWAs.

The inquiry began with the receiving of submissions from the general public and private institutions, ministries, Non-Governmental Organizations; faith based organizations, religious communities and other interested groups as well as individuals on a number of thematic areas. The inquiry also involved the public hearings which took place at Machinga and Kasungu districts on 15 September and 22 September 2016 respectively

The public inquiry was instituted following the Commission findings from its routine investigations and human rights monitoring and documentation activities which indicated that killings, abductions, kidnapping, maiming, labeling, injuring and exhumation of the bodies of PWAs are increasing at an alarming rate requiring collective intervention. Furthermore despite the various attempts, interventions and campaigns already in place against these malpractices, the situation continues to escalate in the country. To this effect, the public inquiry was organized to uncover the underlying root cause of the problem, identify the various patterns of human rights violations faced by PWAs in Malawi and propose appropriate intervention to address these problems.

The report is so unique such that it has deep and rich content and covers one of the emerging issues in our society that arise in context of status and protection of PWAs within a human right and social model approaches. It is my sincere request to potential readers to go through this report and examine what contribution we can make individually and collectively to the promotion and protection of rights of PWAs.

The Commission holds that the implementation of the recommendations contained herein is not only for a single entity but requires collaboration of all stakeholders in general and the government in particular.

Chairperson of the Public Inquiry

## Acronyms

ACHPR	African Charter on Human and People`s Rights
APAM	Association of PWAs in Malawi
CBO	Community Based Organization
CSO	Civil Society Organization
DPO	Disabled People Organization
DB	Duty Bearer
EU	European Union
FBO	Faith Based Organization
MoAFS	Ministry of Agriculture and Food Security
MoST	Ministry of Education Science and Technology
MoFEP	Ministry of Finance and Economic Planning
MOGCDSW	Ministry of Gender, Children, Disability and Social Welfare
MoHAIS	Ministry of Home Affairs and Internal Security
MoJCA	Ministry of Justice and Constitutional Affairs
NANHRI	National Human Rights Institution
NGO	Non-Governmental Organization
NOAH	National Organization on Albinism and Hypopigmentation
NSO	National Statistical Office
OHCHR	Office of the High Commissioner for Human Rights
UDHR	Universal Declaration on Human Rights
UTSS	Under The Same Sun



UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UN	United Nations
PWD	Persons with Disabilities
PWAS	Persons with Albinism
WHO	World Health Organization

## Executive Summary

This report highlights the findings of public inquiry which was commissioned to understand the status and protection of human rights of Persons with Albinism (PWAs) in Malawi. The Malawi Human Rights Commission conducted the public inquiry using several methods to collect evidence from the general public such as written submission, oral submission, presentation by duty bearers, and two open public hearings in Machinga and Kasungu districts. These two districts acted as a sample for what is happening to PWAs in Malawi. The assumption is that challenges faced by PWAs in these two districts may be similar to problems experienced by PWAs in other districts in Malawi. The Public inquiry was conducted as a first step towards the development of appropriate effective interventions to address the challenges encountered by PWAs in Malawi

This report affirms that indeed children, young people and adults with albinism in Malawi are being killed; body parts get maimed, their dead bodies exhumed and many are missing without being traced. The inquiry has observed that traditional beliefs, misconception and myths have influenced all these atrocities against PWAs in Malawi. However this inquiry has not established the market where these body parts are being sold. The Commission suggests a need for further research to establish the market. The public inquiry has also identified some gaps in the existing laws, policies and practices that have made some duty bearers unable to craft appropriate charges or provide stiff punishment to those found guilty of violation of rights of PWAs. The penal code has no specific provision with reference to PWAs. The Disability Act has left a lot of gaps to effective appropriate administration of justice as regards to the violations of rights of PWAs.

The public inquiry was conducted in a remote area and in town to reach out a wider audience with different status and back ground hence assured of findings that reflect the experiences and expectations of Malawi population including those with albinism

The public hearing in Machinga was at TA Kawinga headquarters, while in Kasungu the public hearing was held at Kasungu Boma

The public hearings targeted PWAs themselves as primary source of evidence, parents or guardians or relatives of victimized PWAs in Malawi, duty bearers, Non-Governmental Organizations representatives, Faith –Based Organizations representatives; Civil Society

Organizations representatives, local leaders, individuals and herbalists. It was anticipated that such grouping can generate enough evidence to inform effective intervention programs.

The public inquiry provided an opportunity to undertake human rights analysis regarding status of PWAs in Malawi and wanted to achieve the following objectives:

1. To establish root and structural causes of the human rights violations of PWAs;
2. To Identify and analyze challenges faced by PWAs;
3. To examine the need for change of the laws, policies and practices;
4. To assess effectiveness and appropriateness of existing interventions;
5. And to generate recommendations for appropriate actions.

The main finding of the public inquiry shows that attacks against PWAs indeed exist and poses serious social, economic and human rights challenges experienced by PWAs. Furthermore there is enough evidence that the situation of PWAs in Malawi is not in line with the provisions of the Constitution of the Republic of Malawi, Disability Act, and the new assented Anatomy Act. The situation further is in contrast with the international instruments and treaties to which Malawi is a party.

The report makes a number of recommendations which if implemented, problems facing PWAs will be put to rest and their rights respected in Malawi. The following are some of the recommendations:

1. There is need for establishment of communities of practice which would put in place some protection mechanisms or enhance already existing security structures to fully provide security of protect PWAs in the village.
2. There is need to establish a special fund to support PWAs with the construction of permanent houses to improve their security at home and during the night
3. There is need to expeditiously train Police prosecutors and Magistrates on the newly reviewed Anatomy Act and Penal Code to improve their understanding of the Act for their effective use during court proceedings.
4. There is need to scale-up Civic Education and sensitization campaign across the country to change the mindset of the entire population to respect rights of PWAs

5. As a matter of urgency, there is need to institute further research with an aim of establishing the availability of markets networks for the bones and body parts of PWAs in Malawi
6. There is need to introduce Rights of Persons with Disabilities (PWAs) including Albinism as subject content in the School curriculum from primary school level.

## CHAPTER ONE: BACKGROUND TO THE INQUIRY

### 1.1 Introduction

- 1.1.1 The Malawi Human Rights Commission (the Commission) undertook a national Public Inquiry on the Status and Protection of the human rights of Person with Albinism (PWAs). This followed the Commission's findings from its routine investigations, human rights monitoring, and documentation activities which showed that records of killing, abducting, kidnapping, maiming, injuring and exhumation of the bodies of PWAs were increasing at an unprecedented rate. Further to that, incidences of these and other human rights violations perpetrated against PWAs continued to grow in spite of mounting efforts aimed at curbing the occurrences. It was, for instance, reported that as of June, 2016 there were a total of 84 reported cases involving attacks against PWAs. 16 of these cases involved abductions or kidnapping, nine involved murder, three involved missing persons, 34 involved tampering of graveyards and 15 were on being found with bones or body parts<sup>1</sup>.
- 1.1.2 It is a serious issue of concern that all these attacks were directed at PWAs purely because of their genetic condition. Albinism is still profoundly misunderstood, socially and medically.<sup>2</sup> The physical appearance of PWAs is often the object of erroneous beliefs and myths influenced by superstition, which foster their marginalization and social exclusion.<sup>3</sup> The attacks against PWAs therefore raise the implication of such actions being targeted and systematic; and perpetrated against the group owing to distinct their genetic condition. This has serious repercussions for a number of human rights guaranteed in the Constitution of the Republic of Malawi such as: the right to life; the right to equality and non-discrimination; the right to human dignity; the right to liberty and security of the person; the right to education; the right to pursue economic activities; and the freedom of movement as well as other freedoms.
- 1.1.3 As noted by the Office of the High Commissioner for Human Rights (OHCHR), PWAs are indeed a unique group whose human rights issues have generally gone unnoticed for centuries; the result being deeply engraved stigma, discrimination and violence against them across various countries.<sup>4</sup> The complexity and uniqueness of the condition means that their experiences significantly and simultaneously touch on several human rights issues including, but not limited to, discrimination based on colour, discrimination based on disability, special needs in terms of access to education and enjoyment of the highest standards of health, harmful traditional practices, violence including killings and ritual

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<sup>1</sup> Under the same sun; MHRC Investigations report

<sup>2</sup> Office of the High Commissioner of Human Rights on <http://www.ohchr.org/EN/Issues/Albinism/Pages/IEAlbinism.aspx>

<sup>3</sup> Ibid

<sup>4</sup> Ibid

attacks, trade and trafficking of body parts for witchcraft purposes, infanticide and abandonment of children.<sup>5</sup>

- 1.1.4 In addition to the recent increasing spate of attacks against PWAs, it is also a fact that PWAs historically and structurally are marginalized. PWAs are vulnerable and face a number of violations of their human rights. Often PWAs have their needs not met or fulfilled, with respect to education and health care. Furthermore, PWAs are usually sidelined in various mainstream civic and public affairs.
- 1.1.5 Therefore, given the magnitude and systemic nature of the human rights violations that PWAs are particularly facing on a day-to-day basis, as well as the heightened threats against their human rights in light of the recent attacks against PWAs, the Commission organized a public inquiry as a way of garnering solutions for effectively addressing this issue.
- 1.1.6 The Inquiry was one way of ensuring accountability by duty bearers for the respect, protection and fulfillment of the human rights of PWAs. In particular, the inquiry allowed for an assessment of the existence and effectiveness of mechanisms for the conduct of impartial, speedy and effective investigations into attacks against PWAs. The inquiry also acted as an advocacy tool for bringing those responsible to justice, and ensuring that victims and family members have access to appropriate remedies.

## **1.2 Objectives of the public Inquiry**

- 1.2.1 The overall aim of the Inquiry is to generate evidence to inform the design and implementation by concerned duty bearers of appropriate and effective interventions for addressing the systemic human rights violations, including attacks, faced by PWAs. In order to achieve this overall objective, the inquiry has the following specific objectives:
  - a) to establish the root and structural causes, the extent and nature of human rights violations faced by PWAs, particularly in light of attacks against PWAs;
  - b) to assess the appropriateness and effectiveness of interventions;
  - c) to facilitate access to remedies by affected persons;
  - d) to examine the adequacy of, and the need for, any changes in current laws, policies and practices relevant to enjoyment of rights by PWAs;
  - e) to assess the effectiveness of existing programs and interventions that promote and protect the rights of PWAs, and on the attacks against PWAs; and
  - f) to identify and analyze the problems experienced by PWAs at all levels in accessing and interacting with political, social and economic services.

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<sup>5</sup> Ibid

- g) to generate evidence-based recommendations on appropriate redress measures, including priority as well as short, medium and long term interventions;

### **1.3 Jurisdiction and Mandate of the Human Rights Commission**

- 1.3.1 The Republic of Malawi Constitution establishes the Commission under section 129 with the primary function of protecting and investigating violations of human rights. Section 130 of the Republic of Malawi Constitution empowers the Human Rights Commission to conduct investigations upon receipt of complaints from the public, individuals, class of persons or on its own motion.
- 1.3.2 Section 12 of the Human Rights Commission Act provides that *'the Commission shall be competent in every respect to protect and promote 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'*. Further to this, Section 13(1) (c) of the Human Rights Commission Act obligates the Commission to promote more particularly the rights of vulnerable groups of people such as children, illiterate persons, persons with disabilities and the elderly.

## **CHAPTER TWO: METHODOLOGY**

### **2.0 Introduction**

2.0.1 The inquiry processes were guided by the principles and models of disabilities such as Human Rights Model and Social Models of Disabilities as presented in World Reports on Disabilities 2011, and 2014 and other academic literatures. The public inquiry followed the following forms and steps to solicit information and evidence for the status and protection of PWAs in Malawi.

### **2.1 Written submission**

2.1.1 The public inquiry was conducted in several steps. The first step was the call for written submission from the general public, individuals and organizations with interest and stories that demonstrate violations of rights of PWAs. People submitted their cases and stories through the internet via email and others submitted theirs cases, issues and experiences through hard copies vial post office which the Commission received and documented as evidence for the violations of the rights of PWAs.

### **2.2 Verbal or recorded submission**

2.2.1 The public inquiry also allowed the audio- recorded submission for those who did not want to submit written document(s) on the matter. The general public and individuals were audio-taped and their stories recorded. These took place before the public hearings and after the day of the public hearings. This method was also effective because those who felt uncomfortable to make public testimonies were able to provide their stories at a private place for confidentiality.

### **2.3 Two open public hearings**

2.3.1 The general public and duty bearers were asked to present testimonies based on their experience of the killings, abductions and exhumation of bodies of PWAs. PWAs narrated their experiences and stories as regard to their security, life and economic development.

### **2.4 Public presentation**

2.4.1 Officials from them Police, Judiciary, Ministry of Health, and Ministry of Gender and Disability, Ministry of Labour and Ministry of education attended the public hearings to address some of the concerns that were raised during the Public hearings.

### **2.5 Desk review of the status and violation of rights of PWAs**

2.5.1 The public inquiry was preceded with a comprehensive literature review. The literature review involved analysis of relevant documents such as Laws, Policies, reports and other publication regarding the status and violations of rights of PWAs in Malawi. Some academic articles regarding the challenges faced by PWAs in Malawi and other African



countries were analyzed to get insights into the matter and identify recommendations that can turn down the evils experienced by PWAs in Malawi.

## CHAPTER THREE: LITERATURE REVIEW

### 3.1 Understanding Albinism

- 3.1.1 Albinism is a genetic condition involving the colouration of the skin, hairs and eyes of affected people<sup>6</sup>. There are two major types of albinism. The first type of albinism affects hairs, skin and the eyes. The second type is that albinism which affects the eyes only but the skin and the hairs are naturally normal<sup>7</sup>.
- 3.1.2 Studies have revealed that persons with albinism which affects the eyes and the skin are a major target for killings, abductions, injuries and exhumation of bodies in Malawi. These studies have indicated that the other problems experienced by children, young people and adults with albinism are poor vision, high sensitivity to sun light, and the skin has high risk of breakability which causes skin cancer.
- 3.1.3 Because of some factors raised above, some children and young people with albinism in schools are not progressing well. This is due to lack of assistive devices to improve their sight, and information not in appropriate formats such as large prints, braille print and reasonable colour contrast<sup>8</sup>). Largely the progress of children and young people with albinism in schools is also affected by absenteeism caused by discrimination skin cuts and wounds.
- 3.1.4 In general terms, children, young people and adults with albinism often face a wide range of physical, social and environmental barriers to full participation in society, including reduced access to health care, education, security and other support services in Malawi<sup>9</sup>. PWAs are significantly thought to be at greater risk of exploitation, abuse and violation of their inherent human rights. To this end, understanding the extent of violence against PWAs is an essential first step in developing effective interventional programmes to prevent them from experiencing loss of their fundamental freedoms and human rights and protecting them from wide range of abuses.

### 3.2 Prevalence of Albinism

- 3.2.1 The prevalence of albinism varies across the world. Reports suggest that an estimation of 1 in every 20,000 persons have some form of albinism<sup>10</sup> in North America<sup>11</sup> and Europe. A public survey in African countries published by WHO in 2006 mentions that: “Epidemiologic data on albinism, such as prevalence, were available for South Africa, Zimbabwe, Tanzania and Nigeria. Prevalence as high as 1 in 1,000 were reported for

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<sup>6</sup> OHCHR, 2013

<sup>7</sup> Palmer, 2007

<sup>8</sup> Lund & Lynch, 2011

<sup>9</sup> Breathen & Ingstad, 1986

<sup>10</sup> Estimates from the Under the Same Sun (UTSS) submission

<sup>11</sup>The National Organization for Albinism and Hypopigmentation (NOHA) refers on its webpage to 1 person in 17,000 having some type of albinism in the United States of America. Available from [www.albinism.org/publications/what\\_is\\_albinism.html](http://www.albinism.org/publications/what_is_albinism.html)

selected populations in Zimbabwe and other specific ethnic groups in Southern Africa. An overall estimate of albinism prevalence ranges from 1/5,000 to 1/15,000”.<sup>12</sup> According to WHO, the estimated prevalence of albinism suggests the existence of tens of thousands of PWAs in Africa. For Malawi, the current estimates of the population of PWAs are within the range of 7000 and 10000.<sup>13</sup>

- 3.2.2 There have been several reported attacks of PWAs in many African countries including Malawi.<sup>14</sup> These attacks have taken the forms of killings, mutilations, violence, grave violations, grave robberies (exhumations) and abductions/unexplained missing. As of January, 2014, 23 countries reported 128 killings and 174 attacks on PWAs.<sup>15</sup> The statistics include 3 reported cases in Malawi of 2 survivors and 1 missing person with albinism.<sup>16</sup> According to *Under the Same Sun* Tanzania, Kenya, Democratic Republic of Congo (DRC), Swaziland, Burundi, Nigeria, Senegal, Ivory Coast, Burkina Faso, Guinea, Mali and Cameroon are some of Africa’s mostly affected countries by attacks and killings of PWAs.<sup>17</sup> Most of these countries are known to be involved in the cross-border trade of PWAs and their body parts.

### 3.3 Myths and Misconception about PWAs

- 3.3.1 Studies suggest that these barbaric acts against PWAs are fueled by myths and misconceptions. There are various myths and misconceptions about PWAs in Africa in particular emanating from culturally, socially, medically and religiously formulated understanding of disability. <sup>18</sup> Some of the misconceptions are commonly misleading people across the African region. The evidence is the manner in which most people treat and relate with PWAs. World Report on disability 2011 highlights that persons with disabilities face a lot of human rights challenges such as abuse, exploitation, social exclusion, discrimination and stigma, acute poverty, severe human rights violations, lack of accessibility to social services and many more. PWAs, in particular, face different forms and magnitude of violations, abuses and threats.
- 3.3.2 In some societies PWAs are experiencing discrimination and abuse, and are often regarded as unnatural and even cursed.<sup>19</sup> They are also shunned and feared as the products of witchcraft, taunted by children as peeled potatoes, monkeys and ghosts.

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<sup>12</sup> Esther S. Hong, HajoZabeed, Michael H. Repacholi, “Albinism in Africa as public health issue”, *BMC Public Health*, vol. 6, No. 212 (August 2006). Available from [www.biomedcentral.com/1471-2458/6/212](http://www.biomedcentral.com/1471-2458/6/212)

<sup>13</sup> Source : APAM

<sup>14</sup><http://www.underthesamesun.com/>

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Ford, 2014; Thuku, 2011 and Palmer, 2007

<sup>19</sup> (Lund & Lynch, 2011

- 3.3.3 Richard and Thuku found that in some societies in Africa PWAs are used as offerings or sacrifice to idols, banished from villages, or thrown into forests soon after birth. This system of beliefs too has increased killings, abandonments and abductions of PWAs to be used as sacrifice to idols. Machispa<sup>20</sup> interviewed five PWAs who revealed that there is a belief that if you have sexual intercourse with a woman with albinism, you will be cured of HIV. This myth has increased the risk of PWAs of contracting HIV through rape or defilement. In Zimbabwe there is a belief that if a pregnant woman looks at a person with albinism, she will give birth to a child with the same condition unless she spits on her stomach. This has also contributed to discrimination and isolation of PWAs. To this effect, Mametsa<sup>21</sup> strongly argued that PWAs are also human beings with human rights and freedoms that must be respected by all persons in the society.
- 3.3.4 Leppards<sup>22</sup> found that the use of hats, to relieve heat, glare and sun initiated some ridicule and embarrassment to the wearers at school and in the villages. This has created further isolation and unwillingness of PWAs to put on hats. *Under The Same Sun report of 2016* pointed out that many attacks and killings of PWAs in Africa are not documented. The report further affirms that the crimes against PWAs are common in various parts of almost all African countries<sup>23</sup>.
- 3.3.5 Tanzania, Mozambique and Malawi are the most affected countries with the killings and attempted killings. Cases of attempted killings have left the persons heavily amputated and suffering removal of some body parts such as arms, palms, fingers and feet. This literature provides a report as basis for concluding that PWAs are indeed experiencing gross human rights violations in Malawi and other neighboring countries

## 3.4 The Legal Framework

The public inquiry made reference to the following legal framework to analyze the allegations made in determining whether violations of human rights were made:

### 3.4.1 The National Legal Framework

#### 3.4.1.1 The Constitutional Provisions on the Protection of PWAs

- 3.4.1.1.1 Chapter IV of the Constitution of Malawi<sup>24</sup> provides for the bill of rights from sections 15 to 46. Section 20 (1) of the Constitution of the Republic of Malawi provides for equality and non-discrimination as follows. *‘Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition’*

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<sup>20</sup> 2003

<sup>21</sup> 2007

<sup>22</sup> 2002

<sup>23</sup> Noah 2004a

<sup>24</sup> Constitution of the Republic of Malawi 1994

3.4.1.1.2 The constitution therefore provides that “all human beings are born free and are all equal.” Equality as presented under this section does not exclude PWAs. PWAs are human beings born free and equal.

3.4.1.1.3 This section further provides that all persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law. This section implies that PWAs, without distinction, are by virtue of this provision entitled to protection and equality before the law. In this context the term ‘discriminate’ can be construed to satisfy the needs, rights or other requirements of different persons on the basis of their, *inter alia*, nationality, tribe, colour or station in life such that certain categories of people are regarded as weak or inferior and are subjected to restrictions or conditions whereas persons of other categories are treated differently or are accorded opportunities or advantages outside the specified conditions or the prescribed ‘discrimination’ shall not be construed in a manner that will prohibit steps aimed at rectifying disabilities in the society.

1. **The right to life:** section 16 of the Constitution provides for every person to have the right to live and to the protection of his/her life by the society in accordance with law. The phrase ‘to live’ and ‘to the protection,’ in relation to albino people implies that regardless of the fact that a person is born an albino, that person is entitled to all the rights and freedoms enshrined in the constitution
2. **Section 39** of the constitution declares that every person has the right of freedom of movement and residence within the borders of Malawi. The current situation where persons with albinism are abducted and killed in Malawi contravenes their right to movement and residence as provided by the constitution. Contravening this section has implications on section 25, 29, 30, 32<sup>25</sup>.

### 3.4.1.2 Disability Act, 2012

3.4.1.2.1 The Disability Act, makes provisions for Health care; Social support; Accessibility; Rehabilitation; Education and vocational training; Communication; Employment or work protection and, and promotion of basic rights for persons with disabilities. The Act provides for basic principles and obligations for realization of the rights of the persons with disabilities.

### 3.4.1.3 The Penal Code<sup>26</sup>

3.4.1.3.1 Section 25 of the Penal Code provides for various punishments to be imposed by the courts such as death, imprisonment, and fine, and forfeiture, payment of compensation finding security to keep the peace and be of good behavior. These punishments are (provided in order to protect all citizens including Albino people

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<sup>25</sup> Section 25 – Right to Education; Section 29 – Right to Economic Activity; Section 30 – Rights to Development and Section 32 – Right to Association.

<sup>26</sup> CAP.7:01 Laws of Malawi

3.4.1.3.2 Section 209 of the Penal Code establishes an offence of murder and provides that “any person who with malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder. Albino people are people like others and according to the Constitution section 16 all people have the right to live and to the protection of their life by the society in accordance with the law. The Penal Code under section 210 stipulates that causing another person’s death leads to death sentence or punishment if found guilty. The heartless people who are killing Albino in this regard are entitled to death penalty.

## 3.4.2 The International Legal Frame work

### 3.4.2.1 Universal Declaration of Human Rights (1948)

3.4.2.1.1 The Universal Declaration of Human Rights (UDHR) recognizes the inherent right to dignity and of the right to equal and inalienable rights of all members of the human family as a foundation for freedom, justice and peace in the world. Therefore, the common understanding of these rights and freedoms is vital for the full realization of this pledge. The UDHR requires peoples and nations, to the end that every individual and every organ of society to understand and strive to teaching and education in order to promote respect for these rights and freedoms to the community.

3.4.2.1.2 Being a person with albinism does not justify the infringement of the rights. As such, PWAS are entitled to enjoy all the rights guaranteed under the various human rights instruments, by virtue of being part of the human race in society. The Universal Declaration of Human Rights<sup>27</sup> protects human rights of all human beings, including albinos.

3.4.1.2.3 **Article 1 of the Declaration** provides that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. According to this article human are born with human rights. Albinos being part of the people in the society have their human rights which need to be protected from all sorts of violations such as killings and torture.

### 3.4.2.2 The Convention on the Rights of Persons with Disabilities (CRPD)

3.4.2.2.1 The Convention on the Rights of Persons with Disabilities states that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights. It also highlights the circumstances under which the rights of PWDs are violated as well as the ways of reinforcing their rights.

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<sup>27</sup> United Nations General Assembly’s Universal Declaration of Human Rights of 10 December 1948 (hereafter “the 1948 Declaration”).

### **3.4.2.3 Africa Charter on Human and Peoples' Rights**

3.4.2.3.1 Article 2 of African Charter on Human and Peoples' Rights provides for the protection of human rights for people in Africa. The article states that "every individual shall be entitled to the enjoyment of the rights and freedoms in the Charter without distinction of any kind, based on the listed grounds"<sup>28</sup>. Another provision in the Charter states that "human beings are inviolable and that every human being shall be entitled respect for his/her life and the integrity of his person and no one may be arbitrarily deprived of this right". The word 'inviolable' as used in the Charter means that these rights cannot be derogated from. Since albino people are normal like other human beings, their right to life must not be violated under any circumstance. The interpretation of this Charter in this case is, the killing of albino people hence depriving their right to life is against these provisions and it is violation of human rights as stated by the Charter.

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<sup>28</sup> In this case the listed grounds Include, inter alia, ethnic group, colour, social origin and birth.

## CHAPTER 4: Findings of the Public Inquiry

It is not possible in the scope of this report to detail all the findings of the public inquiry. For further reading, a detailed verbatim report of the inquiry is available on request from the Commission library. The following is therefore an overview of the main themes, which emerged from the evidence and the major findings of the inquiry.

### 4.1. Establishing the root and structural causes of violation of human rights of PWAs

#### 4.1.1. Traditional beliefs, myths and mere speculations by the general public

4.1.1.1 Like it is in other countries across the African region, the public inquiry established that there are various myths and stereotypes in Malawi about PWAs emanating from culture and various religious beliefs which have led to negative perceptions about persons with disabilities, those with albinism inclusive. This is evident in the manner in which most people treat and relate with PWAs.

4.1.1.2 The public inquiry affirmed that there are a number of beliefs and myths that are fueling killings and injuring of PWAs in many communities in Malawi. The following is a list of myths and perceptions on PWAs

1.	PWAs are spirits, they do not die but just disappear.
2.	Body parts of PWAs are a source of wealth
3.	Body parts of PWAs are bait for fishing whales which swallow gold worthy millions of dollars
4.	PWAs are semi-divine hence attract customers for business
5.	Having sex with a person with albinism cures HIV and AIDS
6	Body parts of PWAs are a source of luck

4.1.1.3 It is important to note that these myths and misconceptions have fuelled the attacks on PWAs since Malawians believe that they are a source of wealth. In spite of this, PWAs face different forms and magnitude of violations, abuses and threats. These include human rights challenges such as abuse and exploitation (rape and defilement on girls), social exclusion, discrimination and stigma, acute poverty, blatant human rights violations, lack of accessibility to social services and many more. PWAs, in particular, face different forms and magnitude of violations, abuses and threats.



#### 4.1.2 Forms of attacks on PWAs

4.1.2.1 The public inquiry established that as it has been with other African countries, the forms of attacks are similar in nature. Most attacks on PWAs are due to killings and abductions while the culprits are asleep during the night. Usually, but not always, this is masterminded by some close relations who are aware of the behaviors of the target person with albinism. The inquiry revealed that the killings and abductions result in some PWAs sustaining injuries in an effort to remove their body part. Other PWAs had their arms chopped, leaving the person without other body parts.

4.1.2.2 The two public inquiries also established that there has been mass exhumation of dead bodies of PWAs in Malawi. Three witnesses testified that graves where their relatives with albinism were buried had been tampered with and dead bodies exhumed. Nobody is aware of where the perpetrators went with the dead bodies, and this has remained a mystery up to today.

4.1.2.3 Witnesses with albinism also testified that people were labelling PWDs with names such as *napwere*, *mzungudala*, *mzukwa*, blind and others without using their real and proper names. They further stated that other people call them “millions, wealthy, fortunes, and markets” symbolizing that their body parts and bones are source of wealth.

#### 4.1.3 Availability of Market for the body parts and bones

4.1.3.1 Following the revelation that PWAs were indeed being abducted and killed and their graves exhumed for their body parts and bones, the public inquiry hearings in Machinga and Kasungu districts tried to ascertain whether a market for the parts existed. Information obtained from the inquiries simply pointed to the fact that those who abducted PWAs were seen following routes leading towards Mozambique and other neighboring countries, a message pointing at existing of markets outside the country. Evidence from suspects who are in the hands of police and convicts has not revealed the exact markets for body parts of PWAs. It should also be noted that countries neighboring Malawi also believe that the market exists in Malawi.

4.1.3.2 The public inquiry therefore did not manage to trace the existence of the markets in question because of limited time within which the inquiry was framed and conducted. The Commission therefore recommends an anthropological research to expose the market.

#### 4.2 Common human rights violations noted by the public inquiry

4.2.1 The public inquiry noted that the attacks against and lack of services provision for PWAS put to risk the following rights in Malawi:

- a) **Right to life:** The inquiry established that more than 21 PWAS have been killed and most of the suspects to this effect, properly and timely charged

- b) ***Right to liberty and security of the person:*** The inquiry established that since the killings and abductions started PWAS have found their security has been compromised leading to difficulties in freely engaging with their other members of the society.
- c) ***Equality before the law:*** evidence from the inquiry has shown that although suspects of killings, abduction, possessing body parts of PWAS and grave exhumations have been arrested, it has taken too long without seeing justice. This has lead communities to lose trust of the law enforcement agencies such and the Malawi Police Service and Judiciary.
- d) ***Right to Health:*** the inquiry affirmed that PWAS are facing difficulties in accessing medication and assistive devices required for their active participation in the society. At the time of the inquiry, it was established that most health centers did not have the required protective skin lotions and trained medical staff in skin cancer prone to PWAS. This has put the right to health for PWAS at stake.
- e) ***Right to equal access to education:*** It is a well-known fact that PWAS have got low vision. The inquiry established that most PWAS have dropped out from school where no deliberate policies to assist with sight issues for PWAS are put in place. This has compromised on their rights to education since they require either optical devices, large print format or siting close to the chalk board. In addition, drop out by PWAS was contributed to by lack of security both to and from school.
- f) ***Right to work:*** It was established that most PWAS do not benefit from the social protection programs such as Public Works Programmes (PWP), Food for Work Programme (FFW), Farm Input Subsidy Programme (FISP). These programmes require that an individual works sometimes in the sun which pose challenges for PWAS. Unavailability of protective wear in such programmes makes it difficult for PWAS to participate. It should be noted that PWAS do not benefit from the Social Cash Transfer Programme due to stereotyping and prejudice.

#### 4.3 The Role of selected Stakeholders in the protection of human rights of PWAs

It is noteworthy that from that time Malawi saw a sharp increase in the attacks of PWAs, Government of Malawi brought together a number of stakeholders to set out how the problem could be dealt with. This led to development of a National Response Plan on Albinism. The plan provided strategic direction on how to address problems faced by PWAs holistically. The plan has six pillars for and allocates a stakeholder into a pillar where they have comparative advantage. For example, the Malawi Human Rights Commission, being a National Human Rights Institution, has some comparative advantage in the area of awareness creation.

In addition, the State President of the Republic of Malawi, Professor Peter Muthalika established the National Technical Committee to provide leadership in the implementation of the National Response Plan in respect of the attacks experienced by PWAs in Malawi. Furthermore, the National Technical Committee has been empowered to periodically provide the president with

timely reports on the status of PWAs in Malawi. Largely, the state president categorically condemned all forms of attacks against PWAs. He has made strong speeches condemning and warning those who are involved in the killings and injuring of PWAs

There are many duty bearers involved in the promotion and protection of human rights of PWAs in Malawi. The most notable ones are Ministry of Agriculture and Food Security, Ministry of Home Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Health, Ministry of Education, Science and Technology, Ministry of Gender, Children, Disability and Social Welfare, Ministry of Finance and Economic Development and other duty bearers that support life of PWAs in Malawi

#### **4.3.1 Ministry of Home Affairs: Role of the Malawi Police Service in protecting human rights of PWAs**

4.3.1.1 The public inquiry affirmed that Malawi Police Services is currently investigating a good number of cases involving attacks against PWAs and arresting suspects and prosecuting them before the courts. However lack of specific laws and policies for the protection of PWAs has made it difficult for the police to draft suitable charges to ensure that the suspect is meted with an appropriate sentence.

4.3.1.2 Furthermore the public inquiry noted that the Malawi Police Service as one of the major stakeholder in the fight against the human rights violation against PWAs, joined the efforts to sensitize the general public on promotion and protection of rights of PWAs. Government through MPS has so far organized a taskforce involving the police officers and other experts to develop mechanisms that should be put in place to control the attacks against PWAs in Malawi. It was also noted that the police is working with neighboring countries such as Tanzania, Zambia and Mozambique to learn from each other and together fight against attacks of PWAs.

4.3.1.3 The public inquiry has noted that many PWAs and the general public are faulting the police for not doing enough to curb the situation where children, young people and adults with albinism are being killed, injured, abducted, their bodies exhumed and others getting threat that endangered their life in the society. Many concerned individuals were surprised that those arrested for violating human rights of PWAs were set free within the short period without informing the victims about the results and the conclusion of their matter.

4.3.1.4 Furthermore, the inquiry noted that some police investigators and prosecutors they lack skills and knowledge in forensic investigations and Malawi currently does not have the necessary equipment to assist in conducting such investigation. In addition, the Prosecutors and police investigators are not well conversant and updated with the amended Penal Code, amended Anatomy Act, and general Disability Act, which are tools to help them frame appropriate charges for those who committed crimes against PWAs. The public inquiry also noted that Community policing structures are weak, some dead such that they are unable to address the security challenges faced by PWAs in their communities. Some people complained that police officers delayed the process of making arrests such that other offenders take this as opportunity to be at large

### **4.3.2 Role of the Ministry of Justice in protecting rights of PWAs**

4.3.2.1 Ministry of Justice and Constitutional Affairs as a duty bearer towards the protection and promotion of human rights of PWAs has to play different roles to ensure proper administration of justice. The Ministry of Justice has a role to make sure that any violation of human rights of PWAs is given proper care and management in the court of law. This ministry has the role to make sure that, PWAs access justice without some difficulties and interference from anybody or the environment. Through the competent court, Ministry of Justice through the office of the Director of Public Prosecutions has the role to facilitate and plead for stiff punishment before the courts to those found guilty of offences of violations of rights of PWAs.

4.3.2.2 Testimonies from the inquiry stressed on the need by the Ministry of Justice to amend relevant legislations regarding murder, grievous harm and possession of tissues.

### **4.3.3 Roles of Courts (Judiciary) on issues of Albinism**

4.3.3.1 The Inquiry confirmed that Courts have been receiving cases involving the killings, abductions, exhumation of dead bodies and found in possession of body parts or bones of PWAs in some communities in Malawi. It was found that in most cases the courts have been accused of giving weak sentences in relation to the gravity of the cases for those found guilty of the attacks against PWAs. The judiciary has attributed weak judgment to the lack of specific statutes and legislations for guidance. However the Judiciary revealed that there are some developments taking place in Judiciary in the administration of justice as regards the cases of atrocities against PWAs.

4.3.3.2 First, all cases involving violations of rights of PWAs will be presided over and handled by the Chief Resident Magistrate Courts (CRMs) as per the practice direction provided by the Chief Justice of Malawi. Members of the general public were advised to apply for an appeal when they were not satisfied with the court judgments involving violations of human rights of PWAs. It was also noted that the Anatomy Act and Penal Code have been amended to facilitate stiffer punishments to offenders with cases involving abuse and violations of rights of PWAs.

4.3.3.3 Second, the inquiry noted that Magistrates are not well conversant and updated with the amended Penal Code, amended Anatomy Act, and general Disability Act, which are tools to help them frame appropriate charges for those who committed crimes against PWAs. The public inquiry also noted that Community policing structures are weak, some dead such that they are unable to address the security challenges faced by PWAs in their communities. Some people complained that police officers delayed the process of making arrests such that other offenders take this as opportunity to be at large. To that effect the inquiry called for refresher trainings for all Magistrates on the amended laws and complication of procedures on how to handle cases involving PWAS.

### **4.3.4 Ministry of Education, Science and Technology**

4.3.4.1 As a duty bearer the Ministry of Education has the responsibility of providing quality education to all PWAs in Malawi. Quality education is a tool for social and economic

development of the society and individuals including those with albinism. Denying children and young people with albinism access to education is a gross miscarriage of justice or right to education. Education can move any person out of poverty and provide skills for human development and survive in the society. The quality education can only be realized when the ministry trained more teachers on how to support children and young people with albinism and providing them with more appropriate teaching and learning materials.

4.3.4.2 The inquiry has revealed that there is no school policy allowing children and young people with albinism in primary schools to wear protective pair of trousers and long sleeves shirts to cover their bodies as a way of protecting their skin from excessive sun light. It was also noted that some schools do not accommodate children and young people with albinism to wear cap, hat with a brim and visor to shade light entering the eyes.

4.3.4.3 The public inquiry also revealed that some teachers deny admitting children with albinism in their classrooms. Some schools do not allow children with albinism in their institutions for no good reasons. It was also revealed that Ministry of Education has no special fund to provide scholarship to children and young people with albinism who get selected to secondary schools and university colleges in Malawi. Lack of such a fund results in many learners with albinism unable to complete secondary and tertiary education. There is no training in vocational skills for self-employment for PWA.

4.3.4.4 The inquiry ascertained that in few schools that welcome learners with albinism, such learners face discrimination and labeling from teachers and fellow learners resulting into the increase in their rate of absenteeism and school dropout. The Inquiry established that schools have no security policy and structures to ensure maximum security and protection of learners with albinism at school and when going back home.

4.3.4.5 To make things worse, most schools lack appropriate teaching and learning materials adapted for learners with albinism

#### **4.3.5 Ministry of Gender, Children, Disability and Social Welfare**

4.3.5.1 The Ministry of Gender, Children, Disability and Social Welfare as a duty bearer has the responsibility to ensure that children, young people and adults with albinism including women are not facing discrimination, abuse, exploitation and labeling at school and their homes.

4.3.5.2 It is the responsibility of this ministry to see to it that no person with albinism is remaining behind in economic, education, social and moral developments. The ministry in this respect has to promote equal rights and equal opportunities of persons with disabilities and those with albinism. This ministry has the role of providing guidance and counseling as well as advice to PWAs and their families for their development

4.3.5.3 The Public Inquiry noted that the Department of Disability under the Ministry of Gender, Children, Disability and Social Welfare is working hard to end attacks against PWAs through community awareness campaign and meetings with duty bearers.

#### **4.3.6 Role of the Ministry of Health**

4.3.6.1 Like anybody else, PWAs have right to access health services and medical attention from any public hospital, health Centre and Clinics. It is the responsibility of the Ministry of Health to supply drugs and other medical supplies to hospitals and clinics so that PWAs can access easily all their health and medical needs.

4.3.6.2 The inquiry revealed that children, young people and adults with albinism have been injured such that some hospital have treated injured PWAs after surviving the attacks. The public inquiry noted that major medical needs of PWAs include, Cancer treatment, screen lotion and vision aids. Additionally it has been noted that apart from attacks, about 80% of natural deaths affecting PWAs in Malawi are because of serious cancer conditions. Surprisingly no any person with albinism has been referred to other countries outside Malawi for Cancer treatment as it sis done with other illnesses.

4.3.6.3 Furthermore, sun screen lotions are scarce in hospitals and not readily available when needed by PWAs. It has been revealed that the policy only allows lotion be supplied and administered at the district hospital. This policy has made many PWAs living in remotest areas unable to access the lotion hence high risk of skin cancer. Testimonies revealed that women found it difficult to access sexual reproductive services, skin medications and vision supplies because they fear to walk long distance for the safety of their life which has been endangered by some community members. The public inquiry was informed that in some hospitals staff has negative attitudes towards PWAs such they do not take keen interest to listen to their health complaints in details hence poor medication are administered.

#### **4.3.7 Ministry of Agriculture and Food Security**

4.3.7.1 This Ministry plays a major role of ensuring food security for all Malawians irrespective of their diversity in colour, economic status, education, disability and other status. The Ministry helps people in prevention of malnutrition and other hunger related illness in Malawi. These services are also required by PWAS. PWAs and their families are supposed to have enough food for consumption and surplus for sale to improve their economic status.

4.3.7.2 The inquiry has established that many PWAs are living without food, because they are not given opportunities to benefit from Fertilizer subsidy programme hence experiencing acute food shortage in their families. The inquiry also found out that many children with albinism are suffering from malnutrition hence experienced developmental delay which affects their time of schooling. Furthermore, some PWAs are unable to work in their garden because of security issues whilst they are in their gardens.



#### **4.3.8. Ministry of Finance and Economic planning**

4.3.8.1 This ministry has the role to ensure that persons with albinism are not left out in all developmental activities that aims to improve their life. It is believed that through inclusive planning of development programmes, PWAs can benefit and move out of poverty.

4.3.8.2 The public inquiry has established that the financial allocation to the Ministry of Gender under Disability is very small such that meeting the demands of the department is impossible. It has been revealed that in almost all development plans children, young person and adults with albinism are secluded and discriminated. The inquiry revealed that whilst government has a comprehensive Social Cash Transfer (SCT) programme, no deliberate effort has been made to cover PWAs as beneficiaries in to address their economic and social security concerns.

#### **4.4 Effectiveness of Current Malawi Laws, Policies and Practices to facilitate enjoyment of all human rights by PWAs?**

The public inquiry analyzed the effectiveness of the available legislations, policies and practices that facilitate the human rights enjoyment of PWAs. The following are the finding to that effect.

The inquiry revealed that Malawi has been noted as country with good laws, policies and practices but lack enforcement and implementation of the same. The inquiry also noted that many rights holder are ignorant of the laws that protect them as such demanding such protections becomes problematic. The public inquiry further established that there is indeed lack of specific policies on different social issues regarding to PWAs. Where laws and polices exist, there has been lack of popularization for effective use and implementation such as Disability Act, National Policy on the Equalization of Opportunities for Persons with Disabilities and the amended Anatomy Act.

##### **4.4.1 Laws and policies that protect PWAs**

4.4.1.1 The public inquiry revealed that Malawi has laws that protect human rights in general as stipulated in Chapter IV of the Constitution of the Republic of Malawi (the Constitution). The public inquiry noted that there is the Disability Act of 2012 which specifically protects and promotes rights of persons with disabilities in general. Furthermore the public inquiry noted that the Disability Act of 2012 and the Constitution have no specifications for PWAs hence PWAs are treated just as other persons with disabilities despite specific needs.

##### **4.4.2 The Anatomy Act**

4.4.2.1 The public inquiry has confirmed that the amended Anatomy Act will help not only police prosecutors or investigators to draft suitable charges but also Magistrates in meting stiff punishment to offenders thereby achieving effective delivery of justice. Furthermore it was established that most duty bearers have not yet seen and read the amended Anatomy

### **4.4.3. Disability Act**

4.4.3.1 The public inquiry establishes that Malawi has a Disability Act which guides the promotion and protection of human rights of persons with disabilities. The Act further criminalizes any discrimination of any person because of a disability. This Act provides that the state has obligation to support and protect the life of persons with disabilities and improve their welfare.

### **4.4.4. The Penal Code**

4.4.4.1 The findings from the inquiry revealed that the amended penal code has taken on board different offences and their relevant punishment for those found guilty of offences against PWAs. This amendment addresses concerns by the general public on weak sentencing.

## **4.5 Access to Justice and Remedies for affected people**

4.5.1 The submission received and the testimonies on the public hearings revealed that victims and affected people are facing some challenges as regarding access to justice and other related remedies after the attacks. It was testified that a number of cases have stalled while with the law enforcement agencies. The inquiry learnt that no compensations had been made to parents, guardians or relatives to victims of the attacks. In addition, survivors with serious injuries had not received much attention from the government as regards to economic support for their continued survival.



## **CHAPTER 5: RECOMMENDATIONS**

The Commission based on the finding from the inquiry makes the following recommendations:

### ***5.1 Root and structural causes of violation of human rights of PWAs***

- 5.1.1 The Commission in collaboration with other stakeholders should immediately conduct an anthropological study with an aim of further understanding the root causes to human rights violations against PWAs and possibly unveil the existence of available markets.
- 5.1.2 Ministry of Information in collaboration with the Commission should conduct massive campaign condemning and denouncing myths and misconceptions that people have which influence the attacks against PWAs
- 5.1.3 Department of Disability and Elderly Affairs in collaboration with Herbalists should campaign against killings and abductions of PWAs for charm purposes
- 5.1.4 Various stakeholders such as Faith Based Organisations (FBOs) should continue preaching against the killing and abduction of person with albinisms

### ***5.2. Forms of human rights violations against PWAs***

- 5.2.1 The public Inquiry has recommended that Malawi Police Service (MPS) should tighten up security of PWAs at home, schools, work place and in the villages.
- 5.2.2 The Commission and the police should facilitate the formation of community security structures and officer bearers trained on the basic concepts of human rights and on how to protect PWAs.
- 5.2.3 The communities, schools, work places should have safety and security mechanisms put in place to protect and save life of PWAs
- 5.2.4 Village head should put in place by-laws to protecting PWAs and their graves
- 5.2.5 Ministry of Information, the Commission and NICE should provide civic education and sensitization on all legislations regarding rights of PWAs
- 5.2.6 Teachers should be trained how to support, encourage and motivate children with albinism in their academic development
- 5.2.7 Campaign against discrimination and sidelining of children, young people and adults with albinism in social protection initiatives should be programmed
- 5.2.8 The Commission should lobby for the formulation of deliberate policy to have special social protection services targeting PWAs
- 5.2.9 The Commission and Ministry of Gender should Campaign against labeling of PWAs in schools, work places, communities and families

## **5.3 The Role of selected Stakeholders in the protection of human rights of PWAs**

### ***5.3.1. Strengthening of family Protection Structures***

- 5.3.1.1 The Ministry of Gender in collaboration with the Commission should support family member in realizing their responsibilities of protecting their relative with albinism.
- 5.3.1.2 Parents and other relatives should collaborate and provide security to a member with albinism in the family.

5.3.1.3 The family members should be sensitized on the need to respect and protect rights of PWAs and how to support, protect and relate with others in the communities.

### ***5.3.2 Establishment of Village protection committees***

5.3.2.1 The public inquiry also suggested the establishment of village protection committees in communities. Such committees should be established at area levels as well as at district levels and entrusted with responsibilities to protect PWAs

5.3.2.2 The security village committees should be composed of trusted community members who have passion for the protection of PWAs.

5.3.2.3 The Malawi Police Service should facilitate capacity building programmes to community security structures that are already in place

### ***5.3.3 Provision of Training of police prosecutors and magistrates***

5.3.3.1 Ministry of Justice and Constitutional Affairs should continue providing special trainings targeting police prosecutors and investigators to improve their understanding of the Anatomy Act; amended Penal Code, and the Disability Act so that they can be able to frame appropriate charges to those who commit offences against PWAs.

### ***5.3.3 Reviving Community policing and provision of their training***

5.3.3.1 Community Policing Structures be revived and office bearers be trained on how to protect and promote human rights of PWAs

### ***5.3.4 Establish Police section to deal with issues of albinism***

5.3.4.1 Malawi Police Service should establish an Albinism Response Unit. This section should be well trained on how to investigate and protect PWAs in Malawi. Furthermore albinism response unit should be established in all police stations, divisions and headquarters

### ***5.3.5 Provision of Security and Safety Monitoring equipment***

5.3.5.1 PWAs should be provided with Security and Safety Monitoring equipment which is attached to information system at the police station that can make police officers to locate where the person with albinism is at any time of the day or night.

### ***5.3.6 Conduction of follow up on Court Judgments and Status of Cases***

5.3.6.1 The Commission should follow up with the MPS and the Judiciary on the court judgments and status of cases regarding PWAs

### **5.3.7 Joint framing of Charges**

5.3.7.1 Where Malawi Police Services are not sure of what sections or statutes to use, joint planning and drafting of charges with the office of the Director of Public Prosecution is recommended

### **5.4 Recommendations on the right to education**

5.4.1 The Ministry of Education should formulate policies allowing learners with albinism in primary schools as well as nursery schools to wear trousers, long skirts, and long shirts to cover their bodies.

5.4.2 Ministry of Education should establish special fund to support children and young people with albinism in secondary and tertiary education as well as in their educational development and vocational trainings.

5.4.3 Schools should have viable policies and practices to allow children and young people with albinism to get enrolled in local schools.

5.4.4 Schools should establish security structures to ensure maximum protection of learners with albinism at school and their way back home.

5.4.5 Parents should escort their children with albinism to school and monitor their arrival from school and report any suspicion to head teachers and other relevant authorities when a child is not home in time.

5.4.6 Teachers should be trained on how to identify the needs and support children with albinism in the classrooms

5.4.7 The head teacher and other teachers should denounce labeling and encourage calling the children with albinism their proper names at school and in their communities

### **5.5 Recommendations on the welfare of PWAs**

5.5.1 Government should establish social protection initiatives specifically aiming at support and reducing poverty among PWAs in Malawi.

5.5.2 The Ministry of Gender, Children, Disability and Social Welfare should intensify sensitization of the general public about the Disability Act, CRPD and how to live together with PWAs in the communities

5.5.3 Ministry of Gender, Children, Disability and Social Welfare should lobby chiefs, local assemblies to establish by laws as regards to protection of PWAs.

5.5.4 Special fund should be established to support the needs of PWAs in their communities and in their educational development

### **5.6 Recommendations on the Ministry of Health**

5.6.1 The Ministry of Health should develop policy that will make sun screen lotion available and administered by health centers that can make them easily accessible to PWAs in their communities

5.6.2 Hospital should have at least one eye specialist and cancer specialist to advise and treat PWAs with these conditions.

5.6.3 There is a need to sensitize medical staff to respect and respond to the needs of PWAs positively and listen to their concerns with keen interest for appropriate medical support.

- 5.6.4 Government with should send PWAs, with serious cancer conditions outside Malawi for medication as it has been doing to persons with others illness

### ***5.7 Recommendations to the Ministry of Agriculture***

- 5.7.1 The Ministry of Agriculture should train PWAs modern methods of farming to increase their food production.
- 5.7.2 Children with albinism should be supplied with all the 6 groups of food to boost their nutrition and ensure health growth.
- 5.7.2.1 Parents with children with albinism should be sensitized about good food suitable for children`s development and growth.

### ***5.8 Recommendations to Ministry of Finance and Economic Planning***

- 5.8.1 The Ministry of Finance and Economic planning should be all inclusive when developing and planning programmes for economic development. These programmes should include addressing the unique needs of PWAs.
- 5.8.2 Government should plan programmes that specifically target the development of PWAs and reduce their poverty levels.
- 5.8.3 Ministry of gender should get increase in budget allocation to cater for the needs of PWAs.
- 5.8.4 Ministry of Finance should put in place special fund to help calming or ending of killings and abduction of PWAs in Malawi
- 5.8.5 National Response team and the National Taskforce on Albinism should be well funded to carry out their duties effectively for the good of PWAs.
- 5.8.6 The Ministry of Finance should provide more resources to the Malawi Human Rights Commission to carry out investigative research to establish the Market of bodies of PWAs.

### ***5.9 Recommendations on legal and legislation development***

- 5.9.1 Ministry of justice in collaboration with the Commission should take the Penal code, Anatomy Act, Disability Act and National policy on the Equalization of Opportunities to the people through Community Engagement and Sensitization meetings and trainings
- 5.9.2 Ministry of Justice in collaboration with the Commission should train and orient officer from Ministries of Education, Health and Labour on the Penal Code, Anatomy Act, Disability Act and other related policies for effective delivery of their services.
- 5.9.3 Ministry of Gender in collaboration with its stakeholders should review the Disability Act to include issues to do with violation of human rights of PWAs

### ***5.10 Access to Justice and Remedies for affected people***

- 5.10.1 The Commission in collaboration with APAM should provide trainings to PWA in order to empower them on their rights and about where to report and seek support in case of attacks to enable expedited remedial action.

- 5.10.2 Ministry of gender in collaboration with Ministry of Health should provide psycho-social counseling after the attack is recommended to the victims and affected to ease the trauma surrounding the attacks.
- 5.10.3 Government should compensate relatives of those that were killed and victims who got injured for failure to provide the intended security.
- 5.10.4 PWAs should not exposed themselves to situations and behaviors that would act as a catalyst for the attacks.

### ***5.11 Registration of children and new born babies with albinism***

- 5.11.1 NSO should take a deliberate effort to conduct a census on PWAs. This would assist in the programme planning for all the necessary services require for PWAs.
- 5.11.2 NSO should make a deliberate effort to cover PWAs in the forthcoming Population and Housing Census
- 5.11.3 As provided by the Child, Care, Justice and Protection Act, all District Commissioner should register all new born babies with albinism. They should make sure the data base is periodically and timely updated.

### ***5.12 Registration of herbalists***

- 5.12.1 Registration of all herbalists and traditional healers should be promoted so that each and every herbalist is easily traced in case of involvement in issues to do with violations of rights of PWAs.

## **6.0 Public demands**

- 6.1 Members of the general public demanded for the implementation of death penalty on those involved in the killing of PWAs. However, the Commission advised that death penalty was not the best option and suggested life imprisonment as an alternative.
- 6.2 Members of the general public also demanded mob justice. The Commission advised the general public not to take the law into their hands. The Commission also advised the laws enforcement agencies to speed up with the investigations and prosecutions.
- 6.3 Some members of the general public suggested that institutionalization of all PWAs in schools and care home settings should be promoted as a method of providing maximum protection. However other members did not agree to this institutionalization and warned that such action will enhance discrimination and exclusionary practices in schools and our society in general.
- 6.4 As a way forward they advocated for inclusive education, inclusive development in order to build an inclusive society where people respect differences

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Notes:

A series of 30 horizontal dotted lines for taking notes.