

# MALAWI HUMAN RIGHTS COMMISSION



## PRESENTATION OF PETITIONS IN THE EXERCISE OF THE 'RIGHT TO DEMONSTRATE'

The Malawi Human Rights Commission (the Commission) wishes to remind the general public of its mandate in the promotion and protection of human rights in Malawi. The Commission is an independent National Human Rights Institution (NHRI) established by the Constitution of the Republic of Malawi (the Constitution) under Section 129 with the primary function of protecting and investigating violations of the rights accorded by the Constitution or any other law. Section 11 and 12 of the Human Rights Commission Act (Chapter 3:08 of the Laws of Malawi) further 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, and provides that all authorities including all organs of Government bodies and organs shall respect the status of the Commission as a national institution independent of authority or direction of any other body or person.

Section 38 of the Constitution guarantees the right to demonstrate. It is a common practice that during demonstrations, a petition is prepared by the organizers and presented to relevant authorities for redress of the issues raised. Of late, the Commission has noted that most organizers do not furnish the Commission with a copy of their petition. Yet, the issues raised in the petition have a bearing on the rights of the petitioners and those they represent. In this scenario, the Commission, as a national human rights watchdog, fails to appreciate the issues raised and engage the authority to whom the petition is addressed to act upon the issues raised.

The Commission, therefore, requests the general public specifically organizers of future demonstrations to ensure providing it with a copy of their petition. With the petition at hand, the Commission will be able to thoroughly analyse the issues raised, engage the addressee to act upon the petition whenever necessary, follow up on the issues and monitor the implementation of the remedies provided.

Signed

**Habiba Osman**  
**Executive Secretary**