Malawi Human Rights Commission (The Commission) joins the rest of the world in commemorating World Refugee Day which falls on 20th June every year, a day designated by the United Nations to honour refugees and asylum seekers around the globe. The commemoration recognizes the strength and courage of people who have been forced to flee their home countries to escape conflict or persecution. It was held globally for the first time on 20th June, 2001, when the world was also commemorating the 50th Anniversary of the 1951 Convention relating to the status of refugees.

The Commission appreciates the role that the Malawi Government has taken in taking care of refugees, with support from its partners such as the United Nations High Commission for Refugees (UNHCR) and World Food Program (WFP). We would like to particularly commend the efforts aimed at reviewing the Refugee Act of 1989. This law was enacted before the adoption of a new 1995 Constitution that is based on human rights principles. There is need to amend it so that its provisions are in line with the Bill of Rights that is enshrined in the Constitution. Specifically, the Commission is interested to see how the new law can address issues of status of refugee children born in Malawi, children of mixed parentage and also mixed marriages as well as procedures for acquisition of citizenship by naturalization in line with the Constitution and the Citizenship Act. The review should also lead to the development and adoption of new policies and laws on refugees.

The Commission is concerned about the living conditions of refugees and asylum seekers in Malawi. The country is currently home to around 55,000 refugees and asylum seekers, all of whom are residents of Dzaleka Refugee Camp, which was initially meant to accommodate only 10,000 residents. Refugees and asylum seekers continue to live on meagre rations. Over the years,
international support for refugee programs in Malawi has dwindled significantly and the monthly ration of MK9,000 per person per month is hardly enough even for mere survival. The life in the camp is very miserable and this has contributed to some refugees and asylum seekers living outside the camp so that they can fend for themselves.

The Commission has also noted that the government has been enforcing some travel restrictions on refugees, which is unfortunately affecting those who wish to travel on medical and educational reasons. The Commission is also concerned that some refugees and asylum seekers are being expelled from the country without following the due process of law. Equally, the Commission has noted that the Government has silently adopted a policy of barring new asylum seekers from entering Malawi. It must be noted that seeking asylum is a human right. Under international law, asylum seekers cannot, and should not be denied the right to seek asylum, without any valid reasons.

As we celebrate the World Refugee Day today, the Commission would like to urge the Government to consider reviewing its position on the 1951 Convention and withdraw some of the reservations that do not conform to international human rights standards. While acceding to the 1951 Convention on the rights and status of refugees, Malawi made some reservations to some articles in the convention and due to these reservations, some articles of the convention are not legally binding in Malawi. It is because of these reservations that Malawi has opted for the encampment policy which also places several restrictions on refugees and asylum seekers, including freedom of movement and the right to engage in economic activities.

The Commission shall continue to engage the Government in order to address some of the concerns that have been observed over the years.

Chikondi Chijozi
CHAIRPERSON