



FEDERATION OF DISABILITY ORGANISATIONS IN MALAWI (FEDOMA)

AND ITS 11 AFFILIATES

including ASSOCIATION OF PERSONS WITH ALBINISM IN MALAWI (APAM),

UNIVERSITY OF MALAWI CHANCO - FACULTY OF LAW DISABILITY RIGHTS
PROGRAMME,

NGO GENDER COORDINATION NETWORK,
DISABLED WOMEN IN AFRICA (DIWA).

CIVIL SOCIETY NETWORK ON TRANSPARENCY AND ACCOUNTABILITY
CITIZEN ALLIANCE

**JOINT-PETITION REGARDING THE RISING INCIDENCES OF ATTACKS, ABDUCTIONS
AND KILLINGS OF PEOPLE WITH ALBINISM IN MALAWI AND THE LENIENT
PUNISHMENTS AS WELL AS DELAYED JUSTICE DELIVERY**

24th May, 2016 – LILONGWE, MALAWI.

PREAMBLE

Calls for the adoption of immediate and effective measures to respect, protect, promote and fulfil the human rights of persons with albinism have been intensifying of late with the spotlight squarely on Malawi. The calls underscore the severe nature of stigma and discrimination faced by persons with albinism in many districts of Malawi.

Albinism manifests in all population groups across the world. Whilst albinism-related stigmatization and discrimination are universal phenomena, in Malawi, persons with albinism experience not just higher levels of stigmatization and discrimination, but also human rights violations of a much higher magnitude, including extreme acts of violence and killings.

Despite various campaigns and public outcry on the issue, Malawi has continued to register higher numbers of attacks perpetrated against persons with albinism. It is sad to particularly note that these attacks and murders have been increasing among women and children with albinism. The attacks have brought a lot of fear resulting in many persons with albinism withdrawing from social and economic activities. Many school going children with albinism have dropped out of school. The investigations by the Police into these attacks and killings leave a lot to be desired. In addition, cases involving such attacks and killings take unduly too long to be dealt with by the justice system. Furthermore, the prosecutors often proffer lesser charges

against the perpetrators for such heinous acts instead of considering charges such as grievous harm, manslaughter, murder or attempted murder. This contributes to the lenient sentences being passed by the courts.

This entire situation demonstrates gross violation of various rights that are enshrined in the Constitution of The Republic of Malawi and the UN Convention on Rights of Persons with Disabilities (CRPD).

The Malawi Constitution entrenches rights such as life, inherent dignity and freedom from all forms of violence for all persons in Malawi without discrimination on the basis of disability or indeed any other status or condition.

The CRPD, which Malawi ratified in 2009, also guarantees these rights to all persons with disabilities, including persons with albinism.

The CRPD imposes an obligation on states parties such as Malawi to effectively protect persons with disabilities, including persons with albinism, from all forms of violence; and to identify, investigate, prosecute and effectively punish all perpetrators with a view to putting a stop to these incidents and violations.

Despite such legal obligations, persons with albinism in Malawi are not enjoying these and many other rights.

As citizens of Malawi; and as organisations of women, youth, children and persons with disabilities; and as academic and research institutions, we have been concerned with the situation, including following:

1. The lesser charges being proffered and the lenient sentences being given to perpetrators of these atrocities, including those who have been found with body parts such as flesh and bones; and those who have been linked to the missing or disappearance of persons with albinism.
2. The limitations in strategic prosecution – not targeting the buyers and those assisting or contributing to this barbaric act.
3. The lack of strategic protection to persons with albinism mirroring both informal and formal discrimination.
4. The increased involvement of traditional healers, some businesspeople, relatives, some politicians and some law enforcers in fueling the abductions and killings of persons with albinism for ritual and other similar purposes.
5. The unduly delays, lengthy periods and questionable bails that apply to the cases involving such killings and attacks within the justice system

6. The porous borders fueling human trafficking of persons with albinism between Malawi and neighboring countries.
7. The lack of funding to government department and ministries handling albinism issues such as health and education.

We call upon the honorable parliamentarians to ensure:

1. That the state should take all appropriate legislative, administrative and social measures to ensure the maximum protection and enjoyment of the right to life and other rights of persons with albinism in Malawi. This should include reviewing and amending relevant laws such as the the **Witchcraft Act**, and the **Trafficking in Persons Act**, to include provisions on persons with disabilities/albinism. We also call for repealing or reviewing of the **Anatomy Act**.
2. That cases involving attacks, abductions and killings of persons with albinism should be effectively and promptly investigated by the Police (including National Intelligence Bureau) and they should be strategic prosecution of the to be markets and those assisting in the abductions including close relatives within a reasonable time by the justice system.

3. That Government immediately enforces the registration, monitoring, and regulation of traditional healers.
4. That appropriate charges such as grievous harm, manslaughter, murder or attempted murder, that would attract stiff punishment should be proffered against the perpetrators
5. That the role being played by traditional healers, business people, relatives, law enforcers, politicians should be specifically investigated, recommendations provided and the situation should be addressed including root causes through a **Commission of Enquiry** to be established **within 21 days**.
6. That Government assists by providing a mechanism of attaching a Private Lawyer to the prosecution team for cases of albinism killings and attacks.
7. That cases involving the attacks and killings of persons with albinism must be given to judicial officers whose jurisdictional powers and competence allow their courts to pass maximum sentences.
8. That punishments or sentences as stiff as life imprisonment should be meted out to persons found with body parts such as flesh or bones;

and to those who abduct and kill/murder persons with albinism or 'rob' their graves.

9. That each Member of Parliament should sensitise and engage with their constituency members and leadership to address the discrimination, killing and attacks on persons with albinism at community level.
10. That the government should commission the **urgent systematic registration** of persons with albinism and details of their relatives in all constituencies through a census and put in place mechanisms to track and protect them.
11. That Parliament should consider learning from best practices in other countries on how to address the attacks of killing of persons with albinism.
12. That the government should set aside a fund that should address the education (including provision for enrolling children with albinism in boarding schools), security and health related rights and needs of persons with albinism.
13. That the government should institute a **commission of inquiry** into the situation relating to the rising incidences of attacks, abductions and

killings of people with albinism in Malawi and the problems of lenient punishments and delayed justice delivery

CONCLUSION

We would like to reaffirm that, Persons with Albinism are all equal and full citizens of Malawi and they should not live in fear of losing their life or body parts because of their social status and skin condition when associated with myths or other reasons.

We condemn the attacks on person with albinism as acts of evil and a threat to basic human right enshrined in the Constitution of the Republic of Malawi.

We urge the government to discharge its obligations to respect, promote and protect the rights of persons with disabilities, including persons with albinism, as imposed by the CRPD and the Constitution. These rights include life (article 10 of the CRPD); access to justice (article 13 of the CRPD); and freedom from exploitation, violence and abuse (article 16 of the CRPD).

We express our solidarity and extend our condolences to the family and close friends affected by the killing and abductions.

We further express the hope that persons with albinism in Malawi will once again begin to enjoy their right on an equal basis with others.

We expect that the Honorable Members of Parliament will ensure that they obtain concrete responses from the Government on the measures that will be taken to address the issues raised in the Petition within a reasonable

period; failing which the petitioners reserve the right to explore and utilise other available legal mechanism for redress as provided for under the Constitution of the Republic of Malawi and the laws made thereunder.

Signed:

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Designation: Executive Council Chairperson

Date:

Name: Boniface Massah.....

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