



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

27 July 2011

BHRC Statement of Concern regarding fundamental human rights in Malawi

The Bar Human Rights Committee of England and Wales (BHRC) expresses deep concern at recent events in Malawi surrounding the 20 July 2011 civil society protests against a range of Malawi Government policies, and their impact on Malawians' fundamental human rights to lawfully protest and assemble.

The BHRC stands with the United Nations, the UK government and others in condemning attempts by the Malawi government to disrupt the lawfully organised protests, both through the law courts and through the apparent use of intimidation by armed ruling-party paramilitaries.

The BHRC condemns the violence used by the Malawi Police Service in response to that protest, which has caused the death of at least 18 people and injured many more, including independent professional journalists in the course of documenting events.

Denial of constitutional right to protest

Section 38 of the Constitution of the Republic of Malawi states that: "*Every person shall have the right to assemble and demonstrate with others peacefully and unarmed*". Section 40, meanwhile, guarantees the right of every Malawian to campaign for a political party or cause, to participate in peaceful political activity intended to influence the composition and policies of the Government, and to freely to make political choices.

In the context of ongoing disputes between the Malawi Government and sections of civil society about the constitutional right to academic freedom, and the troubling use of racist and homophobic rhetoric by Malawi Government spokespeople in its attempts to discourage people from exercising their lawful right to protest on 20 July 2011, the BHRC is deeply concerned at the detrimental effect Malawi Government actions might have on citizens' willingness freely to participate in lawful and peaceful political expression, on political plurality and freedom, and on the rights of minorities in Malawi.

Freedom of Expression

The BHRC is also concerned by the apparent and worrying disregard for Malawians' fundamental constitutional rights to free expression (guaranteed by Section 35 of the Malawi Constitution) and free media (Section 36) displayed by the government in response to the

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protests of 20 July, by ordering the Malawi Communications Regulatory Authority to block the broadcast coverage of three private radio stations after accusations by the Government that they were being used to “incite violence”.

Arrest warrants for organisers of the protest

Further, the BHRC is deeply concerned at the issuing of warrants for the arrest of the lawyers and civil society leaders who organised and took part in the 20 July protests, and by the continuing threats of prosecution for treason and intimidating language used by the Malawian Government towards those individuals.

The BHRC stands with the Malawi Law Society and other non-governmental organisations in urging the Malawian Government:

- To abide by and respect the rule of law;
- To uphold the constitutional right of every Malawian citizen to assemble and protest peacefully and to express themselves freely;
- To maintain the freedom of Malawi's press; and
- To uphold its commitments to international legal and human rights principles, including the *International Covenant on Civil and Political Rights* and the *African Charter on Human and People's Rights*.

Notes to editors

The Bar Human Rights Committee is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

For more information, see <http://www.barhumanrights.org.uk/index.php>