

MALAWI

Date of admission to UN: 1 December 1964.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Malawi has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 22 December 1993.

Malawi's initial report was due 30 June 1996.

Civil and Political Rights

Acceded: 22 December 1993.

Malawi's initial report was due 21 March 1995.

Optional Protocol: Acceded: 11 June 1996.

Racial Discrimination

Acceded: 11 June 1996.

Malawi's initial report was due 11 July 1997.

Discrimination against Women

Acceded: 12 March 1987.

Malawi's second periodic report was due 11 April 1992; the third periodic report was due 11 April 1996.

Torture

Acceded: 11 June 1996.

Malawi's initial report is due 10 July 1998.

Rights of the Child

Acceded: 2 January 1991.

Malawi's initial and second periodic reports were due 31 January 1993 and 1998 respectively.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 14, 17, 32, 44, 64; E/CN.4/1998/68/Add.1, paras. 255-258)

An urgent appeal was sent in response to information that preparations were under way to forcibly return approximately 765 Rwandese refugees and approximately 470 refugees from the DR Congo to their respective countries. According to the reports received, despite the fact that the repatriation of the refugees was to be voluntary, the Dzaleka camp, where most of these refugees were living, had been surrounded by Malawian police and roadblocks had been erected to prevent refugees from leaving. It was also reported that refugees who tried to flee in order to escape repatriation had been brought back to the camp forcibly by Malawian police. An allegation was also sent regarding the death in custody of

17 persons who reportedly died during a night in March 1996 in Lilongwe police station as a result of asphyxiation caused by overcrowding. Investigations were reported to have been promptly initiated.

In response to the urgent appeal, the government stated that no decision would be taken without adequate consultations with the Office of the UN High Commissioner for Refugees (UNHCR). The government provided a copy of a UNHCR press release which stated that at no point did the government abandon the voluntary nature of the repatriation exercise. The Special Rapporteur (SR) was also informed that, due to a communication breakdown, security personnel had turned up at the refugee camp and, even though they did not interact, had created a general panic in which hundreds of refugees ran away, many of whom did not return later.

The SR welcomed the government's policy on refugee matters, in particular its cooperation with UNHCR, and stated that information on the outcome of investigations conducted into the deaths in custody which occurred in Lilongwe police station would be forthcoming.

FIELD OPERATIONS

The OHCHR Malawi Office is responsible for carrying out the activities provided for in the Malawi Technical Cooperation Project "Consolidation of the Democratic Process" (MLW/95/AH/34), which began in 1996. The project is managed and implemented by a National Human Rights Project Officer, who was recruited through and is supported by UNDP. The headquarters is located in Lilongwe. Ms. Anne-Marie Mulagha, National Human Rights Project Officer, c/o UNDP, P.O. Box 30135, Lilongwe 3, Malawi; Phone: (265) 783-500; Fax: (265) 783-637.

The project is based upon a comprehensive needs assessment which was undertaken by the OHCHR in 1993 and on the August 1994 Joint Declaration on technical cooperation of the government and the High Commissioner for Human Rights. The technical cooperation project is designed to benefit a variety of government ministries and all branches of government. It provides major support to national human rights institutions, particularly the National Compensation Tribunal, the Human Rights Commission and the Inspectorate of Prisons. The principal government counterpart for the project is the Inter-Ministerial Committee on Human Rights and Democracy.

The main activities carried out as of August 1998 included: assistance in formulating the National Human Rights Plan of Action and support for a workshop on implementing the plan; assistance in the technical review of the new Constitution; expert advice on the establishment of the National Compensation Tribunal for victims of past human rights abuses; assistance with the ratification of further human rights treaties; advice and assistance to the Malawi Inspectorate of Prisons; participation in a workshop on the investigation of past human rights abuses; expert advice on the enabling act for the