The Centre for Human Rights Education Advice and Assistance (CHREAA) is a non-governmental organisation which was established in 2000, registered in 2006 and is working countrywide in Malawi. At the core of CHREAA’s mandate is the provision of paralegal services, community awareness and empowerment, litigation and advocacy for law reforms.

**ABOUT CHREAA**

As we wrap up the past year, allow me to examine at the challenges encountered as well as opportunities that have arisen over same period.

First of all, as CHREAA, we celebrate the strides we have made in changing lives in the course of implementing our projects. A CHREAA, our philosophy is that we celebrate the small strides we make because we believe that, brought together, these small steps encompass what we do as an organisation.

At CHREAA, our belief is that injustice to one person is an injustice to all of us. It is by helping one individual at a time that we able to change the whole world. Examples abound of how we have gone about achieving this—the case of Mayeso Gwanda vs State which started with a mere arrest but ended up with the outlawing of the Rogue and Vagabond Law.

So, for us at CHREAA, every injustice against any citizen is an opportunity for us to put the law to test to ensure that it is being applied correctly to serve and protect citizens. Over the past year, we have applied a two-pronged approach—by using advocacy to raise awareness about rights and responsibilities amongst both citizens and law enforcers as well as using litigation in cases where citizens’ rights have been trampled upon.

In securing citizens’ rights, we have achieved remarkable success with the Malawi Bail Project, the One Stop Centre, Discrimination of Vagrancy Laws and Protection of Rights of Sex Workers and Sanitary Health in Prison, among other projects. But where we have felt the need to correct certain wrongs, we have sought the remedy of the courts and during this time, we have successfully litigated a number of cases, most notably the defilement case involving Pakistan national Hanif Mohammad.

As always, our commitment is that we will hold steadfast in our belief to protect the most vulnerable in our society. And this is the goal that drives forward.

Victor Mhango  
CHREAA Executive Director

**Mission:**

Promoting and protecting human rights by assisting the vulnerable and marginalised people in Malawi

**Vision:**

CHREAA envisions a Malawian society that upholds human rights, justice and the rule of law.
Project goal: To protect children from different forms of sexual abuses by enhancing delivery quality health services and speedy and effective justice for children-victims affected by sexual abuse and or violence related offences.

The One Stop Centre is a government initiative that provides services to children, women and men who are survivors of physical and sexual violence.

In 2018, owing to a high prevalence rate of sexual violence offences and lack of trial progress on the sexual violence cases against children, CHREAA in collaboration with partners at OSC (Social welfare, Police, QECH), designed ACCESS TO PARALEGAL AID SERVICES AT ONE STOP CENTRE

Funders: Porticus
Period: 2 years

a project with interventions that aimed at combating the increasing cases of sexual violence offences in Blantyre, particularly against children.

Apart from aiming to end the increasing cases of child sexual abuse, the project was also designed to address challenges victimized children of sexual violence face when they are about to access justice and health services when sexually assaulted.

Key successes under this project during the 2017-2019 project implementation period include:

One Stop Case Study

On 16 March 2020, a case was registered at the One Stop Centre involving a 14-year-old girl who had been defiled by a 57-year-old Pakistan national. The Case was registered at Limbe Dalton Court and was being prosecuted by a Police Officer from Limbe Police Station.

The case was discharged on the grounds that the Victim was not willing to proceed with the case as the ordeal that took place between the two of them was agreed upon and that the victim only decided to lodge the complaint because the suspect had not treated her well.

This raised a few red flags because when it comes to defilement, it does not matter whether the ordeal was consensual or not and it is regarded as an offence regardless. This then prompted CHREAA to start investigating the matter and it was discovered that the Police officer prosecuting the matter conspired with the suspect and received money to withdraw the case; and the Police officer prosecuting the case falsely presented a bogus 25-year-old woman whom he paraded as the victim.

CHREAA took up the matter with the Anti-Corruption Bureau (ACB) who arrested the Police officer together with the perpetrator and the bogus woman who had been paraded in court.

The case was transferred to a different court and is still ongoing.

Activities:
• Designing and printing of posters and booklets.
• Training of child protection officers, social welfare officers and teachers.
• Nkhokwe Arts Group community performances.
• Review meeting with Magistrates for developing sentencing guidelines on child abuse cases.
• Training of Magistrates.
• 2 community sensitisations.

Achievements:
Over 1,000 people have been sensitised about child protection and the consequences of child sexual abuse.
DECRIMINALISATION OF VAGRANCY LAWS AND PROMOTION AND PROTECTION OF RIGHTS OF SEX WORKERS

Goal
To enhance the protection of rights of marginalised communities and vulnerable groups.

Project summary: The decriminalisation of vagrancy laws rests on advocacy with government to consider law reforms, engagement of all stakeholders in consultation meetings with communities in all the regions in Malawi, media campaigns, litigation and trainings. The project is being funded by OSISA with a grant of $250,000. The project will run for two years of which we are already in the first six months of the first year out of the 2 years. However, CHREA has already conducted activities for the first six months in relation to the respective objectives and they are as follows:

Objectives

To contribute towards the reduction of human rights violation and discriminatory treatment against sex workers.

Activities

• Awareness campaign.
• Engagement meetings with the CSOs.
• Hotspot – street outreach.
• Training of health and sex workers on health rights.
• Media awareness campaign.
• CHREAA, through a Constitutional challenge case, saw the declaration of section 184(1)(c) of the Penal Code as unconstitutional. This was based on the fact that the section violated the right to dignity, freedom from inhuman and degrading treatment and punishment: freedom and security of persons, freedoms from discrimination. The section was broad, hence gave too much discretion to Police officers when effecting arrests.
• CHREAA also initiated the development and launch of the Police Prosecution Guidelines on nuisance-related offences meant to reduce human rights violations by law enforcement agencies when enforcing minor nuisance related offences. These were issued by the Director of Public Prosecutions and were launched in December 2018.

Case study
Rhoda is a sex worker based in Chirimba, Blantyre. On this particular day, she was going to the one of the hotspots at Kameza Roundabout and upon reaching the bus stop, she was approached by a client who was driving a car who she joined and she joined him and the air went to Mango Bar. They stayed together up to 1am and the guy decided to leave her there for another girl but she, as an escort was not paid at such a high price. The demand was paid. But the client refused to pay yet they had agreed that they would spend the whole night together. She demanded for some payment because she had rejected other clients for him which was a waste of time and money.

Rhoda was upset and angry and started beating her so hard that blood was all over her and she could not even stand and she started to cry. The client got mad and angry and started other clients for him which was a waste of time and money. The client then agreed to pay Rhoda but they refused to pay yet they would not pay Rhoda and they also withdrew the case against her son.

Rhoda and her son would not have arrested the case against her son. Had it been CHREAA did not intervene in this matter, Rhoda and her son would have been arrested because the other party had an advantage over them since they are rich and they could have bribed the Police and Rhoda and her son could have been victims of the law. The toll-free number 331 has really benefited many people. They are rich and they could have bribed the Police and Rhoda and her son could have been victims of the law. The toll-free number 331 has really helped a lot of sex workers who are abused by either clients or the service providers, more especially by the Police.
INTERGRATED LEGAL SUPPORT AND MOBILE HEALTH OUTREACH PILOT PROGRAM

FOR WOMEN AND GIRLS WHO ENGAGE IN TRANSACTIONAL SEX

Project goal: The integrated legal-health mobile outreach programme dwells on addressing issues of legal reporting and representation for sexual assault cases, IPV and harassment, alongside SRH promotion, contraception and screening, treatment and referrals for HIV (PEP), STI, cervical cancer, post-abortion care and mental health.

Activities:
• Conducted 6 mobile legal and health outreach sessions
• Conducted capacity-building trainings with Police officers and healthcare service providers
• Innovation Refinement and Start-Up Phase (Endorsement of implementation of the project and project orientation)

Achievements:
• Over 250 female sex workers and women and girls who engage in transactional sex have been provided with mobile paralegal aid and attended health clinics
• 40 police officers and healthcare workers have been drilled on human rights and equal access to health care services for women and girls who engage in transactional sex and sex workers

Funders: DVV

DVV, in conjunction with CHREAA and Malawi Prison Services, on 13 November 2020 launched the Adult Learning and Education in Prisons Programme aimed at reducing the number of habitual offenders in prisons. The programme, which has started at Zomba Prison, will provide vocational skills such as Barbering, Carpentry, Tailoring, Communication and Conflict Resolution so that inmates’ livelihoods are improved when they have been integrated back to their society.
SANITARY HEALTH IN PRISONS

Funders: Amplify Change

Project goal: To lobby and advocate for the inclusion of menstrual hygiene packages in the Malawi prison health budget for women and girls in detention.

In 2019, CHREAA with funding from Amplify Change, embarked on a project aimed at lobbying and advocating for the inclusion of menstrual hygiene packages in the Malawi prison health budget for women and girls in detention.

This was based on the fact that prisons hold over 300 female inmates most of whom cannot afford to buy sanitary pads. As such, they end up using small pieces of clothes or old pieces of blankets which are a health hazard and result in most inmates contracting chlamydia.

CHREAA engaged in massive lobbying for the inclusion of menstrual packages for the female inmates which was a great success.

Activities:
- Meeting with Parliamentary Women Caucus
- Meeting with the Budget Director
- Meeting with the Budget and Finance Committee of Parliament
- Production of video documentaries
- Panel discussion radio programmes
- National budget consultation meeting at Ryalls Hotel in Blantyre
- National budget consultation meeting in Lilongwe
- Zomba Prison meeting with warders and female inmates
- Chichiri Prison meeting with warders and female inmates

Key achievements from this project included:
- An increase of K30 million in the Prison Health Budget to cater for menstrual hygiene products for female inmates.
- Donations of female hygiene products from charity organisations such as Root Charity
- Increased awareness about the plight of women prisoners.

Despite being a project that ran for a very short period, it achieved results that will benefit female prisoners in Malawi for many years to come.
Case study of Cosmas Banda

Cosmas Banda was arrested on the offence of malicious damage by Blantyre Police. He got convicted by Blantyre Magistrate Court and was charged a K10,000 fine, and six months imprisonment in default.

Since he did not have money at that moment, he was taken to Chichiri Prison. After a week-and-a-half, his relatives managed to pay the fine at court and a release order was issued to them.

To their surprise, the prison authorities objected to release the inmate, stating that his committal warrant had no indication that he can be released upon paying fine. The relatives took the matter to CHREAA for assistance.

CHREAA managed to follow up the issue and realised that indeed the committal was written in a wrong way, as far as the Magistrate’s judgement was concerned. CHREAA took the matter to the Assistant Registrar of the High Court, who immediately assigned a Judge to review the matter, upon verifying the receipts.

The Judge reviewed the case and concluded that the accused was being punished twice for the same offence, since he was serving a custodial sentence even though he paid the fine. Cosmas Banda was released from the prison on the basis that he paid the fine and did not need to serve a custodial sentence as if he had defaulted.
CHREAA, with funding from Mott Foundation, is implementing a project intended to reach out to vulnerable groups in the communities of Chikwawa and Mwanza districts.

In these two districts, there are high levels of illiteracy and the people have no access to legal advice. Most people in these districts are not able to competently and vigorously demand their human rights as they are still not quite familiar with issues of rights and access to justice. CHREAA identified gaps between the formal justice system and the informal justice systems and the challenges faced by most poor and marginalised people in accessing justice in the targeted districts.

In addressing the current challenges being faced by the communities in Chikwawa and Mwanza districts, CHREAA is conducting mobile legal clinics, which are being run by paralegals and trained Community-Based Educators.

CHREAA has also set up Community Court Users Committee compromised of members from the formal justice system as well as local leaders/representatives and CHREAA paralegals.

CHREAA has also trained traditional leaders as well as focal points persons/clerks who will be referring cases to paralegals or the formal justice system.

This project intends to achieve the following:
- To empower the community to know and demand their rights.
- To build positive linkages between formal and informal justice systems.
- To identify and litigate special cases that would assist in bringing law reform.
CHREAA conducted several advocacy meetings towards ensuring that the Nsundwe victims were accorded the justice deserving to them. CHREAA, in collaboration with Women Lawyers Association (WLA), had meetings with other stakeholders as part of the advocacy strategy. These included Malawi Human Rights Commission, Inspector General of Police and his team, the Director of Public Prosecution as well as the newly appointed commissioner for the Independent Complaints Commission.

CHREAA, in conjunction with WLA and MHRC, also had engagement meetings with Traditional Leaders from Nsundwe, M’bwatalika and Mpingu after noting that the victims were being ridiculed by their fellow community members. The Chiefs therefore came up with by-laws to ensure that community members desist from any stigma against the victims.

Successes registered:

- Meetings with several stakeholders assisted in ensuring that progress towards prosecution of the matter commences
- Villagers are no longer facing ridicule from members of the communities following the enforcement of rules by Chiefs.

CHREAA, in partnership with WLA, successfully sued the Malawi Government and the Malawi Police Services for the sexual assault that occurred at Nsundwe in Lilongwe. An order on how much compensation each of the victims should receive is yet to be passed. CHREAA plans to continue advocating for the criminal case to ensure that all perpetrators are prosecuted accordingly.
Republic v Alex Mutawira and Another Criminal Case Number 2020 of 2020.

• This is a case where two police officers from Chirumba Police Unit brutally assaulted a woman in Chiramba in Blantyre in her own home following a misunderstanding with her husband. Following the incident, the woman reported the matter to CHREAA and Times Television featured a special story on Police brutality on the same. In retaliation, Police arrested the woman and her husband the same night the story was aired and charged them with resisting arrest based on the same facts. CHREAA's litigation officer is now defending these victims of Police brutality in the charges levelled against them.

The State v Mahomed Hannif Criminal Case Number 505 of 2020

This is a case involving a Pakistan national who defiled a 14-year-old girl at Mudi residential area in 2020. The case was fraudulently withdrawn from court but through CHREAA's intervention, it was reinstituted and now it is being prosecuted by Ruth Kaima, CHREAA's litigation officer together with the Regional Prosecutions Officer for the South. The matter is set down for hearing on the 26 April 2021.

Mahomed Hannif and others who were involved in the fraudulent withdrawal of the case are also answering corruption charges with the ACB in relation to the same incident. All this was due to the intervention that CHREAA did to ensure justice prevails in this case.
The State v Andrew Chagaga

This is a case where a police officer is alleged to have defiled a 17-year-old girl at Limbe Police Station. CHREA’s litigation officer Ruth Kaima is part of the prosecution team together with Chikondi Chijozi from SALC and Eunice Ndingo as lead counsel from the DPP chambers. Prosecution has now closed its case and matter has been adjourned indefinitely awaiting a ruling of whether there is a case to answer or not.