

PRESS RELEASE: LILONGWE INFORMAL TRADERS CHALLENGE EVICTION AND CONFISCATION OF GOODS.

On 13 June 2023, the High Court of Malawi granted leave for judicial review to challenge the Lilongwe by-laws evicting informal traders from plying their trade on the streets and confiscating their goods. On 30 June 2023, the High Court will hear an application for an interim order (injunction) restricting the City Council from evicting informal traders from the streets without allocating them a place of business and confiscating their goods.

BACKGROUND

On 28 April 2023, the Lilongwe City Council published a public notice stating that from 2 May 2023, informal traders were prohibited from engaging in illegal street vending. Anyone caught trading in undesignated places would be evicted from the streets and have their goods confiscated. The City Council has been carrying out these evictions and confiscations and continues to do so.

This is not the first case where informal traders were evicted from the streets. On 8 December 2022, the [High Court granted a temporary order restricting the Blantyre City Council](#) from forcibly removing informal traders without due notice and reason.

With the High Court granting permission for judicial review, this allows the informal traders in Lilongwe to challenge the City Council by-laws which permit the Council to evict the informal traders from the streets, confiscate, and impound their goods. The informal traders are also challenging their eviction from the streets without providing them with more market spaces or ensuring fair distribution of market space to cater to the growing demand before chasing them from the streets.

These by-laws discriminate against persons based on status and poverty and infringe on their constitutional rights. These laws perpetuate discrimination and marginalisation, create barriers to informal traders' economic development and empowerment, and further fuel inequality and poverty.

"Many times we have our goods confiscated by the city rangers and we are told to offer sexual favors to have our goods returned to us. Even after giving sexual favors, not everything else is returned to us. There is a lot of abuse of power by the city rangers." Said one female informal trader in Blantyre.

"I was severely beaten up by the city rangers when they were chasing me and they took all my merchandise and they never returned to me. I was kept in police cell for a few days and I was asked to give money to the police to be released." Said another informal trader in Blantyre.

"The City Council by-laws are clearly abused and target the poor whose capital is too little to afford the rates in formal market places which makes it difficult for the informal traders with little capital to conduct their trade in the formal market places." Said Ruth Kaima, Litigation Officer at the Centre for Human Rights Education Advice and Assistance (CHREAA).

The Applicants are represented by Felisa Kilembe Mitambo of Tembenu, Kilembe & Co. and supported by the Southern Africa Litigation Centre (SALC) and the Centre for Human Rights Education Advice and Assistance (CHREAA).