



C.H.R.E.A.A

# CHREAA ACTIVITY REPORT 2021





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## EXECUTIVE DIRECTOR'S STATEMENT

Despite the ravaging impact of the Covid-19 pandemic, 2021 was our most impactful year yet, thanks to the hard work and generosity of so many—staff, stakeholders, the Board and our long time partners and collaborators. We were able to raise more money and change more lives than ever before.

Covid-19 has placed many systems under enormous strain. It has disrupted such life-saving interventions as those related to human rights. The pandemic has deepened the global human crisis and the inequalities that underlie and perpetuate it.

As indicated in this report, there was a severe disruption in prison visitations due to Covid-19 which resulted in creating obstruction in the smooth delivery of justice as lawyers could not visit their clients.

CHREAA responded quickly, leveraging its systems to assess the pandemic's impacts and make the situation of the vulnerable in society, such as prisoners visible while using its human rights mandate to remedy the situation.

And in a broader response to the pandemic, CHREAA used its extensive presence at the field to play a key role in the countrywide system-wide response to the pandemic.

Under the leadership of the government and in coordination with the Ministry of Health and other partners, CHREAA advocated for rights and supported the public health response, the continuity of essential social services and the partnership around the Access to Covid-19 Tools Accelerator to ensure equitable access to Covid-19 tests, treatments and vaccines.

Despite the disruptions caused by the pandemic, CHREAA continued implementing their long-standing programmes such as the Malawi Bail Project, the Sex Workers Rights Project and several others that have established the organisation as a leader in human rights advocacy in Malawi.

Apart from that, CHREAA also celebrated the introduction of new projects during the year, such as Eliminating Torture and Other Cruel Inhuman Degrading Treatment or Punishment Connected to the Use of the Death Penalty in Malawi's Criminal Justice System.

The overall goal of the project is to ensure that capital punishment is abolished and that there is no use of torture in all places of detention including Police stations as well as prisons.

Looking ahead, with the world finally opening up due to declining infection rates globally, CHREAA will continue on the path of cautious hope, bearing in mind that the pandemic is not over.



# COUNTERING COVID-19 MISINFORMATION AND DISINFORMATION

**P**roject summary: CHREAA, with funding from the Open Society Foundation for Southern Africa (OSISA), is implementing a project to sensitise communities with positive messages about Covid-19 vaccines so as to increase acceptance and uptake of the vaccines in the southern region of Malawi.

CHREAA is working with community radio stations, traditional and religious leaders and health officers in sensitising the communities. The project is also facilitating Covid-19 mobile vaccine centres in rural communities.

**Achievements:** CHREAA has successfully facilitated seven mobile vaccine centres in the rural communities resulting in more than 200 people receiving Covid-19 vaccines who made their choice after getting sensitised. The project, through the mobile vaccine centres, has reached out to people living in clustered communities who could not manage to travel to hospitals to get vaccinated.

The project has sensitised the communities with positive messages that dispel



Sunganani Ngwanda getting a first dose of the vaccine

disinformation and misinformation on the Covid-19 vaccine.

The project has also increased media awareness in rural areas on the importance of Covid-19 vaccines through community radio stations.

Case study: Sunganani Ngwanda, a 72-year-old man of Nazikhale Village, TA Kamenyagwaza, Dedza who has a sight problem and he was willing to get the vaccine but heard rumours from some community members that the Covid-19 vaccine has fatal effects and that one automatically joins satanism once the vaccine they are receive the vaccine.

Rumours aside, Ngwanda home is located kilometres away from hospitals rendering it hard for him to travel to get the job. These rumours made it hard for him to get the vaccine the first time CHREAA and Dedza DHO vaccination team visited his village, let alone step on the vaccination site. On the second occasion when the vaccination team arrived in his village, he heard of the importance of the Covid-19 vaccine through a public address system. He rushed to the vaccination site where he asked sought answers on the rumours surrounding the vaccine.

He eventually got enlightened and decided to get a dose of the Covid-19 vaccine. He was thankful for the knowledge imparted to him and promised to share his story and educate others on the benefits of getting vaccinated.



**A van disseminating Covid-19 information**

# STRENGTHENING COMMUNITY JUSTICE IN RURAL MALAWI

**P**roject goal: CHREAA, with funding from Mott Foundation, is implementing a project aimed at improving access and delivery of justice in local communities through empowering the communities and bridging the gap between the local communities and the formal justice system.

High levels of illiteracy and difficulties in accessing the formal justice system have contributed to poor access to justice in the targeted communities of Chikwawa and Mwanza districts.

This resulted in the formal justice system being disjointed to the local communities leaving the people with just the informal justice system which has its own challenges. In addition to this, there is lack of knowledge among the local communities on laws that protect their rights and, as such, most people do not seek redress.

The project, through Community Court Users Committee meetings and mobile legal clinics, empower the users of both formal and informal systems to know and claim their rights and to demand accountability from the justice systems.



**A Paralegal conducting a mobile legal clinic in Mwanza District**



**Achievements:**

- Community members are able to follow the justice system and report issues.
- Improved relationship between the traditional leaders, community members and the formal justice system.
- Level the barriers in terms of how informal justice systems handle matters, i.e. a reduction in 'chabwalo' by some chiefs in Mwanza district.
- Community paralegals are able to handle/refer cases.
- The project has reached out to 4,421 people through mobile legal clinics.



# DVV PRISON EDUCATION PROJECT

On 26th November 2021, 28 inmates at Zomba Central Prison graduated in vocational courses.

The male inmates acquired skills in carpentry and joinery, barbering, tailoring and designing which will help them engage in income generating activities when they go back home after serving their prison sentences.

The courses were provided under the Adult Learning and Education (ALE) in Prisons pilot programme which Malawi Prisons Service (MPS) is implementing in partnership with DVV International and Centre for Human Rights Education, Advice and Assistance (CHREAA). Ten inmates have acquired carpentry and joinery skills while eight have been trained in barbering. Nine inmates have graduated in tailoring and designing.

The main objective of this programme, which is to help reduce recidivism through education. This is based on the fact that many ex-prisoners recommit crimes due to poverty and lack of skills to use for



## Newly qualified artisans receive their certificates

income generation.

Therefore, when they have skills like these, the inmates will be able to engage in income generating activities to support themselves,

thereby avoiding reoffending.

This ceremony was attended by the Prisons Commissioner, the DVV director and other staff members and also the Executive Director of



**Zomba Prison officials inspecting some of the items made by the inmates**



**The prisoners showing off their certificates**

CHREAA and members of staff.

CHREAA Executive Director Victor Mhango said that “when the ex-prisoners engage in income generating activities such as carpentry, tailoring or barbering, the chances will be reduced that they will commit a crime again. The need for education in prisons is therefore enormous.”

The project also offers psychosocial counselling to inmates as part of reformation, community re-integration and addressing the complex needs

of the inmates. The psychosocial counselling is helping a lot on mindset change and will reduce the rate of recidivism.

The inmates recommended that this programme should continue because it has helped them to change for the better and they promised that after serving their sentences, they will be productive citizens. They also noted that they now see things differently than used to before the training.

**Success story:** George Panyete Mikeyasi said although he missed out on basic education, he

has every reason to smile as he will be able to earn a living using his newly-acquired barbering skills. He told the journalists at the sidelines of the graduation ceremony that he will open a barbershop in his community when he leaves prison.

“Before I was sentenced to prison, I had no skill that could help me earn money. But now I am happy that I have skills in barbering. The barbershop will enable me to support myself and relatives.

# DECRIMINALISATION OF VAGRANCY LAWS & PROMOTION AND PROTECTION OF RIGHTS OF SEX WORKERS

The Decriminalization of vagrancy offences and promotion and protection of the rights of sex workers has been implemented by CHREAA since 2014 with funding from the Open Society Foundations (OSF), Open Society Initiative for Southern Africa (OSISA) and Southern African Litigation Centre (SALC).

The goal of the project is to enhance the protection of rights of marginalised communities and vulnerable groups and to contribute towards the decriminalization/declassification of minor nuisance-related offences in Malawi and the region.

Despite the Mayeso Gwanda case where section 184(1) (c) of the Penal Code of which was declared rogue and vagabond unconstitutional, there are continued arrests of marginalized groups during sweeping exercises. Most of the victims of sweeping exercises are charged with Idle and Disorderly and Covid-19 related rules and regulations.

CHREAA/SALC is challenging the Police sweeping exercises in the cases of *The State v*

Officer In-charge, Kasungu Police Station and Inspector General of Police Exparte, Henry Banda and 2 Others (Judicial Review Case No.28 of 2018 at Zomba District Registry). The applicants are challenging the Police's practice of conducting mass arrests (sweeping exercises) as one way of crime prevention. The case is challenging the constitutionality of section 184(1) (b) of the Penal Code which provides that "every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself" shall be deemed a rogue and vagabond. Although CHREAA is currently challenging Police powers in conducting sweeping exercises, CHREAA is also lobbying the Malawi Law Commission and members of Parliament for a possible law reform on all laws under nuisance-related offences; common nuisances (s168); gaming and betting offences (s169-177); idle and disorderly persons (s180); conduct likely to cause a breach of the peace (s181); use of insulting language (s182); nuisances by drunken persons (s183); and rogues and vagabonds (s184); so that they align with the Constitution.

#### **Key Achievements:**

CHREAA has registered a lot of successes during the implementation of this project. Apart from the law reform in the case of *Mayeso Gwanda v Republic* Miscellaneous Application No. 5 of 2015 (Being Criminal Case No. 444 of 2015 at Blantyre Magistrate Court), *Republic vs Pemphero Banda and 18 Others* (Review Case No. 58 of 2016) in Zomba, development of Public Prosecutions Guidelines on nuisance-related offences and inclusion of the Public Prosecutions Guidelines in the Police Training curriculum. In addition to this, there is also a reduction of Police abuses against

sex workers.

CHREAA has also improved its performance on the involvement of local Civil Society Organizations and the media in the decriminalization of vagrancy offences.

And there have also been increased synergies for advocacy among stakeholders to promote the goals of the campaign. There is also increased awareness in the media and the general public on the impact of vagrancy offences and the rights of sex workers.

**P**rotection of sex workers' rights is one of CHREAA's earliest project having been launched in 2011 with funding from OSF and OSISA with partnership from SALC.

The main objective of the project to reduce the human rights violation and to deal with any discrimination against the sex workers and make sure the culprits are held accountable. The culprits can be law enforcers and also the society who discriminate against sex workers.

To promote and protect the rights of the sex workers, CHREAA teamed up with Medicines Sans Frontiers (MSF), the Police and other stakeholders and also engaged the society in the fight against any discrimination that sex workers face.

Several activities were carried out such as Media Awareness Campaigns, Community Sensitization, Street Outreach and also Creative Space and Happy Hour. CHREAA managed to conduct two community sensitization meetings in Bangwe and Ndirande during which we went on the ground to meet the both faith and community leaders, law enforcers and the community to discuss how they could fight against discrimination that the girls go through. Through these activities, CHREAA managed to change people's perceptions about the sex workers and these days, communities are able to live in harmony sex workers.

CHREAA managed to conduct two activities with MSF; we visited the two clubs, Tikondane Care Group in Zalewa and Sex Workers Alliance in Dedza (SWEAD). The objective of the sessions was to empower the sex workers both on the law, human rights and at the same time empower the

# SEX WORKERS RIGHTS



**Sex workers and other stakeholders bang heads during a consultative meeting**

girls economically.

CHREAA also managed to conduct an interface meeting between sex workers, vendors and the Police. The objective of the meeting was for the sex workers and informal traders to voice out the

problems they face in the hands of law enforcers. The activity happened after Police raids in the city. Many girls were arrested, charged and were told to pay for their release of which many paid.

Toll Free Line 311



### Sex workers in a training session

They are three handsets for the toll free line, one is the main line and the other two are hunting lines. We extended to two other lines because of demand for the service as many people kept calling from across the country. In a day, one handset receives an average of 40 calls. Cumulatively, in a day we are able to get 100 calls and translated into a month, it means we receive 2,000 calls monthly.

Through this line, all manner of issues, be they legal, education, GBV, counselling, labour issues and any form of human rights violations are handled by three paralegals. When these calls are received, we make sure the cases are followed up until they are completed and closed. It is through this hotline that sex workers are also assisted and cases are treated with confidentiality.

Success story:

Memory Fraction is one of the sex workers doing her trade at Chazunda, a hotspot in Blantyre. While doing her trade, she was approached by one of her clients known as Mr Chambo and, at first she did not know that the client was a Police Officer at Milare Police Station. The Police officer is a married man who lied to her that he was not and he assured her that if they start a relationship he will take care of her, in terms of food, clothing, shelter and also pocket money as long as she guaranteed him that she would only be involved with him alone.

Memory accepted and things were going well as planned but along the way, she discovered that the man was married. At the same time, she realised that she was pregnant. After the pregnancy, the man refused the responsibility and started threatening her that if he exposed him, he will make sure she is arrested even if did not commit any offence.

Memory was initially afraid to approach anyone but later she resorted to tell a peer educator who approached CHREAA through 331 and next day came to the CHREAA offices where the issue was discussed and it agreed to engage the Police officer. When CHREAA officers called him, he agreed to come to the office and discuss the matter and find way forward.

When he came it was agreed an agreement was signed that he will be responsible for child maintenance starting from the pregnancy until the child grows. He was also warned that if he does not honour the commitment, CHREAA would take him to court. As of now, he is responsible for the child and the mother and he is paying for child support.

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CHREAA officials and other stakeholders after a meeting

# ELIMINATING TORTURE

**A**nd other cruel, inhuman or degrading treatment or punishment connected to the use of the death penalty in Malawi's criminal justice system CHREAA in partnership with Reprieve is implementing a project called Eliminating Torture and other cruel inhuman degrading treatment or

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punishment connected to the use of the death penalty in Malawi's criminal justice system.

The overall goal of the project is to ensure that capital punishment is abolished and that there is no use of torture in all places of detention including police stations as well as prisons.

Malawi's Criminal Justice System, especially in places of detention, exposes people to torture.

From arrest to execution, people who find themselves in conflict with the law are at a risk of torture in Police stations and at prisons, the current conditions further subject people to cruel

inhuman degrading treatment which also amounts to torture and this is due to the fundamental shortcomings in the law.

It was observed that the reason for the increase or high prevalence in torture cases is due to Section 176 of the Criminal Procedure and Evidence code which allows admissions of evidence through the use of torture. This provision breaches international laws that Malawi is ratified to and serves to incentivise the use of torture by Police officers. Furthermore, due to underfunding of Malawi Prison Service, people are subjected to cruel inhuman degrading treatment as a result of overcrowding in prison cells, hygiene as well as poor diets given to incarcerated victims.

#### **Activities under the project**

**Lawyers and Paralegals Training** – This training took place with young lawyers to equip them with the necessary expertise they can use when litigating and investigating torture cases.

**Police Offices and Prison Warders Training** –The training was conducted to strategize ways to improve living conditions by ending torture in places of detention.

The training was to further saturate correctional officers with knowledge on local and international laws that Malawi as a country is ratified to and the importance of upholding these laws and the consequences that come as a result of breaching these laws.

**Journalists Training** – The training trained journalists on how we can work together with this project disseminate torture cases to the general



public so that we build consensus from the general public in the need to reform.

**Open Day at Domasi Prison** – The UN General Assembly proclaimed 26 June the United Nations 'International Day in Support of Victims of Torture' and to commemorate this day, CHREAA spent the day with inmates from Domasi Prison in Zomba.

During the function, there was an in-depth interaction on various human rights issues that exist and how the inmates can be supported.

The event reached out to around 300 inmates and there were 48 inmates who lodged complaints and their statements were recorded for further investigations.



## Critiquing legal empowerment approaches to address police abuse in Malawi

**S**outhern Africa Litigation Centre (SALC) and Centre for Human Rights Education, Advice and Assistance (CHREAA) were awarded a grant to jointly undertake qualitative research on legal empowerment approaches to address Police abuse of marginalised groups in Malawi.

The project seeks to examine the potential of using legal empowerment approaches to translate grassroots efforts to address police abuse in Malawi into improvements in broader law, policies, and institutional practice.

It further examines the possibility of scaling-up legal empowerment approaches, combined with legal organising and other collective action forms to address impunity for Police abuse. The project provides an avenue for SALC and CHREAA to critically reflect on and engage with local communities to assess the efficacy of the legal empowerment approaches to enhance such approaches and work towards closing the justice gap.

The project has a component of capacity strengthening, which will bring together research111ers, research participants and leaders in legal empowerment civil society organisations (CSOs) and representatives from the State institutions that have a mandate on promoting access to justice.

Additionally, the paralegals from the community-based organisations, who have historically worked

# CLOSING THE JUSTICE GAP



**CHREAA officials with Police IG Dr George Kainja after the meeting**

**Bail project**  
with SALC and CHREAA, will also be trained in undertaking participatory action research on innovative strategies for promoting rights-based policing.

The emphasis is on using legal empowerment approaches to foster democratic, inclusive, and rights-based approaches to policing as a long-term strategy of strengthening the rule of law. The project will also include advocacy efforts designed to facilitate transformation and strengthen bottom-up actions by marginalised groups in society.

### **Activities under the project**

Meeting with the Inspector General of the Malawi Prison Services—SALC and CHREAA had a meeting with the Inspector General of the Malawi Police Services in Lilongwe to introduce the IDRC research project aimed at enhancing cooperation, trust, and collaboration between local communities and Malawi Police Services (MPS). The Inspector General expressed his interest in the project's implementation and gave a letter of support for the research in conjunction with MPS at different levels.

# COMBATING TORTURE IN PLACES OF DETENTION

Since 2021, CHREAA has been implementing a 'Combating Torture in Places of Detention' project with funding from United Voluntary Funds for Victims of Torture (UNVFVT). During this implementing period, CHREAA has assisted over 500 victims of torture through legal advice and assistance and psychosocial support.

CHREAA also devised a brochure containing torture messages which were distributed to torture victims' family during screenings at police stations and during other human rights awareness activities CHREAA conducted in various communities.

Further, in order to identify these victims CHREAA conducted Periodic Justice Visits in various Prisons and police stations in Blantyre and Zomba districts, which were accompanied senior magistrates, Police Commissioners and Malawi Human Rights Commissioners and paralegal screenings in various police stations and prisons in Blantyre and Zomba districts.

## Police, prisons told to protect detainees' rights

LUCKY MKNDAWIRE  
NEWS ANALYST

The Malawi Police Service and Centre for Human Rights Education, Advice and Assistance (Chreaa) have warned police officers and prison warders against inhumane treatment of suspects in detention centres.

The two institutions issued the warning on Monday in Blantyre during training for police officers and prison warders on improving living conditions in detention centres and fight against torture and other forms of punishment organised by Chreaa in partnership with Reprivee UK.

Speaking at the event, Commissioner of Police for South West Division Chikondi Chingadza observed that people, who come into contact with the criminal justice system, are at risk of torture.

"The Malawi Police has not been spared as it has currently been marred with several allegations of



Chingadza (L) and Mhango after the meeting

police brutality against suspects. This is an unfortunate situation which needs to be addressed," she said.

Chingadza said from arrest to prosecution, systematic use of

torture has also been magnified in cases where individuals face the terrifying prospect of being tortured into a false confession and being convicted and sentenced.

"Malawi Police will not protect

any officer who engages in such acts but rather ensure that the rule of law takes its course," she said.

Chreaa executive director Victor Mhango encouraged the police and the Malawi Prisons Service to work professionally and in line with the Constitution and international human rights standards, saying "jobs are from hereon at stake if its laws are not adhered to".

He said: "Gone are the days when the police and prison service used torture and force to solicit evidence from persons in custody.

"It is my hope that there shall be significant improvements in the protection of the rights against torture, inhumane and degrading treatment of all suspects in police and prison service."

The workshop was aimed at addressing implications of torturing suspects while in police and prison custody and also to advance the rule of law and prohibit torture in police and prisons. ■

PHOTOGRAPH: LUCKY MKNDAWIRE

### Success story

Through this project, CHREAA joined prosecution a case of ANDREW CHAGAGA V REPUBLIC, a police officer who raped a 17-year girl twice in police custody. The police officer was convicted and sentenced to 30 years imprisonment with hard labour.

(Newspaper articles for the case, psychosocial support pics, periodic justice pics and a sample of a brochure)

### Challenges

During this project implementation, CHREAA faced some difficulties during the time the Prison Department banned other visitations due to the rise of Covid-19 cases, only doctors, lawyers and

paralegals were allowed to meet the prisoners. CHREAA paralegals were able to meet and screen inmates who have been tortured but it was very difficult for the psychosocial counsellor to meet the prisoners to provide them with therapy sessions because of the visitation ban. However, the psychosocial counsellor managed to provide therapy sessions to torture victims who were found at police stations. Even though the paralegals were allowed to meet the prisoners, they were not allowed to stay in prison for a longer time therefore they were not able to screen all intended victims of torture. The restrictions of Covid-19 have also contributed to delay of proceeding of cases at court as the availability judicial officers were minimal and case adjournments took longer.

# THE MALAWI BAIL PROJECT

The Malawi Bail Project (MBP) is an initiative that aims at empowering poor and or marginalised people arrested with minor offences to enable them apply for bail at police station or court without use of a lawyer. Basically, this initiative was designed because many people arrested cannot afford to hire a lawyer because of poverty.

In order to achieve its goal which is ending overcrowding in places of detention; the project distributes, 'understanding the right to bail' booklets and posters arrestees at magistrate courts and police stations, install audio speaker systems at police and court holding cells which play recorded audio messages that demonstrates how to apply for bail but also provides a toll-free line to the arrestees and family their members to call and receive advice on how to apply for bail but also organise sureties.

During the 2020/2021 financial, the MBP project reached out to a total of 8,550 people. Out of these 8,550 people educated on court procedure and basic legal rights at Police stations, courts and prisons, 4,025 people were successfully granted bail which is an indication that the project has been a success.

CHREAA managed to achieve these remarkable results despite facing major challenges which included inadequate funding and Covid-19.

## Case study

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Kenneth Maseya, was arrested in April 2021 by Ndirande Police Station. He was arrested after a misunderstanding on a payment which came after he had sold tangerines to a business person at Ndirande Market who later lodged a complaint at the Police.

When Kenneth was taken to Ndirande Police

Station, he was ordered to pay K20,000 to the business person which he did. Surprisingly, he was brought before the Blantyre Magistrate Court for trial, where got remanded to Chichiri Prison and spent the next four months.

CHREAA Paralegals were then approached on the matter by Kenneth's relatives. They followed

up on the case and established more details. They then approached the case prosecutor and Kenneth was then empowered by the paralegals on how to apply for bail.

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Kenneth, was then taken to court for continuation of the trial. There, he made use of the skills he got from the paralegals on bail application. He was successful and was immediately released.





**Centre for Human Rights Education Advice and Assistance  
Roots Complex, Kenyatta Drive  
Next to Chitawira Puma Filing Station**

P.O. Box 30250

Chichiri, Blantyre

Tel: +265 999 952 256

Email: [info@chreea.org](mailto:info@chreea.org)

Website: [www.chreea.org](http://www.chreea.org)

Facebook, Twitter and Instagram: [@ChreeaMalawi](#)

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