



PARLIAMENT OF MALAWI



**SECONDMENT SPEECH BY THE MEMEBR FOR LEGAL AFFAIRS
COMMITTEE ON PRESENTING A REPORT ON ITS FINDINGS
ON THE REVIEW OF THE PENAL CODE**

PRESENTED BY

HON YUSUF NTHENDA, MP

1. **Madam Speaker**, I stand here to second the report of the Legal Affairs Committee on its findings on the Review of the vagrancy laws in the Penal Code. As presented by the Chairperson, the Committee has conducted a thorough examination of these laws and has made recommendations that are both timely and essential.
2. **Madam Speaker**, indeed as alluded by Chair, your Committee on Legal Affairs consulted various stakeholders in order to gain comprehensive knowledge and specialised insights, which will be invaluable in crafting legislation that is practical, effective, and accurately addresses the issue at hand.
3. **Madam, Speaker**, during the discussions with the stakeholders, the Committee was informed that on 4th December, 2020 the African Court on Human and Peoples Rights “the African Court” rendered an advisory opinion on the compatibility of vagrancy laws with the African Charter on Human and Peoples’ Rights and other human rights instruments applicable in Africa. **Madam Speaker**, the opinion stated that vagrancy laws in many African countries, including Malawi, are incompatible with various human rights

instruments. The Court emphasized that these laws often target vulnerable individuals and violate their fundamental rights.

4. **Madam Speaker, and the whole House**, you may wish to know that the Committee's recommendations align with the African Court's findings and call for a comprehensive review and amendment of the vagrancy laws. By doing so, we can ensure that our laws are consistent with international human rights standards and protect the rights of all citizens.
5. **Madam Speaker**, I would also like to underscore the importance of capacity building for law enforcement agencies. The Committee has noted that, the effectiveness of any legal reforms depends on the ability of law enforcement personnel to implement them appropriately. By investing in training and resources, we can equip our police officers with the skills and knowledge necessary to enforce the law fairly and humanely.
6. In conclusion, **Madam Speaker**, I urge the House to adopt the recommendations of the Legal Affairs Committee. By doing so, we will take a significant step

towards ensuring that our laws are just, equitable, and respectful of human rights.

7. With these few remarks, I wish to thank You, **Madam Speaker**, for granting me the floor to second the report of the Legal Affairs Committee on review of the Penal Code.

8. **Madam Speaker**, I beg to move, Madam.