

Recommendations from Workshop on Strengthening the Rule of Law in Malawi

March 12-14, 2013

Citizens for Justice and the World Justice Project held a workshop in Lilongwe, Malawi, on March 12-14, 2013, bringing together local stakeholders to discuss the findings of the WJP Rule of Law Index for the country and address rule of law shortcomings in Malawi. More than 50 leaders from a variety of sectors and from across the country held collaborative discussions to craft recommendations for further action by government, civil society, and the private sector.

1) Separation of Powers

The separation of powers among the three independent branches of government is essential for the rule of law. Accordingly:

- Parliament should have its own calendar;
- Parliament should have greater resources for substantive and technical assistance; and
- The merit selection process for judicial appointments should be elaborated by an act of Parliament.

2) Corruption

Government accountability would be enhanced in Malawi by the following:

- Strengthening the mandate and capacity of the Anticorruption Bureau (ACB);
- Strengthening systems and procedures in public institutions that provide goods and services to reduce corruption opportunities;
- Better publicity of the Anticorruption Bureau's work through outreach programs;
- Enactment of legislation on declaration of assets and political party financing; and
- Establishment of appropriate systems for prosecution of corruption cases.

3) Fundamental Rights

Robust and respected human rights are essential to a rule of law culture. Accordingly, there should be:

- Stronger mechanisms to prevent persecution and arbitrary arrests and detentions;
- Minimum standards for facilities, services and conditions for prisoners and detainees, including modernizing the Prisons Act; and
- Improved enforcement of child labor laws.

4) Access to Information

Open government is crucial to participation and accountability. Accordingly:

- Laws should be publicized;
- Information regarding government activity should be accessible to its citizens;
- The Access to Information bill should be expedited;
- Members' of Parliament interaction with their constituents should be improved; and
- Civic education should be improved.

5) Civil & Criminal Justice

A rule of law society requires a fair and well-functioning civil and criminal justice system. Our recommendations are:

- Protect the rights of victims and criminals;
- Implement the Legal Aid Act;
- Strengthen and enforce codes of conduct for police, jail and prison officials, prosecutors and criminal courts;
- Programs to transform the culture of police and prison officials in order to improve performance;
- Operationalize the Independent Police Complaints Commission (ICC); and
- The civil and criminal justice systems should have an improved budgetary allocation.