

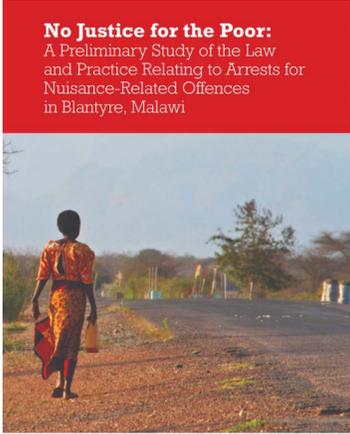
Challenging the criminalisation of poverty in Malawi

The problem

Frequent arbitrary arrests of marginalised groups using minor nuisance-related offences.

2012-3

Conduct research to understand the factors that influence arbitrary arrests.



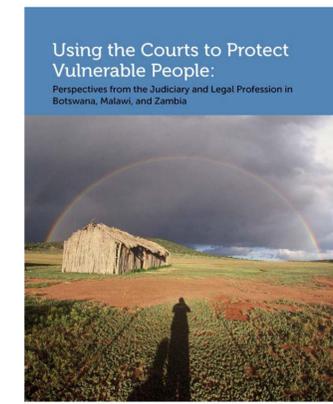
Ongoing legal challenges to arrests of sex workers, touts, under idle and disorderly and common nuisance offences.

2014

High level consultations with police, prosecution, justice department and judiciary to address findings of research.

Ongoing media advocacy to create awareness on offences which criminalise poverty.

Train police officers and magistrates



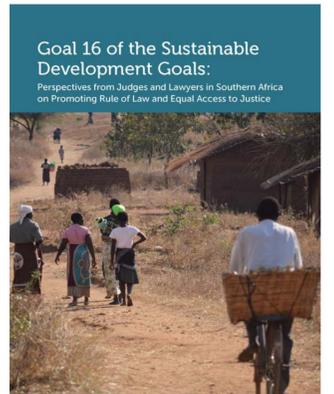
2015

Draft guidelines for prosecutors to ensure minor offences are narrowly interpreted.



Judicial colloquia in Malawi on marginalised groups, vagrancy laws.

2014-7



Arrest of an informal trader, Mayeso Gwanda, for rogue and vagabond offence at 4am, March 2015.



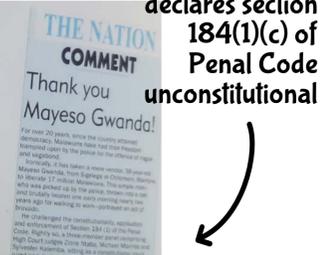
His trial was stayed pending a constitutional petition. He was released on bail.



Advocacy at court
Amicus briefs filed by CHREAA, PASI, Legal Aid.



Judgment 10 January 2017 – declares section 184(1)(c) of Penal Code unconstitutional



Gwanda's case becomes an important part of the Regional Campaign to Decriminalise Poverty and Status.

Gwanda shares his story at a session of the African Commission on Human and Peoples' Rights.

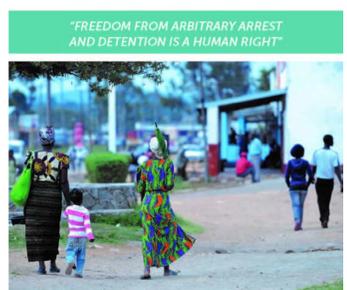
2017

Train police officers and magistrates.

Summarise judgment for police, magistrates, judges.

Meet police command to discuss implementation of court ruling.

A VICTORY FOR THE RIGHT TO FAIR AND SUBSTANTIAL JUSTICE: RECENT CASES FROM THE MALAWI HIGH COURT



2020

The African Court's Advisory Opinion cites the Gwanda case as a basis for its decision that vagrancy laws are contrary to the African Charter.

Police continue sweeping exercises using section 184(1)(b) and idle and disorderly provisions.



SALC and CHREAA start a participatory research project on legal empowerment approaches to ending police abuse in Malawi.

Successful constitutional challenge to sweeping exercises use of section 184(1)(b).

2022

Training community-based paralegals to engage complaints mechanisms and police.

Community-based organisations supported to challenge abusive policing practices.

Informal traders, including Gwanda, form an association as part of their collective effort to challenge police abuse.