

**Mandates of the Independent Expert on the enjoyment of human rights by persons with albinism;
the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on
extrajudicial, summary or arbitrary executions**

Ref.: AL MWI 2/2023
(Please use this reference in your reply)

6 December 2023

Excellency,

We have the honour to address you in our capacities as Independent Expert on the enjoyment of human rights by persons with albinism; Special Rapporteur on the rights of persons with disabilities and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 46/12, 53/14 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **ongoing cases of indiscriminate attacks targeting persons with albinism in Malawi such as the attempted attack against ██████████, a two-year-old boy with albinism residing in Phalombe District, and the alleged attack and subsequent severe injury caused to Mr. Akimu Ajasi, a 48-year-old man with albinism, from M'boola Village, Chiradzulu District, Malawi.**

According to the information received:

On 19 November 2022, ██████████, a two-year-old boy with albinism survived an attempted attack against him at his house in Phalombe District, where he lived with his mother and his five-year-old sibling. At around 10.00 p.m., they were woken up by the sound of bricks falling. ██████████'s mother witnessed how three unidentified men wearing black masks and black robes were trying to break into their house, by removing the bricks that were holding the door. At the sight of the intruders, ██████████'s mother shouted for help. Alerted by the shouting, the three assailants ran away. After the attempted attack, ██████████'s mother left the house with her two children and took them to a safe house. Currently, they are still without a secured permanent housing and have to rely on assistance to be housed in a safe location.

The case has been reported to authorities in Phalombe police station, on 20 November 2022. Although an investigation has been launched, no arrests have yet been made. Reportedly, ██████████'s father is the primary suspect, but he is now in Mozambique.

On 1 May 2023, Akimu Ajasi, a 48-year-old man with albinism, from M'boola Village, in the Chiradzulu District, was brutally attacked and injured by unknown assailants. About two months prior to this incident, Mr. Ajasi and his wife were forced to relocate because of the devastating cyclone Freddy which affected the southern part of Malawi, and which had led to the collapse of their house.

Mr. Ajasi's wife relocated into a camp, however due to safety concerns raised by family members, Mr. Ajasi himself was advised to stay with a relative instead. On the evening of 1 May 2023, at approximately 7.00 p.m., Mr. Ajasi embarked on a visit to the camp where his wife had sought refuge. During his return journey, Mr. Ajasi encountered a group of unknown individuals in Mitawa village, dressed in black shirts and shorts coming from the opposite direction of where Mr. Ajasi was heading. Unbeknownst to Mr. Ajasi, these two individuals had concealed *panga* knives.

Without suspecting any malicious intent, Mr. Ajasi continued walking until he felt a sudden and severe blow to the back of his head and face. Gripped by pain and shock, he called out in distress. Fortunately, Mr. Ajasi managed to gather enough strength to resist the attacks, disarming one of the assailants in the process. However, during the attack, Mr. Ajasi's left arm was hit with the *panga* knife by one of the perpetrators. This resulted in a severe wound. At some point, individuals were approaching the scene of the attack and they found Mr. Ajasi alive but seriously wounded. The assailants had fled by this point. The reported attack lasted around fifteen minutes.

Mr. Ajasi was then rushed to a community hospital and afterwards to Thyolo Hospital arriving at 11.00 p.m. of the same day of the attack, to receive further medical treatment. Mr. Ajasi is said to be still receiving treatment to date, with severe injuries that he will live with for the rest of his life.

Serious concerns are expressed at the continuing attacks perpetrated against persons with albinism in Malawi. The abovementioned incidents against ██████████ and Akimu Ajasi appear to be a part of a larger disturbing pattern of human rights violations perpetrated against persons with albinism in the country, including abductions, as well as killings and dismemberments for the purpose of witchcraft rituals. Such cases have been addressed by the Independent Expert on albinism on different occasions through previous joint communications¹, including [AL MWI 1/2019](#) and [AL MWI 1/2021](#), sent to your Excellency's Government on 5 February 2019 and on 19 May 2021, respectively. To date, we have not received any response to these communications from your Excellency's Government.

Without prejudging the accuracy of the information received, we would like to express deep concerns over the attack and grievous harm to the aforementioned victims. These continued attacks against persons with albinism, which often result in grievous bodily harm and death, are reportedly linked to harmful practices related to witchcraft ritualistic attacks. We are further concerned at the lack of robust investigations that have failed to effectively hold perpetrators to account for these violations and at the likelihood of these violations continuing resulting in the physical and mental integrity of persons with albinism being threatened, as they continue to live in fear of further attacks and killings. In this regard, we strongly urge that all necessary and immediate measures be taken to protect persons with albinism in Malawi.

In connection with the alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

¹ <https://spcommreports.ohchr.org/TmSearch/Results?page=1>

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information or comments in relation to the above-mentioned allegations.
2. Please provide detailed information on, and where available the results of, investigations, medical examinations, and judicial or other inquiries carried out in relation to the abovementioned case.
3. Please provide information on the measures that have been taken to strengthen protection of persons with albinism including the prevention of abductions, attacks and killings.
4. Please provide any information on steps your Excellency's Government has taken with regards to mechanisms that support the recuperation of victims of albinism attacks ensuring mental and physical integrity.
5. Please provide an update on the implementation of measures in the National Action Plan on albinism, among which are measures to strengthen protection against attacks.

We would appreciate receiving a response within 60 days. After this deadline, this communication and any response received from your Excellency's Government will be made public through the communications reporting [website](#). They will also be made available subsequently in the regular report to be submitted to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of such alleged violation and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Muluka-Anne Miti-Drummond
Independent Expert on the enjoyment of human rights by persons with albinism

Heba Hagrass
Special Rapporteur on the rights of persons with disabilities

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would wish to draw the attention of your Excellency's Government to articles 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights (ICCPR) of which Malawi ratified on 22 December 1993, which provide every individual with the inherent right to life, liberty and security that shall be protected by law and that no person shall be arbitrarily deprived of his life.

We would also like to draw your attention to article 7 of the UHDR and article 26 of the ICCPR which state "All are equal before the law and are entitled without any discrimination to equal protection of the law." In this regard, all persons are entitled to equal protection without any forms of discrimination from the law regardless of sex, race, colour, religion, national or social origin, political or other opinion, birth or other status. In this regard it is important to recall General comment 31 of the International Covenant on Civil and Political Rights (ICCPR) which discussed the legal obligations of states party to the covenant are to make sure that the freedoms and rights guaranteed by Covenant are safeguarded and upheld for everyone living on their territory such as with protection from discrimination. The Comment underscores that States Parties are expected to not only refrain from breaching the rights of individuals but also to take measures to stop private individuals from violating those same rights.

To meet their duties, States Parties must enact a number of programs and policies. Special demographic groups must be taken into consideration while implementing these solutions. General Comment 36 on Article 6 goes on to reiterate the right to life and duty of states to preserve this for individuals facing specific situations such as situations of risks and attacks. It pays attention to importance of protecting vulnerable groups such as children, women, persons with disabilities and marginalized individuals from perceived and actual attacks to their life.

In this regard, we would deem it appropriate to refer to the Convention on the Rights of Persons with Disabilities (CRPD) to which Malawi ratified on 27 August 2009, whose purpose as defined in Article 1, is "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." By ratifying the Convention on the Rights of Persons with Disabilities (CRPD), Malawi made a commitment to advancing and defending the rights of people with disabilities, including those who have albinism, as well as ensuring their full and equal participation in society as provided for in Articles 3 and 4 of the convention.

In line with this context, we would like to further highlight Articles 5, 10, 16 and 17 of the convention. Article 5 forbids discrimination against people with disabilities and mandates that states work to guarantee that people with disabilities are able to fully and equally enjoy all human rights and basic freedoms. People with albinism are to be protected from prejudice and/or discrimination caused by their condition. Article 10 affirms that people with disabilities have an inherent right to life and calls on states to take action to ensure that right is effectively enjoyed while also emphasizing protection against attacks and other forms of aggression directed at those

who have albinism. Article 16 requires states to take measures to protect persons with disabilities, including those with albinism, from all forms of exploitation, violence, and abuse. Article 17 acknowledges the right of persons with disabilities to physical and mental integrity on an equal basis with others. It encompasses the protection from harm and attacks on the physical well-being of persons with albinism.

We would also like to draw your attention to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Malawi on 11 June 1996 whereby Article 1 defines torture as any act in which a person is purposefully subjected to significant pain or suffering, either physical or mental, in order to extract information, punish, intimidate, or discriminate against them. Article 2 outlines the obligations of States to implement efficient judicial, legislative, administrative, and other controls to stop acts of torture within their borders, including ensuring that all instances of torture are punishable under law. This is further emphasized in Article 4 whereby States are required to “ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.” In this regard, under Article 10, States parties are encouraged to include human rights education and training on the prohibition and prevention of torture in the training of law enforcement personnel, medical personnel, and other relevant professionals. Furthermore, Article 12 calls for State Parties to conduct a “prompt and impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed within their jurisdiction.” These investigations should be thorough and impartial, and those responsible are to be brought to justice.

Finally, I draw your attention to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa which Malawi is signatory to as of 6 February 2022. The purpose of this Protocol as provided for in Article 2 of its official text is to “promote, protect and ensure the full and equal enjoyment of all human and people’s rights by all persons with disabilities, and to ensure respect for their inherent dignity.” Article 4 of the charter goes on to assert the obligation of all States to take all measures necessary to fulfil the rights and dignity of persons with disability without discrimination of any kind. Furthermore, we deem it necessary to highlight the following provisions under the charter in line with the protection of persons with Albinism. Article 5 on the prohibition of all forms of discrimination; Articles 6 & 7 on the right to equality and recognition before the law; Article 8 on the inherent right to life; Article 9 on the right to liberty and security prohibiting any forms of violence, exploitation and abuse, Article 10 & 11 on the prohibition of torture or cruel, inhumane or degrading treatment or punishment and harmful practices; Article 12 on protection from risk situations; Article 13 on the right to access to justice; and Article 14 on the right to live within the community with choices on an equal basis with others.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org and can be provided upon request.