



Quick Facts

Immigration detainees (2019)	Not Available
Detained minors (2017)	36
International migrants (2019)	247,652
New asylum applications (2019)	7,603

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/africa/malawi>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Total number of detained minors	36	2017
Criminal prison population	14,018	2016	Percentage of foreign prisoners	0.2	2014
	12,236	2012		1	2009
	11,672	2010			
	10,830	2007			
	9,220	2004			
	7,920	2001			
	6,505	1998			
	4,886	1996			
4,685	1993				
Prison population rate (per 100,000 of national population)	79	2016			
	77	2010			
	78	2007			
	74	2004			
	68	2001			
	61	1998			
	48	1996			
	48	1993			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	19,100,000	2020	International migrants	247,652	2019
	17,215,000	2015		215,200	2015
International migrants as a percentage of the population	1.2	2015	Refugees	13,782	2018
				8,982	2017
				9,386	2016
				9,019	2015
				5,874	2014
Ratio of refugees per 1000 inhabitants	0.53	2016	Total number of new asylum applications	7,603	2019
	0.35	2014		17,028	2016
				3,877	2014
Refugee recognition rate	100	2014			

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Common law	2017
	Customary law	2017

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Immigration Act		

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	No	Yes	2018

COVID-19 UPDATES

Latest Update	Update Status	Observation Date
	<p>As of 19 April Malawi did not have any reported cases of Covid-19. The country has also not taken any measures to lockdown businesses as the country's High Court blocked such measures in a ruling on 19 April. However, there are growing concerns among civil society organisations about the impact the virus could have in the country's overcrowded prisons, which also house immigration detainees. Malawi's prisons reportedly confine more than 14,000 prisoners despite having a capacity of only 5,000. A joint statement issued by the Centre for Human Rights Advice Assistance and Education, Youth Watch Society, Paralegal Resource Centre, Southern Africa Litigation Centre and Child Rights Advocacy and Paralegal Aid Centre called on the country's president to "release all prisoners who are serving time for minor offences including contempt of court, being idle and disorderly, being a rogue and vagabond, common nuisance and breach of the peace." The statement also urges that priority be given "to those that are terminally ill, older persons, persons with TB and others chronic illnesses and those who have served a substantial part of their sentences" and urges "the President to prevent the detention in prison of all migrants who are detained on immigration-related charges." According to the International Detention Coalition (IDC), its local members in Malawi have raised concerns about migrants being "swept up" in four detention centres that were reportedly opened for quarantine purposes. After 14 days, migrants are to be transferred to immigration detention centres and prisons. IDC members have mentioned that conditions in Malawi's detention centres are inhumane and inadequate as there is a lack of access to water or soap in the cells where migrants are being forced to stay. On 9 April 2020, a visit to Zomba Central Prison revealed that the facility has six buckets used by thousands of prisoners who wash their hands without soap. It is reported that new inmates are only being screened for HIV and TB but not Covid-19, which increases the risk of spread of Covid-19. One of the inmates expressed concern about the situation: "We were warned about coronavirus by the prison authorities. They advised us that we must wash hands regularly. My duty is to see that new detainees wash their hands before being admitted to the facility. There are no coronavirus testing kits at the clinic. After they are tested for TB and HIV, the new inmates are admitted and sent to the various blocks." Malawi's president also announced that his administration is to decongest the prisons by releasing prisoners and juveniles who committed petty offences and those having served a significant portion of their sentences for moderate crimes.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification			
International treaties	Name		Ratification Year
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance		2017
	VCCR, Vienna Convention on Consular Relations		1980
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination		1996
	ICESCR, International Covenant on Economic, Social and Cultural Rights		1993
	ICCPR, International Covenant on Civil and Political Rights		1993
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women		1987
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		1996
	CRC, Convention on the Rights of the Child		1991
	CRPD, Convention on the Rights of Persons with Disabilities		2009
	CRSR, Geneva Convention Relating to the Status of Refugees		1987
	CRSSP, Convention Relating to the Status of Stateless Persons		2009
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children		2005
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime		2005
OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities		1987	
Ratio of relevant international treaties ratified	14/19		
Relevant international treaties and date of ratification			
International treaty reservations	Name	Reservation Year	Observation Date
	CRSR Article 22	1987	2017
Relevant international treaties and date of ratification			
Individual complaints procedure	Name		Acceptance Year
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966		1996
Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	1/7	2017	
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	ACHPR, African Charter on Human and Peoples Rights		1989
	ACRWC, African Charter on the Rights and Welfare of the Child		1999
	APRW, Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol)		2005

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2011	2017
	No	2015	2017

INSTITUTIONAL INDICATORS

More information about immigration detention in Malawi is available at the website of the Global Detention Project (www.globaldetentionproject.org)