"WE ARE NOT ANIMALS TO BE HUNTED OR SOLD"

VIOLENCE AND DISCRIMINATION AGAINST PEOPLE WITH ALBINISM IN MALAWI

AMNESTY INTERNATIONAL

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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EXECUTIVE SUMMARY

Since November 2014, Malawi has seen a sharp increase in human rights abuses against people with albinism, including abductions, killings and grave robberies by individuals and criminal gangs. At least 18[1] people have been killed and at least five have been abducted and remain missing. According to the Malawi Police Service, at least 69 cases involving crimes related to people with albinism have been reported since November 2014.[2]

People with albinism are being targeted for their body parts by those who believe that they contain magical powers and bring good luck. As a result, Malawi's 7,000 to 10,000 people with albinism live in fear of losing their lives to criminal gangs who, in some instances, include close family members.

This report focuses on the lived experiences of people with albinism in Malawi in the context of superstition-driven attacks against them and the corresponding government failure to protect the right to life for this vulnerable group and to guarantee their right to security of person. Although the attacks are being committed by criminal gangs and by individuals, the Government of Malawi has an obligation under the African Charter on Human and Peoples' Rights, as well as the International Covenant on Civil and Political Rights, to ensure safety for all people in Malawi, including vulnerable groups such as people with albinism.

Women and children with albinism are particularly vulnerable to abductions and killings by criminal gangs, who see them as easier targets. Women also face the danger of rape and sexual abuse as a result of beliefs that having sex with a person with albinism will cure HIV/AIDS.

Senior government officials, including the President, have publicly condemned the attacks against people with albinism and announced a number of measures, including the appointment of a special legal counsel to assist with investigations and the adoption of a National Response Plan. However, these measures have failed to stop the violence. Some perpetrators have been arrested, charged and convicted, but the majority of crimes remain unresolved. Charges and penalties often have not been commensurate with the gravity of the crimes, creating a sense of impunity.

Amnesty International believes that some of the crimes against people with albinism, especially grave robberies, might have been opportunistic and driven by greed, fuelled by rumours that vast sums can be made by selling the bones of a person with albinism. Activists told Amnesty International that poverty and low literacy levels can drive some people to rob graves. These are the people who largely get arrested after being reported by the people they approached believing that they are buyers. There is a widely-held belief that business people are successful because they use magic.

The Malawi Police Service lacks the capacity to carry out thorough investigations, leading to frustration in communities which creates a risk for mob violence. Poor police investigations may also have allowed perpetrators of murders to avoid facing serious charges, particularly in cases where suspects were arrested in possession of human bones. Amnesty International believes that some suspects charged in

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[1] Amnesty International's figures are based on cases that the organization was able to verify. The number of the actual killings is probably higher. The major challenge to getting the exact figure of victims is the absence of systematic documentation of attacks.

[2] Data made available to Amnesty International by the Malawi Police Service on 11 April 2016.

2015 with "possession of human bones" – because police assumed that they had been obtained through grave robberies – may have been involved in the actual killings. Amnesty International urges the government to seek, as a matter of urgency, international support to conduct investigations, including specialist support for forensic testing and combating human trafficking, in order to bring perpetrators of these gross human rights abuses to justice; in accordance with its regional and international human rights obligations. The police must revisit all cases of suspected grave robberies with a view to establishing the exact source of the human bones.

The identity and motivation of the perpetrators of violence against people with albinism needs to be better understood by Malawi law enforcement agents in order to develop appropriate strategies to counter these crimes. Combatting the widespread mythology surrounding albinism and exposing the public to the fate of people who have committed murder in the hope of selling body parts, must be part of any strategy to stop opportunistic crimes within the community. However, identifying and stopping criminal gangs will require a different approach, including tracing and identifying the source of demand for the body parts of people with albinism and cooperation with neighbouring countries where there is reason to believe people or body parts are being trafficked across borders.

Societal attitudes about albinism are not changing and people with albinism continue to be at risk of attacks. Some victims are abducted and sold by close family members. Violence against people with albinism, including abductions and killings, appeared to be intensifying during the time Amnesty International was compiling the report in 2016.

Beyond the current violence, Amnesty International established that people with albinism experience intersectional human rights violations and abuses based on gender, disability and colour. Their economic, social and cultural rights are equally compromised in debilitating ways. Most specifically, societal ignorance about albinism has contributed to exclusion, stigmatization and denial of basic rights such as the right to education and health. The killings and abductions have exposed centuries-old problems of discrimination against people with albinism.

Societal misunderstanding of albinism in Malawi has endangered the lives of this population group; it has created insecurity and widespread discrimination. In everyday life people with albinism are frequently treated as less than human. They face stigmatization and other insurmountable barriers to the full enjoyment of their economic, social, cultural, civil and political rights. They also face significant barriers to their participation as equal members of society.

In order to address the root cause of the problem, Amnesty International is urging the Government of Malawi to raise awareness throughout society, including at the family level, regarding persons with albinism, and to foster respect for their rights and dignity.

Amnesty International is also urging the Malawian government to increase awareness of public health interventions for albinism in order to better address the medical, psychological and social needs of this vulnerable group. The government must provide affordable (or free) sunscreen to people with albinism at all government health facilities and distribute them through community health centres.

The government must also create a conducive learning environment for people with albinism and other disabilities, including by providing learning devices like magnifying glasses, bigger font size in textbooks and other reading materials; sensitize teachers and school administrations about the needs for learners with albinism and adopt measures to end bullying in schools.

METHODOLOGY

This report focuses on extreme forms of discrimination against people with albinism in Malawi which include abductions, killings and mutilations. It looks at the lived experiences of people with albinism and their families and the factors fuelling violence and structural discrimination against them. It also examines the responses by the government, civil society and communities and other efforts to end the violence.

The report is based on field visits to Malawi by Amnesty International researchers conducted in November/December 2015; and February/March and April 2016. Researchers conducted interviews in Blantyre, Dedza, Lilongwe, Machinga, Mangochi, Muchinji, Phalombe and Zomba. They interviewed a total of 149 people - 41 of whom were people with albinism, including 14 young people aged 18 years and below. Researchers held eight focus group discussions. Interviewees included people with albinism and their families, traditional leaders, civil society activists, service providers, lawmakers, law enforcement agents, government officials and diplomats.

In February/March 2016, Amnesty International met with senior government officials from the Ministries of Gender, Children, Disability and Social Welfare; Home Affairs and Internal Security; Justice and Constitutional Affairs; the Inspector General of Police and other police officials.

During the research period Amnesty International responded to individual cases of abductions and killings of people with albinism mobilizing its global membership to call on Malawi government officials to take action to address the crimes being committed against the minority group. Researchers also had regular interactions with police and other government officials regarding ongoing cases.

On 23 May, Amnesty International sent an email to the Chairperson of the National Technical Committee on Abuse of Persons with Albinism in Malawi highlighting its major findings and giving officials one week to respond.

BACKGROUND AND CONTEXT

Albinism is a rare, non-contagious, genetically inherited condition which is present at birth. In almost all types of albinism (the exception is one type of ocular albinism, which is passed on from mother to son), both parents must carry the gene for it to be passed on, even if they do not have albinism themselves. The condition is found in both genders, regardless of ethnicity and in all countries of the world. It results in a lack of pigmentation (melanin) in the hair, skin and eyes, causing vulnerability to the sun and bright light. As a result, almost all people with albinism are visually impaired and risk developing skin cancer. There is no cure for the absence of melanin.[3]

In Malawi and other African countries, people with albinism are distinct as their lack of melanin makes them easily noticeable in communities that are generally made up of people of dark pigmentation. They make up a tiny minority whose human rights situation has largely been ignored despite the grave consequences of discrimination against them. The Association of People with Albinism in Malawi (APAM) estimates that there are between 7,000 and 10,000 people with albinism in Malawi.

Malawi is one of 23 countries in Africa where people with albinism face extreme forms of discrimination that include abductions, killings and mutilations on the basis of superstitions and myths about their pigmentation.[4]

Thousands of people with albinism are at severe risk of abduction and killing by individuals and criminal gangs in Malawi, where their body parts are allegedly sold for use in rituals. Graves of people with albinism have also been targeted by criminals who remove bones in order to sell them. The bones are allegedly sold to practitioners of traditional medicine in Malawi and Mozambique for use in charms and magical potions in the belief that they bring wealth and good luck. The macabre trade is also fuelled by a belief that the bones of people with albinism contain gold.

Amnesty International believes that in addition to deeply-held myths and superstitions about albinism, there are other socio-economic factors fuelling the violence against them and the trade in body parts. High unemployment, constrained economic growth, entrenched inequality and grinding poverty set the necessary conditions for harmful beliefs to thrive.

According to the UNDP's Human Development Report of 2015, Malawi's Human Development Index is 0.445 which ranks the country at 173 out of 188 countries. Malawi has a poverty rate of 50.7 %. Socio-economic challenges faced by the country include inadequate financial resources, high illiteracy levels,

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[3] Persons with albinism; Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/24/57); September 2013; Paras 10 – 11.

[4] Shadow report submitted by the NGO Under The Same Sun to the UN Committee on the Rights of the Child entitled: *Children with albinism: Violence and displacement,* April 2013, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/TZA/INT_CRC_NGO_TZA_18032_E.pdf (Accessed on 3 May 2016).

high population growth, over dependence on rain-fed agriculture and an HIV/AIDS pandemic.[5] About 85% of Malawi's population live in rural areas.[6]

Historically, Malawi has been heavily dependent on donor funding of its national budget; however, in late 2013 the country's major donors froze budget support following a corruption scandal in which government funds were siphoned by officials through fraudulent payments and loopholes via the country's Integrated Financial Management Information System platform; this was known as the Cashgate scandal.[7] Several government officials were arrested and put on trial for their involvement.

Since 2012, economic shocks such as the devaluation of the Kwacha by 49% and inflation of more than 20% have contributed to high living costs, with Malawi ranking as the 13th worst performing economy in the 2014/15 Global Competitiveness report produced by the World Economic Forum.[8]

The socio-economic situation in Malawi has been exacerbated by the El Niño-related drought affecting southern Africa which increased food insecurity and reduced employment prospects for farm labourers. An estimated 2.83 million people in Malawi required food aid during the 2015/16 lean season.[9]

The extreme deprivation facing communities and the belief that the body parts of people with albinism can be sold for large sums of money is, according to activists working with people with albinism, a contributing factor to the increase in crimes targeting this population group.

The Association of People with Albinism in Malawi (APAM) and the Federation of Disability Organizations in Malawi (FEDOMA) have led civil society responses to the crisis. Civil society organizations (CSOs) have engaged with the government, advocating for justice for victims of discrimination against people with albinism, including killings, abductions and mutilations. They have conducted studies and mobilized communities to understand albinism and demystify stereotypes and myths. CSOs have responded to distressed individuals and families, offering them support and solidarity.

5 http://www.mw.undp.org/content/malawi/en/home/countryinfo/ (Accessed on 3 May 2016).

6 2013, United Nations Development Programme Human Development Report.

7 http://aiddata.org/blog/behind-the-headlines-the-deeper-roots-of-malawis-cashgate-scandal (Accessed on 3 May 2016).

8 World Food Programme, https://www.wfp.org/countries/malawi, (Accessed on 22 May 2016).

9 World Food Programme, Food Insecurity Worsens in Malawi, Needs Increase in Face of El Nino, https://www.wfp.org/news/news-release/food-insecurity-worsens-malawi-needs-increase-face-el-nino, (Accessed on 22 May 2016).

LEGAL FRAMEWORK

One of the most important issues facing people with albinism is discrimination. However, cases of people with albinism have emerged only relatively recently for consideration by international human rights protection mechanisms. For example, the UN Human Rights Council only created the position of Independent Expert on the enjoyment of human rights by persons with albinism (Independent Expert) in 2015. The first post-holder to be nominated was Ms. Ikponwosa Ero. The Independent Expert has identified the need to better determine the applicable human rights framework for addressing the rights of people with albinism as one of the top priorities for her mandate. In particular with regard to discrimination, the Independent Expert notes that discrimination faced by people with albinism could fall under a number of different grounds mentioned in international standards – in particular, race, colour, and disability.[10] While people with albinism would not necessarily constitute a racial group in the way this concept is generally understood, the Independent Expert notes:

> **"[T]here is potential to address albinism under the International Convention on the Elimination of All Forms of Racial Discrimination, as the governing concept is not "race" but "racial discrimination", which may be based on any of five "grounds": race, colour, descent, national origin and ethnic origin."**
>
> Independent Expert on the enjoyment of human rights by persons with albinism

Another UN study notes that a number of international standards include "other status" in the list of grounds with regard to which discrimination is prohibited – indicating the open-ended nature of the prohibition of discrimination;[11] this allows for another option to address the discrimination faced by people with albinism.

However, the UN study notes that "*consultations with persons with albinism are required on the issue of self-identification*".[12] This highlights a crucial point – how do people with albinism see their identity? Do they see categories such as race, colour or disability as applicable to them? It is essential not to disempower people with albinism by not involving them in the conversation around determining the applicable human rights framework.

The same questions regarding how to address the discrimination which people with albinism face will arise when analysing the national legal framework.

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[10] Report of the Independent Expert on the enjoyment of human rights by persons with albinism (A/HRC/31/63); January 2016; Paras 33-36.

[11] Persons with albinism; Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/24/57); September 2013; Paras 64, 72 and 82.

[12] Ibid, Para 78.

Malawi is a state party to a number of regional and international human rights treaties, including the following treaties relevant in assessing and improving the situation of people with albinism in the country:

i. African Charter on Human and Peoples' Rights (African Charter);
ii. Protocol to the African Charter on Human and Peoples Rights on the rights of Women in Africa;
iii. African Charter on the Rights and Welfare of the Child;
iv. International Convention on the Rights of Persons with Disabilities;
v. International Covenant on Civil and Political Rights (ICCPR);
vi. International Covenant on Economic, Social and Cultural Rights (ICESCR);
vii. Convention on Elimination of Discrimination against Women (CEDAW);
viii. Convention on the Rights of Child (CRC);
ix. International Convention against Racial Discrimination (ICERD);
x. International Labour Organization Discrimination (Employment and Occupation) Convention (No. 111); and
xi. International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The International Covenant on Economic, Social and Cultural Rights states that "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art. 2.2). The Covenant guarantees, inter alia, the rights to education, health, housing and employment.

The International Convention on the Rights of Persons with Disabilities requires that (Article 8):

States Parties undertake to adopt immediate, effective and appropriate measures:

a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

a) Initiating and maintaining effective public awareness campaigns designed:

i. To nurture receptiveness to the rights of persons with disabilities;

ii. To promote positive perceptions and greater social awareness towards persons with disabilities;

iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

NATIONAL LEGAL FRAMEWORK

CONSTITUTION OF MALAWI

People with albinism, like any other persons in Malawi, have their rights guaranteed in the Bill of Rights, Chapter IV of the Constitution of Malawi. Chapter IV of the Constitution provides for a wide range of civil, political, economic, social and cultural rights, of which rights are supposed to be enjoyed by all people without distinction.

Malawi's Constitution prohibits discrimination in the enjoyment of human rights. It prohibits discrimination, *inter alia*, on the basis of race, colour, disability and other status. Section 20(1) states:

"Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status."

Any form of exclusion of people with albinism will thus be illegal on the basis of the Constitution.

Prominent in the Bill of Rights is the right to life under Section 16 of the Constitution. There is no derogation, restriction or limitation with regard to the right to life [Section 44(1)(a)]. The Constitution also guarantees the right to personal liberty (Section 18). Section 19(1) states that "*The dignity of all persons shall be inviolable*."

Section 13(3) states that:

"No person shall be subject to torture of any kind or cruel, inhuman or degrading treatment or punishment."

Malawi's Constitution recognizes the need to pass specific legislation to address inequalities in society and the need to place criminal liability for discriminatory practices. Section 20(2) states "*Legislation may be passed addressing inequalities in society and prohibiting discriminatory practices and the propagation of such practices and may render such practices criminally punishable by the courts*."

Section 25(1) states:

"All persons are entitled to education."

Sections 25(2) states:

"Primary education shall consist of at least five years of education."

In addition, Section 30 (1) of the Constitution provides for the right to development. It states: "All persons and peoples have a right to development and therefore to the enjoyment of economic, social, cultural and political development and women, children and the disabled in particular shall be given special consideration in the application of this right."

Section 30(2): "The State shall take all necessary measures for the realization of the right to development. Such measures shall include, amongst other things, equality of opportunity for all in their access to basic resources, education, health services, food, shelter, employment and infrastructure."

Section 44(2) states: "Without prejudice to subsection (1), no restrictions or limitations may be placed on the exercise of any rights and freedoms provided for in this Constitution other than those prescribed by law, which are reasonable, recognized by international human rights standards and necessary in an open and democratic society."

SPECIFIC RIGHTS OF PERSONS WITH DISABILITY AS PROVIDED FOR UNDER THE DISABILITY ACT

Although the Disability Act of 2012 may not have been enacted with the specific needs of persons with albinism in mind, some of its provisions apply to the population group's difficulties resulting from

conditions such as visual impairment and need for protection from the effects of ultraviolet rays on the skin which can result in skin cancer.

The Act was set out to make provision "for the equalization of opportunities for persons with disability through promotion and protection of their rights." It also establishes the Disability Trust Fund whose purpose "shall be to support the implementation of disability programmes and services" (Sections 28 and 29 of the Act).

The Disability Act compels the government to "adopt policies and legislation on equalization of opportunities for persons with disabilities in order to – (a) promote and protect the rights for persons with disabilities; and (b) fully include them in all aspects of life, to enhance their dignity and well-being."

With regard to the right to health, Section 6(2)(c) states that the government shall "provide persons with disabilities the same range, quality and standard of free or affordable health care as provided to other persons, including sexual and reproductive health services and population based public health programmes." It requires the government to provide free medical rehabilitation services in Government hospitals as well as for referrals (Section 6(2)(d); provide medical personnel specializing in the treatment and rehabilitation of persons with disabilities to district hospitals and health centres [Section 6(2)(e)].

Section 9 of the Act prohibits discrimination in access to premises and the provision of amenities.

In terms of education, Section 10 of the Act compels the government to "recognize the rights of persons with disabilities to education on the basis of equal opportunity, and ensure inclusive educations system…" by "taking into consideration the special requirements of persons with disabilities in the formulation of educational policies and programmes, including the provision of assistive devices, teaching aids and learning support assistants.." (Section 10(b)).

Section 11 of the Act prohibits discrimination in education or training institutions. It sets penalties of a fine of MK100,000 (US$146) for natural persons and imprisonment for 12 months; and MK1 million (US$1460) for body corporates if convicted of discrimination against a person with disabilities.

Section 13 prohibits discrimination in work and employment, while Section 15 prohibits discrimination in the provision of social services.

Other rights recognized in the Act that are relevant to people with albinism include economic empowerment, participation in political and public life. Section 18 prohibits discrimination against people with disabilities in political and public life and sets fines for individuals or body corporates that violate the provision. Section 23 states that:

"The Government shall recognize the importance of empowering persons with disabilities economically, without any form of discrimination, and shall ensure that the persons with disabilities are able to access loans and credit facilities for purposes of carrying out income generating activities."

RELEVANT LAWS IN ADDRESSING CRIMES AGAINST PEOPLE WITH ALBINISM

The Penal Code [Chapter 7:01] of Malawi provides for a wide range of crimes under which people who commit violence and other crimes against people with albinism can effectively be charged and held accountable. Other relevant laws include the Disability Act, Anatomy Act and the Trafficking in Persons Act.

CRIMES OF MURDER, ATTEMPTED MURDER AND CONSPIRACY TO MURDER

The crime of murder is provided for under Section 209 of the Penal Code and attracts a maximum penalty of death (Section 210). Section 209 states: "*Any person who of malice aforethought causes the death of another person by an unlawful act or omission shall be guilty of murder.*" Although Malawi has observed an official moratorium on executions since 1994, people have been sentenced to death. However, no one is known to have been sentenced to death for killing a person with albinism. Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

The crime of "attempted murder" attracts a maximum sentence of life imprisonment (Section 223). However, at the time of compiling the report Amnesty International was not aware of any person having been charged or convicted for the attempted murder of a person with albinism.

Section 227 of the Penal Code provides for the crime of "conspiracy to murder" and set the maximum sentence of 14 years' imprisonment.

KIDNAPPING AND ABDUCTION

The crimes of kidnapping and abduction are provided for under Chapter XXV (Offences Against Liberty) of the Penal Code. The crime of kidnapping is defined under Section 258 of the Penal Code as taking or enticing of "*any minor under fourteen years of age if a male, or under sixteen years of age if a female… out of the keeping of the lawful guardian of such a minor or person or unsound mind, without the consent of such guardian…"* Any person convicted of the crime of kidnapping is liable to imprisonment for seven years (Section 260).

Section 259 defines the crime of abduction as: "Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person." Section 261 provides for the crime of "Kidnapping or abducting in order to murder" which is stated as abduction or kidnapping a person "in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered…" Any person convicted of such a crime shall be liable to imprisonment for 10 years.

GRIEVOUS HARM

Section 238 of the Penal Code which provides for the crime of causing "grievous harm" can also be applied in offences against people with albinism in circumstances where they are injured following an attack, but survive. A person convicted for causing grievous harm to another person is liable to a prison sentence of 14 years.

PROHIBITION OF SALE OF BODY OR TISSUE

Section 16 of the Anatomy Act [Chapter34:03] criminalizes the "sell[ing] or buy[ing] [of] the body of a deceased person or a tissue removed from the body of a deceased or living…" A person convicted of the offence is liable "to a fine of fifteen thousand Kwacha and to imprisonment for a period of ten years." However, Amnesty International believes that there may have been a serious misreading of the law by the judiciary when earlier sentencing people convicted of selling bones believed to belong to deceased persons with albinism particularly at the beginning of the attacks.

Amnesty International's reading of Section 16 of the Anatomy Act is that a person convicted for the crime of selling or buying human body parts or tissue is liable to both a fine and imprisonment. However, some people convicted of possession of human bones believed to belong to deceased persons with albinism have simply been fined. For example, two men in Machinga District convicted in 2015 were fined MK10,000 (US$15) in default of 12 months' imprisonment.

CRIME OF HUMAN TRAFFICKING

On 10 April 2015, President Mutharika signed into law the Trafficking in Persons Act which contains provisions preventing and eliminating human trafficking in Malawi. This legislation is relevant in addressing cases where people with albinism have been abducted and trafficked within and outside Malawi. From Amnesty International's investigations some victims have been taken to Mozambique and killed or suspects were arrested by the police in the course of trafficking a person with albinism to a neighbouring country with the intention of selling or killing them for their body parts.

According to Section 14 of the Trafficking in Persons Act, the crime of "trafficking in persons" entails "recruiting, transporting, transferring, harbouring, receiving or obtaining a person within or beyond the territory of Malawi, through – (a) threats or use of force or coercion; (b) abduction; (c) fraud or deception; (d) abuse or threats of abuse of power or position; (e) abuse or threats of use of position of vulnerability; (f) abuse or threats of the law or legal process; or giving or receiving of payments to obtain consent of a person having control of the trafficked person, for the purpose of exploitation."

All these circumstances apply in the context of situations where a person has been trafficked alive in Malawi and to Mozambique. Section 3(1) of the Act provides for the scope of application which includes crimes committed "wholly or partly within Malawi", "outside Malawi and the trafficked person is a citizen of Malawi" "outside Malawi by a citizen of Malawi or a person who is resident in Malawi" or "involves an organized criminal gang."

A person convicted of trafficking an adult person in Malawi is liable to 14 years' imprisonment without the option of a fine (Section 14(1)). A person convicted of trafficking a child is liable to 21 years' imprisonment, also without an option of a fine.

Although Malawi may need to amend existing legislation to appropriately capture the current crimes against people with albinism and provide deterrent penalties, diligent application of the existing laws can bring a measure of justice to the victims and their families. Current challenges include lack of full appreciation of the law by police investigators, prosecutors and judicial officers.

DISCRIMINATORY ATTITUDES IN MALAWIAN SOCIETY

> **"It pains me that my grandmother always served food to me and my sister separately from other grandchildren."**
>
> Interview with a woman with albinism in Blantyre, 21 February 2016

Human rights violations and abuses against people with albinism in Malawi range from widespread societal discrimination that is evident in verbal abuse in public, exclusion from access to public services, including education and health, through to extreme forms of violence that include killings, abductions, mutilations and infanticide. Even after a person with albinism has died, their graves are at risk of exhumation by individuals or gangs attempting to obtain body parts to sell. These human rights abuses stem from a lack of understanding of albinism which gives rise to false beliefs and mythology about the condition, which in turn lead to justification of social exclusion, marginalization, stigmatization and violence against the minority group. Most people do not know that albinism is a rare genetic condition. Some believe it is a curse from the gods, and thus develop attitudes that present varying degrees of risk to the population group. Others believe that it is a communicable condition and that they risk acquiring it by associating with a person with albinism. Limited knowledge about albinism among the general population also fuels stereotypes that lead to both verbal and physical abuse.[13]

People with albinism across the social divide in Malawi endure a life of extreme social exclusion within the family, in the community and the country at large. They face social discrimination as a result of their appearance. For example, children with albinism are made to realize that they are different at an early age. This sense of "awareness" injects long term systemic feelings of inferiority, exclusion and inequality.

Amnesty International was told in interviews with individuals with albinism and family members that exclusion and abuse of people with albinism has resulted in serious life-long psycho-social problems, including loss of confidence, self-exclusion and individuals becoming suicidal. Some people stated that they withdraw from society to avoid being noticed and they consider society to be generally unkind.[14]

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[13] Interview with a dermatologist in Blantyre on 24 February 2016.

[14] This came out in Focus Group Discussions in Blantyre, Mangochi and Phalombe districts held in February 2016.

The complexity and uniqueness of the condition means that [the experiences of people with albinism] significantly and simultaneously touch on several human rights issues including, but not limited to, intersectional discrimination based on disability, gender and colour, special needs in terms of access to education and enjoyment of the highest standards of health, harmful traditional practices, violence including killings and ritual attacks, trade and trafficking of body parts for ritual purposes, infanticide and abandonment of children.[15]

SOCIAL RELATIONSHIPS

Generally, people with albinism have difficulty establishing social relationships – be it friendship, dating, marriage or just being in the same space with people with melanin. Both men and women with albinism told Amnesty International that relationships between people with melanin and people with albinism have ended because of strong opposition by family members of the person with melanin, who opposed marriage on the grounds that it will bring a curse to the family. Partners also described how they had come under pressure from their peers who mock them for having a relationship with a person with albinism.

Martha, a 20-year-old woman with albinism with two children aged 7 and 3,[16] told Amnesty International researchers that the fathers of her children abandoned her after being mocked by their friends about having a relationship with a woman with albinism. She believes that the men were genuinely in love with her, but left her because of the pressures from friends and family.[17]

VERBAL ABUSE

On a daily basis, people with albinism endure verbal abuse, name-calling and insults as a result of misconceptions about their condition. They are treated like sub-human beings. They are subjected to a range of descriptions that are largely derogatory – some have been called "ghosts"; *mzungu osauka* (poor white person) and *Nzungudala* (fake white person). Women with albinism are called *Machilitso* (cure) - referring to the belief that having sex with a person with albinism can cure HIV. Another term or abuse is *napwere* which likens people with albinism to a tomato affected by leaf-spots which gives it white patches. Name-calling and insults have a damaging psychological impact on the recipients. They are dehumanized and can lead to individuals withdrawing from society and suffering loss of confidence.

Numerous people with albinism described experiencing verbal insults or being referred to as "money", "deal" or "millions" – implying that they could be sold in order to make money. For example, an activist with albinism said that he was told by a neighbour that he was "money" and that if the neighbour found a "market" he would sell members of his family – who all have albinism – to buyers of body parts.[18]

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[15] Office of the High Commissioner for Human Rights, http://www.ohchr.org/EN/Issues/Albinism/Pages/IEAlbinism.aspx Accessed on 10 April 2016.

[16] Malawi has a serious problem of child marriages. Girls sometimes marry as young as 13 years old.

[17] Interview with a woman with albinism in Phalombe on 22 February 2016.

[18] Interview with Henry Bhauti, a 36-year-old man with albinism in Mitundu, Lilongwe district, 27 February 2016.

Ishmael Rashid said: "People tell me in my face that they will sell me. One time someone said I was worth MK6 million (US$10,000). I felt pained by the remarks that a price tag can be put on me."[19]

"People tell me in my face that they will sell me. One time someone said I was worth MK6 million (US$10,000). I felt pained by the remarks that a price tag can be put on me."

Ishmael Rashid, from Mangochi district

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One woman said: "My cousin's child was called a ghost which was bringing bad luck to the school. She dropped out of school as a result. My cousin was afraid to go to the school to complain. She has six other children with albinism."[20]

A mother of an infant with albinism said: "When I visited by husband's village with my child for the first time people called my daughter names. They said she looked like a doll. At work when some colleagues heard that I had a child with albinism they said I now have 'money'. I felt hurt."[21]

Cecilia told Amnesty International that her seven-year-old son is called names within the community, which upsets him. Some children call him Kadili which she did not know the meaning of but is considered an insult.[22]

[19] Interview with Ishmael Rashid (37) in Mangochi district, 23 February 2016.

[20] Interview with a woman with albinism in Blantyre, 21 February 2016.

[21] Interview with a mother of an infant with albinism in Mangochi district, 23 February 2016.

[22] Interview with Cecilia in Mitundu, Lilongwe district on 27 February 2016.

WOMEN WHO GIVE BIRTH TO CHILDREN WITH ALBINISM SUFFER STIGMATIZATION

"As a mother of [children with albinism] I have learnt a lot that I would like to share with other mothers. Without being brave you may end up throwing away the child because of the abuse and insults"

Sophia Rashid, Mangochi district

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Misconceptions can also have a damaging effect on members of families of people with albinism. Relatives, especially mothers of people with albinism, face discrimination and stigmatization. Women suffer abuse and rejection by the fathers of their children and relatives who accuse them of being unfaithful or being cursed.

One woman told Amnesty International researchers that she was blamed by neighbours for the condition of her child. They said that the child lacked melanin because she drank too much water while pregnant. Because of lack of knowledge some women carry feelings of guilty for the conditions of their children and live a life of exclusion.

A widow who had a child with albinism said: "Some community women would say I should stay away from their husbands because I would give them the disease that made me give birth to a child with albinism."[23]

A woman with albinism described how her mother was viewed: "*Neighbours and relatives thought my mother had had an affair with a white priest.* [24] In a highly conservative society like Malawi, such talk can be devastating.

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[23] Interview with Mary, a widow and mother of a boy with albinism in Phalombe district, 22 February 2016.

24 Interview with a woman with albinism in Blantyre, 21 February 2016.

ATTACKS, ABDUCTIONS AND KILLINGS OF PEOPLE WITH ALBINISM

> **"Most people who attack [people with albinism] are close relatives. The attacks have also made well-wishers over protective. One time I wanted to take a ride in a taxi to a hotel. People demanded to know if indeed the driver was going to drop me at the hotel. Even parents of children with albinism have become over protective. I met one mother in Chitipa who was hiding her children out of fear. "**
>
> Elizabeth, speaking to Amnesty International on 23 February 2016.

According to the Ministry of Gender, Children, Disability and Social Welfare, since 2009 there have been increasing numbers of abductions, killings and exhumations of the remains of persons with albinism in Malawi, with most of the cases being reported in districts bordering Mozambique such as Mulanje, Phalombe and Machinga.[25] The reason for this increase is not clear but according to activists in Malawi there could be organized gangs which are still to be identified, as well as opportunistic attacks on the basis of rumours that one can get large sums of money from selling bones. In some instances attackers included close relatives such as fathers and uncles, who appeared to be colluding with criminal gangs.

The wave of violent attacks against people with albinism has provoked serious insecurity among the population group. Almost every person with albinism in Malawi, irrespective of their social and economic background, lives in fear of being killed or harmed for who they are. By extension, this sense is also felt by other family members.

Between November 2014 and end of May 2016, at least 18 people with albinism were killed. At least five people were abducted and are still missing. Perpetrators of these crimes include gangs who abduct

[25] Ministerial statement on Implementation of the National Response Plan to the abductions, killings and exhumations of remains of persons with albinism in Malawi, February 2016.

and kill their victims, and family members, who conspire to sell or kill relatives with albinism. Amnesty International believes that the number of those killed and abducted could be higher because there is no systematic monitoring and documentation by the authorities of crimes against people with albinism. Collection of information on incidents of violence against the group is mainly conducted by volunteer activists who lack capacity and resources to monitor and document all crimes against people with albinism.

38-YEAR-OLD MAN WITH ALBINISM KILLED IN NTCHEU DISTRICT

On 24 May 2016, a 38-year-old man with albinism, Fletcher Masina, was attacked and killed by unknown persons while working in his garden in Zintambira village under Traditional Authority Chakhumbira in Ntcheu district, Central Region. Fletcher and his wife went to their vegetable garden in the morning which is some distance from their village. At about lunchtime Fletcher's wife said he told her to go home while he continued working in the garden. At about 7pm his wife said she told her brother that Fletcher had not returned home. A search party was sent to the garden to look for him but all they saw was blood all over the garden and signs of a struggle. They tried to follow the blood trail but it was too dark to see anything. The next day, police and relatives continued the search and found Fletcher's body a few hundred meters from the garden with both hands and legs cut off. By the time of compiling this report no arrest had been made.[26]

30-YEAR-OLD WOMAN WITH ALBINISM KILLED IN PHALOMBE DISTRICT[27]

According to Malawi police, a 30-year-old woman with albinism, Jenifer Namusyo, was found dead on 30 April 2016. She had been stabbed in the back, abdomen and elbow and her breasts and eyes had been removed. Jenifer was attacked as she made her way to another village on a bicycle to seek traditional medicine. She left home at about 2am and her mutilated body and bicycle were found at 10am on the same day. It is not clear why she travelled so early in the morning or whether she left home alone. At the time of writing the attackers were unknown and police were still investigating.

17-YEAR-OLD BOY WITH ALBINISM ABDUCTED AND TRAFFICKED TO MOZAMBIQUE AND KILLED[28]

According to Malawian police, a 17-year-old boy with albinism, Davis Fletcher Machinjiri, left his home in Dedza district on 24 April 2016 to watch a soccer game with a friend and never returned. He was abducted by about four men who trafficked him to Mozambique and killed him. The men chopped off both his arms and legs and removed the bones. They then buried the rest of his body in a shallow grave. Davis's remains were found in Mozambique on 1 May.

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[26] Police reference: NU/CR/40/05/16.

[27] From correspondences with police contacts.

[28] From correspondences with police contacts and interviews with activists.

Two men were arrested by Malawian police and charged with "conspiracy to commit a felony contrary to Section 404 of the Penal Code", "abduction with intent to murder contrary to 261 of the Penal Code", and "trafficking [a] person" under Section 15(1) of the Trafficking of Persons Act. They pleaded guilty to the charges and were convicted and sentenced to 25 years' imprisonment each. At the time of writing the men were also facing murder charges and the trial was on-going.

21-YEAR-OLD WOMAN WITH ALBINISM KILLED AND BONES REMOVED IN DOWA DISTRICT[29]

Enelesi Nkhata, a 21-year-old woman with albinism, went missing for some days from Kumtumba village in Dedza district under Traditional Authority Kaphuka. Her body was found in a shallow grave and in a state of decomposition by farmers at Mpare Estate in Dowa district on 14 April 2016 with her arms and legs cut off. The body also had a stab wound on the chest.

Enelesi had been tricked by a relative into believing that he had found her a job in Madisi, in Dowa district. At least 10 men, including the relative and some businessmen, were arrested by police on suspicion of involvement in the killing of Enelesi. At the time of reporting two men, including the relative, were convicted of conspiracy to murder and abduction under the Penal Code and sentenced to 17 years' imprisonment with hard labour. All 10 were facing murder charges.

TODDLER ABDUCTED WHILE SLEEPING WITH HER MOTHER AND KILLED IN KASUNGU DISTRICT[30]

On the night of 3/4 April 2016, a girl with albinism aged 23 months, Whitney Chilumpha, was snatched from the family home in Chiziya village under Traditional Authority Kaperula in Kasungu district. The mother of the child, Madalitso Lemani (25), went to bed at about 8pm on 3 April with the toddler sleeping next to her. When she woke up at about 4am on 4 April she discovered that the child was missing. As soon as she noticed that the child was missing Madalitso alerted other residents and a search was conducted but they did not find the child.

On 13 April, at around 2pm, two women who were fetching firewood in Balantha hill in the area discovered pieces of skull, some teeth and clothing items that included a diaper. Madalitso positively identified the clothing items as the ones last worn by Whitney before she was abducted. The discovery was reported to the police who attended to the scene. Four bones believed to be those of Whitney were found in a garden a few weeks later. At the time of compiling this report police were holding five men, including Whitney's father, on suspicion that they had been involved in the abduction and killing of the child.

Whitney Chilumpha is the second person with albinism to be killed in Kasungu district in 2016.

[29] From correspondences with police contacts.

[30] Malawi Police reference number KU/CR/10/04/2016.

NINE YEAR-OLD BOY, ABDUCTED AND KILLED IN MACHINGA DISTRICT[31]

Mokoshoni family in Machinga district whose other child with albinism, Harry, was abducted and killed by a criminal gang in February 2016

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On the night of 27/28 February 2016, a gang of unidentified men broke into the family home of a nine-year-old boy with albinism, Harry Mokoshoni (also known as Harry Mockshon), of Mpakati village under Traditional Authority Chikwewo in Machinga district, where he was sleeping with his mother. The men threatened Harry's mother and injured her as they took the boy away. After days of searching, Harry's head was discovered in a neighbouring village on 3 March. At the time of compiling this report, 10 men had been arrested and charged with murder.

Among those arrested for the killing of Harry was a man who had been convicted in 2015 for possessing bones suspected to be of a person with albinism and who was, on that occasion, fined MK20,000 (US$29).This raises serious concerns on other cases where police did not thoroughly investigate how suspects obtain bones. Amnesty International believes that some cases involving suspects arrested with bones of people with albinism may actually be murder cases which were not investigated by police. It is feared that police assume that the bones may have been obtained through grave robbery. Such assumptions without thorough investigations allow perpetrators to avoid facing serious charges and create a sense of impunity.

[31] Malawi police reference NSM/CR/04/03/16 and reported by Malawi News Agency, http://allafrica.com/stories/201604070092.html (Accessed on 20 April 2016).

53 YEAR-OLD WOMAN, EUNICE PHIRI, KILLED IN KASUNGU WHILE HER EIGHT YEAR-OLD SON ESCAPES UNHURT

According to police information, Eunice Phiri, a 53-year-old woman with albinism from Bokosi village under Traditional Authority Kaluluma in Kasungu district, was tricked by three men, including her brother, into accompanying them on a trip to Zambia through the Kasungu National Park where she was killed and her body dismembered on 23 January 2016. Her eight-year-old son, also with albinism, who was accompanying her managed to escape and returned home but was unable to explain to relatives what had happened to his mother. The mutilated body of Eunice Phiri was found on 28 January by a cattle herder with the arms cut off.

GANG ATTEMPTS TO KILL 17-YEAR-OLD BOY, ALFRED CHIGALU, IN PHALOMBE DISTRICT[32]

On the night of 29 November 2015 in Namasoko village under Traditional Authority Mkhumba, a gang of five men attempted to kill a 17-year-old boy, Alfred Chigalu. At around 10pm on 29 November, while Alfred was sleeping, the men broke into his hut armed with machetes, locally known as Pangas. At the time of the attack Alfred was sleeping alone in his hut next to his parents' house.

The attack only stopped when Alfred's cry for help woke up other residents who came to the rescue. However, Alfred was seriously injured from the attack, suffering deep cuts to the forehead, arm and leg which required hospital treatment. Activists working on ending discrimination against people with albinism who visited the boy told Amnesty International that Alfred was deeply traumatized by the attack although the wounds were healing.

Although disability activists initially reported that four people were taken into police custody in relation to the attack, police information sent to Amnesty International in April 2016 indicated that the attackers are unknown and that the case was still under investigation.[33]

40-YEAR-OLD PRESCOTE PEPUZANI DISAPPEARS AND BODY PARTS FOUND IN NEIGHBOUR'S GARDEN IN MUCHINJI DISTRICT[34]

In August 2015 a 40-year-old businessman with albinism, Prescote Pepuzani, disappeared for a week before his friends and family noticed. His family told Amnesty International that a report was made to the police on 13 August. Three weeks later, in September, what appeared to be human arms were unearthed by dogs in a neighbour's garden; the owner was arrested on suspicion of murder and released on bail. The residents told Amnesty International that they were told by police that the remains were of a monkey, which they did not believe.

At the time of the visit by Amnesty International to the village on 11 November 2015, residents told the researchers that a woman believed by community members to have played a part in his abduction was in the village after a period of absence. An eyewitness had observed her speaking to the businessman on the night he was last seen alive. The information was reported to district police in

[32] Telephone interviews and correspondences with activists.

[33] Summary of cases reported to Malawi Police involving people with albinism from 2013 – 2016 in a letter from the Office of the Director of Criminal Investigations Department dated 11 April 2016.

[34] Interview with community members in Muchinji District on 11 November 2015.

Mchinji and, according to activists, suspects were arrested several weeks after Amnesty International's visit.

TWO-YEAR-OLD BOY, IBLAH (ALSO KNOWN AS IBRAHIM), ABDUCTED AND STILL MISSING FROM CHIMTANDA VILLAGE IN MACHINGA[35]

On the night of 16 January 2015, the mother of two-year-old Iblah, Margret Chikopa, was woken up to the sound of a child crying. The family had gone to bed at about 10pm with the children sleeping in a separate room. Margaret tried to wake her husband but he did not get up. Margret went out to search but could not see the child. She called for help and was joined by other community members. When they could not find the child, the village head went to report the case to the police, leading to the arrest of the child's father and two other men.

A family member told Amnesty International that some days before the child's abduction a brother to Iblah's father was overheard threatening to sell the child. The family member told Amnesty International that she confronted Iblah's father and offered to take the child for his own safety, but the father refused and told her that he would protect the child. A few days later the child was abducted.

Following Iblah's abduction, his father and two other men were arrested by police and charged with burglary and kidnapping under the Penal Code, but they were acquitted.[36] Following the arrest of her husband, Iblah's mother left her family home as she strongly suspected that her husband or members of his family were involved.

Iblah's maternal grandaunt had this to say about her family's experience following the abduction:

"We want to know the truth. We are worried that we do not know where Iblah is or where to find his grave. We want the truth to come out. We are poor. Maybe if we had money we would afford hiring lawyers and be treated differently. Where can we find the money for a lawyer when we are struggling to even get food?... We don't choose what child God gives us. This child must be the last to go missing."[37]

TWO WOMEN CONVICTED AND FINED MK7,000 (US$10) EACH FOR TRYING TO ARRANGE THE SALE OF AN EIGHT-YEAR-OLD GIRL WITH ALBINISM IN LILONGWE

In January 2016, Martha Phiri, a mother of an eight-year-old girl with albinism, was approached by two women from her neighbourhood in capital city Lilongwe's Area 25 suburb. The two women invited Martha to one of their houses, saying that they wanted to discuss with her a business proposal that involved the child. When she enquired about the nature of the business the women told her that there was money involved.

Martha told Amnesty International that the women informed her that her daughter had gold in her bones and that in order for it to be extracted they needed to take her to a European man. The women promised Martha MK1 million (US$1,500), which she refused. The women told her that she should go ahead with the deal.

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[35] Interview with Margret Chikopa, Iblah Pilo's mother and a grand aunt in Machinga District on 13 November 2015.

[36] Police case reference number NJ/CR/08/01/15.

[37] Interview with Iblah Pilo's grandaunt in Machinga District on 13 November 2016.

Martha reported the conversation to her husband who advised that they report the incident at the local police station. This took her about two days. She first told a neighbour who was a police officer and the matter was reported at Kanengo Police station and statements were recorded. She then led the police to the home of one of the women and they were arrested. According to Martha the first woman reportedly admitted to the offence when questioned, while the second woman initially denied, but later changed her statement and admitted. After some delay in the case, Martha sought the help of a local human rights organization. That is when police told her that they were going to take the case to court on 19 February 2016. After a short trial, the two women were fined MK7,000 (US$10) each.

Martha had this to say about the outcome of the trial:

"I am very bitter about what happened because my child's life is still at risk. I would have liked to see all the people involved given long prison sentences. I know the women and their husbands who were said to be involved. I do not feel that my daughter is safe to play within the community. She used to go to one of the women's home to play with other children. I don't know how I can get her to school."[38]

TWO-YEAR-OLD TODDLER, CHAKUPASA, ABDUCTED AND RESCUED IN MULUKA VILLAGE, MACHINGA DISTRICT[39]

On around 4 March 2015, three men abducted a two-year-old girl, Chakupasa, from her homestead while her mother, Lone Sitenala, was farming in her fields. Lone had left her four children at home, three of them with albinism, under the care of their 12-year-old sister. Three men, including a maternal uncle to Lone, abducted the toddler and ran away. Other residents gave chase when they heard the children screaming and were able to rescue Chakupasa. Lone heard people calling out her name and she joined them. The community members managed to get hold of Lone's uncle and he was handed over to the police while the other two men escaped. At the time of the interview with Amnesty International in November 2015, the interviewees believed the other two men had not been caught by police.

Lone Sitenala told Amnesty International that police told the family that her uncle who had been arrested in connection with the case died when he tried to jump out of a police van while being transported to court. In a letter to Amnesty International dated 11 April 2016, police advised that the case was still under investigation on suspicion of kidnapping.[40]

Following the abduction, police and the chief of the area conducted an albinism awareness-raising meeting in the village. One of the direct impacts of this attack in Machinga is that parents withdrew their children, including those with melanin, from school fearing that they would be abducted. At the time of Amnesty International's visit, almost eight months after the incident, a significant number of children in the village were still out of school. Community members were afraid to leave their children alone and felt that they had to escort them to school.[41]

KILLING OF NEWBORN BABIES WITH ALBINISM

Although Amnesty International has not documented a recent case of infanticide or killing of newborn babies with albinism, researchers interviewed one woman whose testimony suggest that newborn babies with albinism are at risk:

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[38] Interview with Martha Phiri in Lilongwe, 27 February 2016.

[39] Interview with 25 year-old, Lone Sitenala, mother of Chakupatsa Sitenala and two other children with albinism in Nyayuchi, 13 November 2015.

[40] Letter to Amnesty International from the Office of the Director of Criminal Investigations Department, dated 11 April 2016.

[41] Under normal circumstances children can move about their community playing with other children without adult supervision. Small children of school going age go to school accompanied by older children attending the same school. Rarely do parents escort children to school. The attacks against people with albinism have thus serious altered village life in Malawi. In Machinga even parents of children with melanin were terrified for their children.

Sophia Rashid, a 56-year-old woman in Mangochi district, told Amnesty International that before giving birth to her first surviving child with albinism in 1979, she had given birth three times and was told by the traditional birth attendants on each occasion that the babies were stillbirths. When she gave birth to her fourth child who had albinism she began to suspect that the other three babies may also have had albinism. For two weeks after delivery Sophia said she had to take refuge in a hospital fearing that her child would be killed by relatives and neighbours. They said she had given birth to a spirit.[42]

Other participants during focus group discussions expressed similar suspicions that newborn babies with albinism were being killed in deliveries conducted by traditional birth attendants. Although such cases may be difficult to establish, it was an issue of serious concern to the activists and will need to be further investigated.

Fears among people with albinism are fuelled by numerous incidents of the removal of bodies by grave robbers.[43] Between January 2015 and April 2016, at least 39 cases involving the illegal exhumation of graves of dead people with albinism and/or possession of bones and other body parts taken from corpses were recorded by the Malawi Police Service.[44] Only four out of the 39 cases have been successfully concluded. Most cases remain unresolved as the suspects were not known. Of the few cases where perpetrators were convicted they were either fined or served prison sentences of up to four years. The offences included "Tampering with grave yard"- which is a misdemeanour under Section 129 of the Penal Code; "Found in possession of human bones" and "Remove of human tissue from dead body" which are crimes under the Anatomy Act.

Amnesty International believes that the police are failing to properly investigate some of the cases of people found with human bones suspected to belong to dead people with albinism. As noted earlier, it is a common practice among ritual killers to remove the bones of their victims and dump the rest of the body. However, according to activists, when police found individuals in possession of human bones in 2015 they assumed that they were dealing with grave robbing cases, and did not initiate murder investigations.

In 2015 two men in Zomba were charged with "tampering with [a] grave yard" under Section 129 of the Penal Code and sentenced to four years' imprisonment with hard labour.[45] Six other men in Machinga district were convicted for the crime of "remov[ing] of human tissue from [a] dead body" under the Anatomy Act and sentenced to 24 months' imprisonment with hard labour.[46]

In April 2015, two men in Machinga district were arrested by police in possession of human remains believed to have been removed from the grave of a person with albinism. They were charged with the offence of "possession of human bones" under the Anatomy Act and fined MK10,000 (US$14) or if they defaulted would serve 12 months in prison.[47] Such a sentence is below the perceived market value of the bones and thus cannot be considered to be a deterrent.

Suspects arrested for possession of body parts from the graves of people with albinism appeared not to know where to sell the bones. For example, on the night of 4 January 2016, police in Phalombe district arrested three men and a woman for possessing eight pieces of human bone following a tip-off from a local businessman who had been approached by the suspects. The suspects were reported to have offered the bones for sale to the businessman at Mitekete trading centre in Phalombe district. The four, three Malawians and a Mozambican national, were charged with "Prohibition of sale of body parts or tissue contrary to Section 16 of the Anatomy Act." The suspects pleaded guilty to the charges and were sentenced to four years' imprisonment with hard labour. [48]

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[42] Interview with Sophia Rashid, a woman who had two children with albinism on 23 February 2016.

[43] Oxforddictionaries.com defines a grave digger as a person who steals valuables or dead bodies from graves or tombs.

[44] Data made available to Amnesty International by Malawi Police in a letter dated 11 April 2016.

[45] Malawi Police reference ZA/CR/113/03/15.

[46] Malawi Police reference NSM/CR/12/2015.

[47] Malawi Police reference MH/CR/07/04/15.

[48] Information provided by the Malawi Police Service in a letter to Amnesty International dated 11 April 2016 and reported in Nyasatimes.com, http://www.nyasatimes.com/2016/02/14/malawi-court-imprison-4-people-over-albino-bones-4-years-ihl/ (Accessed on 20 April 2016).

People with albinism and their families told Amnesty International that the sentences given to people convicted for crimes related to people with albinism were not a deterrent. Inconsistencies were noted as suspects prosecuted for crimes committed under similar circumstances faced differing charges and sentences.

POOR POLICING COMPROMISING ACCESS TO JUSTICE

Generally, the justice delivery system in Malawi is slow with people awaiting trial for long periods. During the Universal Periodic Review Second Cycle on Malawi in May 2015, stakeholders in their shadow report reflecting on some of the challenges of policing in Malawi stated that "*… no funding was provided to identify and locate potential witnesses and to gather evidence."*[49] Similar concerns have also been raised by human rights defenders as an impediment to police investigations of crimes perpetrated against people with albinism.

The duty to protect people against crime is a fundamental police requirement. The failure to promptly and thoroughly investigate crimes against people with albinism fosters a climate of impunity and invites people to commit further such crimes.

From the onset of the attacks since November 2014, Malawi Police appeared to be ill equipped to investigate the violent crimes against people with albinism. By the time of compiling this report in May 2016, more than a year since the beginning of the spate of attacks, the police had not been able to establish the markets and principal dealers in body parts. In almost all the cases involving suspects caught with bones which were suspected to belong to people with albinism, police investigators also lacked crucial forensic expertise, including the ability to run crucial DNA tests in order to link the remains recovered from suspects to specific cases of grave robberies or killings.

The failure to conduct effective investigations on crimes against people with albinism in Malawi may be closely related to systemic policing problems in the country generally. These include: lack of access to tools and equipment to carry out forensic investigations and lack of motivation among police officers due to poor remuneration.[50] The average monthly salary for a police constable in Malawi is MK51,000 (US$80) after six months' training. The overall food basket for a household of six people in Malawi was MK105,086 in March 2016.[51]

The Malawi Police Service lacks the capacity to effectively investigate cases. Police investigators lack adequate investigation skills needed to investigate such complex crimes directed at a marginalized group, often involving family members and driven by superstition and greed. A study by the Women and Law in Southern Africa Research Educational Trust established that police investigators and police prosecutors lack thorough knowledge of the relevant laws, relying extensively on the Penal Code. Amnesty International was told by human rights lawyers that police often err in the choice of charges in some cases they investigate by choosing to charge suspects under the provisions of the Penal Code familiar to them.[52] While magistrates and police prosecutors received some training on responding to violence against people with albinism,[53] police investigators were left out because of lack of funding.

The Director of Public Prosecutions, Mary Kachale, told Amnesty International that police do not have access to all of the relevant laws on crimes against people with albinism and that her office was considering producing a handbook for police containing all the possible charges.[54] A senior judicial

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[49] Report of the Working Group on Universal Periodic Review – Malawi; 20 July 2015; (A/HRC/WG.6/22/MWI/3), para 40.

[50] Interview with paralegal working with the criminal justice system on 18 February 2016.

[51] Centre for Social Concern, *High cost of living: The endless struggle for Malawians,* www.cfscmalawi.org, (Accessed on 25 May 2016).

[52] Report by the Women and Law in Southern Africa Research and Educational Trust, *Narrative report on research based brief documentation on albino killing in Malawi*, October 2015.

[53] 28 Police prosecutors were trained under a project funded through the United Nations Development Programme in December 2015. Two police prosecutors were drawn from each of the hotspot districts.

[54] Interview with Mary Kachale, Director of Public Prosecutions in the Ministry of Justice and Constitutional Affairs in Lilongwe, 1 March 2016.

officer also expressed concern about the competence of the Malawi police investigators as the majority of reported cases remain unresolved.[55]

Another barrier to access to justice for people with albinism and their families is poor police resourcing to respond to attacks and threats of violence. Malawi Police Service lacks resources, such as transport, to respond in a timely way to reported crimes and maintain visible policing in districts reporting high numbers of attacks. During a visit to Mchinji district in November 2015 Amnesty International observed that police investigators were relying on information coming through volunteer community police who have not been trained to conduct investigations although they have played a critical role in raising awareness at community level. Amnesty International witnessed first-hand the limits of community policing during a visit to the family of a victim of an abduction in Mchinji district. The community policeman did not have fuel for his motorbike to inform police investigators that a person suspected of involvement of the abduction of a man with albinism had returned to the village. He was only able to make the trip after receiving money from a well-wisher to buy fuel. Days later the suspect was arrested.

Poor record-keeping by police may also be hampering progress in bringing perpetrators to justice. Malawi police rely on a manual system and information on reported cases and progress made is not always readily available. There is no computerized database, making it difficult to share information that could establish patterns and trends related to attacks and track progress.

Activists have also raised concern that some law enforcement officers are influenced by the prejudice against people with albinism that exists within Malawian society. They cite such prejudice as a reason for the poor record of investigations of crimes against people with albinism, alleging that some elements within the police do not treat human rights abuses against people with albinism seriously.[56]

The table below shows the distribution of cases of crimes committed against people with albinism reported to the Malawi Police Service and progress made by April 2016:

Table of case reported to Malawi police 2013 to April 2016

REGION	NUMBER OF REPORTED CRIMES AGAINST PEOPLE WITH ALBINISM	NUMBER OF CASES CONCLUDED
Southern Region	16 cases (1 murder) under investigation from March 2013 to February 2016	0
Central Region	15 cases (1 murder) under investigation from March 2014 to April 2016	0
Eastern Region	35 (5 murder) cases from February 2013 to March 2016	4 cases concluded with suspects convicted for burglary/kidnapping and possession of human bones and sentenced 1 case burglary and kidnapping concluded with suspects acquitted 3 on trial
Northern Region	3 (1 attempted murder) cases, all from September 2015	2 concluded with suspects convicted for breach of peace and attempt to commit a felony and sentenced; 1 attempted murder case pending ruling

[55] Interview with a judicial officer in Lilongwe on 18 April 2016.

[56] Focus Group Discussion with community activists in Phalombe district, 22 February 2016.

OTHER HUMAN RIGHTS VIOLATIONS AND ABUSES EXPERIENCED BY PEOPLE WITH ALBINISM

RIGHT TO SECURITY OF PERSON

The Malawian authorities have failed to guarantee the right to security of person for people with albinism, especially in rural areas. Women and children with albinism are particularly at risk as they have been attacked, abducted or killed by gangs who raid their homes. In some instances family members have conspired to kill, abduct or sell children with albinism.

Article 9 of the ICCPR, to which Malawi is a state party, recognizes the right to security of the person. It obliges states parties to the ICCPR to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury. For example, states parties must respond appropriately to patterns of violence against certain groups of people, such as violence against persons with disabilities.[57]

[57] Human Rights Committee, General Comment No. 35 (CCPR/C/GC/35); 16 December 2014; Para 9.

A criminal gang tried to break into Martha Chipeso's house in Phalembo district, but neighbors responded to her cry for help and she was saved.

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Martha, a 20-year-old woman with albinism from Phalombe district, told Amnesty International that in January 2016 a gang of men tried to break into her house at night. Her cry for help was heard by other community members who came to her rescue. Some suspects were arrested by police but the matter had not yet come before a court. Martha also told Amnesty International that one of her main concerns was lack of secure shelter that cannot be easily broken into by attackers.[58]

David, a 46-year-old teacher with albinism, told Amnesty International that each time he travels his wife constantly checks on him. His children have also been sensitized about the attacks on people with albinism to the point that if he is not home by a particular time they will be anxious about his safety. Each time the children hear news about an attack on a person with albinism they tell David. His personal security has become a preoccupation for the family.[59]

FREEDOM OF MOVEMENT

"[The attacks] have changed everything. When I was growing up I believed that I could do anything. Now I am very sensitive. I cannot take a lift from strangers. In the past I was moving about without fear. After 5.30pm I have to go home. I don't feel safe. I used to move around any time of the day, but now I have to use trusted taxis."

Chimwemwe, a woman with albinism who spoke to Amnesty International on 21 February 2016

[58] Interview with Martha in Phalombe district on 22 February 2016.

[59] Interview with David in Lilongwe on 17 April 2016.

People with albinism started to restrict their movements when the escalation in attacks was reported in 2015. While the restrictions on movement can appear self-imposed, Amnesty International found that the lack of visible and effective policing in response to the attacks, and the failure to bring them to an end, is part of the problem.

People with albinism in Malawi cannot freely move about without increasing their risk of violence in most of the affected districts. Across the country people with albinism are afraid of being attacked. However, the restriction of the right to freedom of movement is more pronounced in rural areas where people are sparsely settled and have to travel often on foot through bushes, fields and forest areas. The police have failed to provide adequate protection to this vulnerable population group and attacks against them have continued, increasing in intensity during the first half of 2016. The fear of attacks has also had a negative effect on other rights, including the right to education for school-age children and the rights to work and earn a living for adults.

Similarly, people with albinism in urban areas have had to be particularly cautious when using public transport for fear of abductions. Those using bicycle taxis have to ensure that they only use riders they know.[60]

People with albinism in Malawi have also been forced to restrict their movement to daylight hours in both rural and urban areas. Across all the districts visited by Amnesty International, interviewees told researchers that they try to avoid travelling during the dark, meaning that one has to wait until sunrise to leave home and return to a secure place before sunset.

Alex, a man with albinism, used to buy and sell goods including fish bought from fisherman at Lake Malawi in Mangochi. He used public transport to travel to the lake at night. At the time of the interview he was even afraid to drive his car at night, fearing that if he had a breakdown he would be attacked by criminal gangs.[61]

In order to mitigate the restrictions of the right to freedom of movement, people with albinism have had to rely on being accompanied by family members and friends to go about their business. They avoid places that they consider to be more risky, such as fields or short cuts through bushy areas. In some instances, the mitigation strategies have meant having to pay additional fares for their journeys and increased travel time. For example, on journeys where one would normally take one bus, a person with albinism may have to take two because they cannot use short cut routes that include walking through a bushy area. They also have to pay for the transport of the individual accompanying them.[62]

INTERNAL DISPLACEMENT

Security concerns among people with albinism in rural areas have forced some to relocate to urban areas which are considered to be relatively safe. Women and children in particular have been more vulnerable as they have been specifically targeted by criminal gangs of men abducting and killing people with albinism in rural areas. The gangs have broken into homes of targeted victims mostly at night.

Most rural dwellings in Malawi are poorly constructed, offering little protection to inhabitants from criminal gangs targeting households with persons with albinism. For example, in 2016, two children - Harry Mokoshoni in Machinga and Whitney Chilumpha in Kaungu - were snatched from their homes and killed when unidentified people broke into their typical rural houses. Many people with albinism who spoke to Amnesty International were concerned that the housing structures did not give them any protection.

Emily Maritano is a 28-year-old woman with albinism from Mchinji district who was forced to relocate to an urban area because of lack of security in her village. Emily had never lived in an urban area before. She told Amnesty International that in April 2015 a gang of five men in a car came to her village asking about her friend who also has albinism. The men asked a schoolboy to point out Emily's friend's house.

[60] Focus group discussion with people with albinism in Blantyre on 21 February 2016.

[61] Interview with Alex Machila, a man with albinism and also board member of APAM in Blantyre on 21 February 2016.

[62] Interview with David, a 46-year-old teacher with albinism in Lilongwe on 17 April 2016.

The boy alerted elders in the village, as a result of which residents ambushed the gang. The driver of the car was apprehended and taken to Kamwendo police station.

For about a week the residents had to make arrangements to ensure the safety of Emily and her friend, organizing for them to sleep at different houses every night. During that time an unknown car was observed in the village. Emily told Amnesty International that she heard from another resident that one of the community members had been offered MK5,000 (US$7) by an unidentified person to point at the house she slept in. The case was reported to the police and a road block was mounted. Police also held an awareness-raising meeting in the village. Emily said at that point she decided to leave the village with her 12 year-old daughter because of the security fears to live with her sister in Mchinji. At the time of the interview with Amnesty International, Emily's daughter was not attending school because she could not afford the uniform.[63]

Emily's friend was also a target of the criminal gang. The friend's mother told Amnesty International that at the same time unknown men would approach her family asking to marry her daughter. Other residents told Amnesty International that it was not their custom that strangers would ask the family of a woman's hand in marriage and suspected that the "suitors" had a sinister motive. At the time of the interview Emily's friend had also left the village.

Fear of violence has in some instances compelled parents to send their children to stay with relatives in areas considered to be more secure. For example, Mary, a widow with a nine-year-old son with albinism moved her son to another area to live with her brother whom she believed would protect the child from attacks. She sent her son away in 2015 when there were incidents of attacks against people with albinism in Phalombe district in the Southern Region. She visits him once a month.[64]

Social exclusion has also been a factor for some individuals and families to decide to move away from their original homes to other areas. One family in Phalombe district told Amnesty International researchers that they moved to another village in 2015 in search of security and a better school for their seven-year-old son with albinism. The mother told Amnesty International that her son was bullied by his classmates, including being beaten. The teachers failed to take any action and the family decided to relocate to another village and change schools. At the time of the interview he was already attending a different school where he was made to repeat his grade. The parents felt that he was doing well at the new school, where his teacher was very supportive, and he was not being bullied. The family now lives in an area where community activists have been raising awareness on albinism within the villages as well as at the local school which has contributed to change of attitudes towards people with albinism. [65]

[63] Interview with Emily Maritino, a 28 year-old woman with albinism in Mchinji district on 11 November 2015.

[64] Interview with Mary in Phalombe district on 22 February 2016.

[65] Interview with a mother of a child with albinism in Phalombe, 22 February 2016.

VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Generally, people with albinism in Malawi endure a lifetime of marginalization and structural denial of their economic, social and cultural rights as a result of societal misunderstanding of their condition and entrenched stigmatization. The wave of killings and abductions that started in November 2014 created fear among this population group, worsening an already bad situation and imposing new barriers to their full enjoyment of the rights to education, work and adequate standard of living.

VIOLATION OF THE RIGHT TO EDUCATION

> **It was very difficult for me to study in primary school. The classroom was set up in a way that was not sensitive to my poor eyesight. I was lucky that my sister-in-law was a teacher so she would teach me at home. However, in high school I was more assertive and had a better experience."**
>
> Mathias, a young man with albinism in Blantyre, 21 February 2016

The right to education for learners with albinism in Malawi has been restricted in two ways: First, because people with albinism suffer – to varying extents depending on the individual – from a range of medical conditions affecting their vision.[66] They therefore need devices such as reading glasses or magnifying glasses to assist in their reading and learning. They also need large font textbooks, 14 point or larger, and should be placed in the front of the classroom so that they can see more clearly what is written on the blackboard. However, Amnesty International was told by learners and guardians that often school administrations and teachers lack knowledge about albinism and do not support learners by creating a conducive environment.

A teacher at a special education school in Malingunde told Amnesty International that a number of children with albinism enrolling at the school have had to repeat their grades because they struggle to follow lessons. The challenges often arose from the lack of awareness of their special needs at previous schools.[67] In addition, in mainstream schools, especially at primary level, learners with albinism often

[66] https://www.visionfortomorrow.org/albinisms-impact-on-vision/ (Accessed on 21 April 2016).

[67] Interview with a special education teacher in Malingunde, Lilongwe district on 28 February 2016.

have to endure verbal abuse and bullying from other learners and even teachers. Often the combination of verbal abuse, bullying, difficulties in following lessons and poverty lead many to drop out of school.[68]

Luciano, a young man with albinism in Mitundu, told Amnesty International that he stopped going to school in Standard 4 because teachers were not giving him enough attention. He also had difficulty reading and did not have visual aids. His sister Prisca, who also has albinism, also dropped out of school because of problems arising from poor eyesight. She told Amnesty International that teachers used to accuse her of cheating as she tried to read from a friend's book because she could not see what was on the blackboard.[69]

As a direct consequence of violence against people with albinism in 2015, many learners with albinism were withdrawn from school by parents and caregivers who feared that they would be killed or harmed on their journey each way.[70] For example, hundreds of learners, including children with melanin, were withdrawn from schools in Machinga district following the attacks.[71] When Amnesty International researchers visited the area in November 2015 they witnessed dozens of children in one village who were not attending school. In order to continue with their education, learners with albinism have had to be escorted to and from school. Normally children in Malawi walk to school unaccompanied. The need to escort learners to school is proving to be a heavy burden to some households, particularly female-headed households where women have been forced to make the difficult choice to withdraw children from school because of competing demands of earning a living and caring for other children.[72]

Children of school-going-age in Machinga district in November 2015

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SCHOOL BOY GETS TO SCHOOL LATE DUE TO FEAR OF ATTACKS

Arthur, an 18-year-old high school student with albinism, told Amnesty International that because of the fear of being attacked he gets to school an hour later than other students to avoid walking in the early hours of the morning when it is dark. He is accompanied by his father to and from school. He said by the time he gets to school his peers would have started learning.[73]

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[68] Focus group discussion with people with albinism in Blantyre, 21 February 2016.

[69] Interview with a family of people with albinism in Mitundu, Lilongwe district, 27 February 2016.

[70] Interviews with people with albinism and family members in district visited by Amnesty International during the study.

[71] Interview with the Member of Parliament for Machinga East, Hon Esther Jolobala in Lilongwe on 1 March 2016.

[72] Focus group discussion with members of the Association of People with Albinism in Malawi held in Mangochi district on 23 February 2016.

[73] Interview with Arthur in Mangochi district, 23 February 2016.

WOMAN PULLS DAUGHTER OUT OF SCHOOL

A woman from Mangochi district told Amnesty International that she simply withdrew her seven-year-old daughter with albinism from school because she could not cope with the burden of escorting her daily. The school was far away and she had another child to look after.[74]

> **"Most of us are poorly educated. I stopped going to school in Standard 4 because of abuse and discrimination by teachers. I used to get stressed a lot. I would not be allowed to sit in front of the class. Other pupils would also be mocking me.[75]"**
>
> Bonface Guzani, a 28-year-old man with albinism from Mangochi district

Community activists told researchers about their concern for children's safety at schools because of poor security. A teacher at a special education school in Malingunde told Amnesty International that the school was concerned about the safety of learners with albinism. The school had boarding facilities and learners stay at the school during the term. Sometime in 2015 an unknown person approached a 16-year-old girl with albinism at around 7pm and told her that she had to go with him to collect food for the school from a well-wisher. While the pupil and the unidentified man were walking away from the school one of the teachers recognized her and enquired where she was going and the man ran away. The case was not reported to the police as it was not regarded as a serious matter by the school authorities.[76] The girl told Amnesty International researchers that she was terrified by her experience:

"We are not animals to be hunted or sold," she said, angry that she could have been killed had the teacher not intervened.[77]

Davison Saidi from Mchinji district told Amnesty International that he became worried about the safety of his 11-year-old son with albinism, Pearson, after a man with albinism disappeared from a nearby village and his remains were discovered in a garden in the village in August 2015. He said he had to make arrangements to escort his son to and from school. The son became more terrified when other learners started telling him to leave school because he would be killed. The father had to approach the school head who counselled the children. He also made arrangements with the school to inform him when school ends so that he could accompany the child. Since then father and son have become inseparable.[78]

THE RIGHT TO WORK

Generally, people with albinism in Malawi have limited economic opportunities because of poor education and the problem of sunburn. It is more difficult for them to trade at the open market or work

[74] Focus group discussion in Mangochi district, 23 February 2016.

[75] Interview with Bonface Guzani, a 28-year-old man with albinism in Mangochi district, 23 February 2016.

[76] Interview with a special education teacher in Malingunde, Lilongwe district on 28 February 2016.

[77] Interview with 16-year-old girl rescued by teachers in Malingunde, Lilongwe district on 28 February 2016.

[78] Interview with Davison Saidi, father of an 11-year-old boy with albinism in Mchinji on 11 November 2016.

in the fields for long hours than for people with melanin. The threat of violence has further curtailed their economic activities.[79] Most households of people with albinism in Malawi are in rural areas where the main economic activities are subsistence farming and trading at the markets.

People with albinism who live on subsistence farming told Amnesty International that since the beginning of the attacks they have stopped working in their fields, which are usually located some distance from their homes. This has significantly affected their ability to produce food and to earn a living through farming.[80]

Mphatso, a 32-year-old disc jockey with the Umoyo FM Community Radio Station in Mangochi, has had to delay opening the radio station since the violence began, because he was afraid of being attacked during the early hours of the morning. As a result, the station now starts to broadcast at 8am instead of 6am as per the conditions of their broadcasting licence. Mphatso also had to change homes after strangers came to his house looking for him in April 2015. At the peak of the attacks in 2015, Mphatso could not move alone without someone accompanying him.[81]

Mphatso in his studio at Umoyo Community radio station in Mangochi

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RIGHT TO HEALTH

> **"People don't know that persons with albinism are affected by the sun, so they work in the fields without protection and get affected by the sun and get cancer."**
>
> Madalo, a young woman with albinism in Blantyre, 21 February 2016

Albinism is also a public health issue as the population group has a number of health problems emanating from the absence of melanin.

[79] Interview with Henry Bhauti, a 36-year-old man with albinism in Mitundu, Lilongwe district, 27 February 2016
[80] Interview with man with albinism in Mangochi district, 23 February 2016
[81] Interview with a 32 year-old man with albinism in Mangochi district, 23 February 2016

"Due to the lack of melanin, people with albinism are more susceptible to the harmful effects of ultraviolet [UV] radiation exposure. This population must deal with issues such as photophobia, decreased visual acuity, extreme sun sensitivity and skin cancer. UV exposure is highly detrimental to the hypo pigmented skin. Lack of melanin predisposes this population to severe skin damage. The majority of these lesions are in the most sun-exposed parts of the body such as the face, ears, neck and shoulders. Skin lesions include sunburns, blisters, solar elastosis/keratosis, ephelides, lentiginosis, and superficial ulcers." [82]

They therefore require access to preventative information and sunscreen as protection.

However, the government of Malawi has provided only limited support for the medical needs of people with albinism. Only two central hospitals provide free sunscreen and skin cancer screening and treatment in Malawi. These are Queens Central Hospital in Blantyre and Kamuzu Central Hospital in Lilongwe. Poverty prevents most people with albinism from being able to afford transport to the health centres and they therefore have not been screened for skin cancer. [83]

Most adult people with albinism interviewed by Amnesty International only received information about albinism and preventing skin cancer much later in life when they have already been affected by the harsh African sun. Some reports from Africa suggest that most of people with albinism die before the age of 40, largely because of skin cancer.[84] Activists campaigning to end discrimination against people with albinism in Malawi told Amnesty International that knowledge about albinism and how to prevent skin cancer among the population group in the country is also poor.

The Malawi government has failed to ensure that every woman who delivers a child with albinism is given adequate information about caring for such babies and how to prevent skin cancer. A lecturer and dermatologist at one of the country's medical schools told Amnesty International that there is no protocol to provide information to mothers on caring for children with albinism to avoid skin cancer. He told Amnesty International that most women spend long hours in the sun with their babies. They often believe that when their children get sunburn it is caused by witches in the night.[85]

These systematic violations of socio-economic rights undermine Malawi's image as a rights respecting society. They reinforce the problems of poverty, inequality and social exclusion, especially for people with albinism, in a manner that exposes Malawi's inability to live up to its commitment to its international and domestic human rights obligations.

VIOLENCE AGAINST WOMEN WITH ALBINISM

Women with albinism are more susceptible to violence as they are at risk of being "sold" by "suitors" or partners. [86] They are also at risk of sexual violence on the basis of harmful cultural beliefs. According to activists working with people with albinism and medical professionals, there is a widely held belief in Malawi that having sexual intercourse with a woman with albinism can cure a man of HIV/AIDS which puts women at risk of rape and sexual abuse.

Amnesty International was told of accounts where some men would begin a relationship with a woman with albinism with the intention of killing her or "selling" her for body parts. In September 2015, a 21-year-old teacher was arrested in the town of Muzuzu when he attempted to sell a 17-year-old schoolgirl to a Tanzanian businessman. The teacher had asked for MK6 million (US$10,000) for the girl. Ngulube was charged with "abducting in order to murder" under Section 261 of the Penal Code. He was convicted and sentenced to six years' imprisonment with hard labour.[87]

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[82] 2006, BMC Public Health Journal 6:212, *Albinism in Africa as a public health issue,* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1584235/ (Accessed on 5 May 2016).

[83] OHCHR, http://www.un.org/apps/news/story.asp?NewsID=53514#.Vx062FZ97IU.

[84] OHCHR, http://www.un.org/apps/news/story.asp?NewsID=53514#.Vx062FZ97IU.

[85] Interview with a dermatologist in Blantyre, 24 February 2016.

[86] Interview with Anisi Luka, a community worker in Phalombe district, 22 February 2016.

87 Malawi Police reference MU/CR/50/09/15.

In Mchinji district, a family of a young woman with albinism told Amnesty International in November 2015 that she had to leave her village following numerous visits to the family home by unknown men who were asking for her hand in marriage.

Women with albinism also told Amnesty International that beliefs that having sex with a woman with the condition cures AIDS exposes them to sexual harassment by men in public places. Men, especially touts at public bus stations, make sexually suggestive comments and call them "cure". Amnesty International did not document any case of rape of a woman with albinism, but believes that such violations may be taking place without being reported because of victims' fear of stigmatization. A medical doctor told Amnesty International researchers that generally in Malawian society a woman is blamed for rape, making it more difficult for a woman from a group that experiences extreme marginalization to report the crime.

EXCLUSION FROM SOCIAL GRANTS AND OTHER GOVERNMENT PROGRAMMES

In 2005, the Government of Malawi launched a pilot programme known as Social Cash Transfer as a means to tackle poverty. This is commendable given the high levels of poverty in the country. To qualify, families must be labour-constrained and meet the criteria for being at the extreme poverty line, such as an inability to have more than one meal each day or to purchase essential non-food items like soap, clothing and school supplies.[88]

Amnesty International was informed that, even when they meet the set criteria, people with albinism often get excluded from registration for government poverty alleviation programmes simply because of their condition. For example, a 63-year-old woman in Mitundu told Amnesty International that when she tried to register for the Social Cash Transfer programme she was told by the traditional leadership that the programme was not for people with albinism. Traditional leaders are used to register people for social programmes in their area. As an elderly person, the woman should have been registered like others in the village. The woman told Amnesty International that she was too old to work. She looks after four grandchildren from her deceased children and sometimes goes for days without food.[89]

RASHID FAMILY IN MANGOCHI DISTRICT FORCED TO BURY DEAD RELATIVE WITH ALBINISM AT HOMESTEAD[90]

Out of fear that robbers would steal the remains of a deceased family member with albinism, the Rashid family in Mangochi district was forced to bury his body at their homestead against local custom. Following the death of the 32-year-old man in November 2015, the family was advised by the police to bury him within the homestead. His mother told Amnesty International that many people came to the funeral, including strangers with cars. She suspected that these people were not ordinary mourners but people more interested in the remains of her son who had died from skin cancer. She told Amnesty International:

"Before my son died people in the village used to treat him like an animal. They mocked him all the time. When he died many people came to the funeral. It was like a funeral of a president. Some people would be hooting the horns of their cars. It was very scary. Other community members had to maintain vigil for days after the burial."

After the funeral people would shout at the family at night telling them to give them the body and threatening that they will come to dig up the grave.

88 http://www.unicef.org/infobycountry/malawi_42430.html.

89 Interview with a 63 year-old woman with albinism in Mitundu, Lilongwe district, 27 February 2016.

90 Interview with Sophia Rashid (56), Mangochi district, 23 February 2016.

INTERVIEW WITH TWO MEN CONVICTED OF POSSESSING BONES OF A PERSON WITH ALBINISM

Amnesty International believes that some of the crimes against people with albinism, especially grave robbery, might have been opportunistic and driven by greed and rumours about fortunes one can get by selling bones of a person with albinism. Activists told Amnesty International researchers that because of poverty and low literacy levels drives some people to rob graves. These are the people who largely get arrested after being reported by the people they approached believing that they are buyers.

Amnesty International researchers interviewed two men from Dowa district in the Central Region of Malawi who were serving terms of imprisonment at Chichiri Prison in Blantyre after being convicted for possessing a package with remains of a person with albinism believed to have been illegally exhumed. They were sentenced to eight years' imprisonment. They had been arrested by Mponela police after they approached a local businessman offering to sell the bones. [91] Most people arrested for possessing human bones have been caught in a similar way, attempting to sell to people they see as rich and successful.

[91] Interview with two men convicted of possessing bones of a person with albinism at Chichiri Prison on 24 February 2016.

RESPONSES TO VIOLENCE AGAINST PEOPLE WITH ALBINISM

Most of the responses to the wave of violence against people with albinism have been reactive rather than seeking to address the root causes of discrimination against the population group. It is increasingly evident that violence against people with albinism is continuing despite the efforts by the government, civil society and communities.

GOVERNMENT RESPONSE

On 19 March 2015, President Arthur Peter Mutharika condemned the attacks against people with albinism and stated the government's commitment to prosecuting perpetrators and providing security to persons with albinism. However, abductions and killings of people with albinism have continued despite the commitment mainly because government response have not been matched with appropriate human and financial resources to deliver.

In March 2015 the Ministry of Gender, children, disability and social welfare set up a multi-sectoral National Steering Committee on Attacks on Persons with Albinism. The committee is tasked to strategize and coordinate actions at all levels. The committee is comprised of government ministries and departments, human rights institutions, the judiciary, law enforcement agencies, United Nations agencies and disability organizations.

One of the Steering Committee's immediate outputs was a National Response Plan published in March 2015 with the following six strategic intervention areas:

- Education, awareness raising and reporting;
- Internal security
- Investigative research, human rights monitoring and reporting;
- Administration of Justice and victim assistance;
- Legislation; and
- Empowering people with albinism

However, according to diplomatic sources the response plan is not fully operational due to inadequate funding. One of the plan's major challenge is its over reliance on donor funding.

Although the Malawi Police Service has responded to some of the reported cases it is evident that police training is inadequate, particularly in the area of crime management and investigation. Police remain largely unavailable to protect people with albinism despite the public pronouncements.[92]

In March 2016 the government announced the appointment of a special legal counsel in the Ministry of Justice and Constitutional Affairs to lead in the prosecution of perpetrators of attacks against people with albinism. Previously, prosecutions were led by police prosecutors who are poorly trained and were accused by activists of incompetence. However, Amnesty International is concerned that the special legal counsel has not been allocate resources to enable his office to be functional. Amnesty International has not been able to access the full terms of reference of the special legal counsel, but understands that the office has not been allocated a budget. Given the gravity of the problem it is doubtful that a single individual will be able to prosecute all the reported cases recorded by the police to date.

On 3 May 2016, the Chief Justice of Malawi issued a practice direction on handling of cases concerning persons with albinism by magistrates. He directed that all such cases "*be handled by Chief Resident Magistrates, Principal Resident Magistrates and Senior Resident Magistrates only*."[93] This was a welcomed development, however, it was too early to determine what impact it would have.

In May 2016, President Mutharika met with members of APAM for the first time and set up a high level committee of senior official to coordinate government response. By the time of compiling the report it was not yet clear what impact this committee would have on government response.

CIVIL SOCIETY

APAM and FEDOMA have produced booklets in English and vernacular on albinism and distributed them across the country to raise awareness of the condition. With limited support and expertise they have followed individual cases to ensure justice for victims and their families.

Activists are sourcing sunscreen, clothing and other support from well-wishers and distribute to those in need. Activists, mainly relatives and members of the APAM have also visited schools to sensitize teachers on the needs of learners with albinism.

However, most CSO responses are poorly funded and do not fully address the root causes. APAM, which has the potential to lead people with albinism in claiming their rights, exercise agency and provide government with a platform to directly engage with the affected people is itself dependent on the time of volunteers spread across the country with not secretariat to effectively coordinate responses. These volunteers make personal sacrifices in order to ensure that relevant government departments respond to the crisis facing people with albinism in Malawi.

COMMUNITY RESPONSE

> **"We are volunteers and we sacrifice ourselves to die for the protection of people with albinism in our community."**
>
> Anisi Luka, community activist from Phalombe district, 22 February 2016.

Despite poor resources, people with albinism, their families, some traditional leaders and religious leaders in some of the affected communities are mobilizing to raise awareness on albinism with support from civil society and police. Due to community alertness, some victims of abductions have been rescued from the abductors. Alert neighbours in villages have prevented attacks against people with

[92] Interview with police sources and civil society activists working on access to justice issues.

[93] A copy of the Practice Direction No. 1 of 2016 seen by Amnesty International.

albinism by responding to cries for help when they came under attack. Some community members have been proactive by reporting their suspicions to authorities leading to arrests of suspects.

Community members and relatives have volunteered to escort children to and from school to ensure that they are not attacked or harmed. However, in so doing they are sacrificing their productive time reducing their ability to produce food and earn a living. The same communities are also strained by the economic crisis and food shortages in Malawi.

Community responses have not always been positive. People who have lost faith in the ability of the Malawi Police Service to protect people with albinism from violence have at times taken the law into their hands against suspected perpetrators.[94] For example, at the beginning of March 2016 a mob burnt to death seven men in Nsanje district bordering Mozambique after being suspected of being traffickers of body parts of people with albinism.

As a response to the attacks community members in Phalombe district came together in 2015 and set up a Committee of 10 people including persons with albinism. The group carried out awareness campaigns on albinism in their community to address the insults and other abuses faced by people with albinism. Members of the committee told Amnesty International researcher that people would call someone with albinism "MK3 million" in reference to the perceived cost of remains of a person with albinism. After the awareness campaign the insults stopped. One community activist told researchers that the awareness-raising targeted community members and traditional leaders and emphasised the message that "people with albinism are not money and that there were no scriptures that say people with albinism are a source of riches." The Phalombe community group also advocated for the inclusion of people with albinism in development programmes in the area.[95]

Members of APAM's community support group meeting in Phalombe district, Southern Region

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[94] Human rights activists told Amnesty International that police response to crimes against people with albinism had been inadequate and communities lost faith on their ability to bring perpetrators to justice.

[95] Interview with Anisi Luka, community activist on albinism in Phalombe district on 22 February 2016.

CONCLUSION

The rights to life and security of person for people with albinism in Malawi have been seriously compromised by the government's failure to deploy an effective plan to end violence against people with albinism and to bring perpetrators to justice. Abuses against the population group have been normalized to the extent that they have become a way of life for the affected individuals, creating conditions in which violence against people can thrive.

Despite the fact that the abductions and killings of people in Malawi are being carried out by criminal gangs and not agents of the state, the government has an obligation under international human rights law to protect people with albinism from violence and to take measures to eliminate the myths and stereotypes that are fuelling abuses. In addition, the government must also prioritize addressing the structural forms of discrimination to ensure that people with albinism fully enjoy all their human rights.

Amnesty International has established that the wave of violence that started in November 2014 continues to have a devastating effect on a wide range of human rights. Abductions, killings, mutilations and exhumations of graves have created a climate of fear among people with albinism and their families. This fear, and the government's failure to provide the population group with security, has become an additional barrier to the enjoyment of their rights including the rights to freedom of movement, work, education and other economic, social and cultural rights. Poor communities have had their lives altered as they try to respond to the violence with limited support from the government. Family members have had to alter their lives in order to provide security for the most vulnerable members.

The identity and motivation of the perpetrators needs to be better understood by Malawi law enforcement officials in order to develop appropriate strategies to stop these horrendous crimes. Combatting the widespread mythology surrounding albinism and exposing the public to the fate of people who have committed murder in the hope of selling body parts, must be part of any strategy to stop opportunistic crimes within the community. However, any strategy for identifying and stopping criminal gangs will require a different approach, including tracing and identifying the source of demand for the body parts of people with albinism and cooperation with neighbouring countries where there is a basis to believe people or body parts are being trafficked across borders.

It is evident that the government of Malawi has limited capacity to address this complex crisis and crimes against people with albinism. It is therefore vital that the government seeks international assistance and cooperation, beyond funding, for it to address the protection gaps. There is a significant gap in the capacity of the Malawi Police Service with regard to crime detection, investigation and prosecution of perpetrators. Not only does this capacity gap limit the ability of the police to stop the attacks on people with albinism, in some cases it raises questions around the fairness and effectives of the trials that have been conducted to date. Fair trial standards must be observed at all times even when dealing with the most heinous crimes.

RECOMMENDATIONS

TO THE GOVERNMENT OF MALAWI

WITH REGARD TO ENDING ABDUCTIONS AND KILLINGS OF PEOPLE WITH ALBINISM AND BRINGING PERPETRATORS TO JUSTICE THE GOVERNMENT MUST:

- Adopt specific measures to protect and preserve the rights to life and security of person, including by providing visible policing in rural districts reporting attacks against people with albinism.
- Seek, as a matter of urgency, international support to conduct investigations, including specialist support for forensic testing and combating human trafficking in order to bring perpetrators of these gross human rights abuses to justice; in accordance with its regional and international human rights obligations.
- Revisit all reports of crimes against people with albinism, in particular cases of people found with human bones, with a view to establishing whether such cases may not be related to killings of people with albinism as opposed to grave robbery.
- Seek international technical cooperation to strengthen police investigation into attacks against people with albinism.
- Provide adequate resources to police to carry out visible patrols in areas affected by the violence with the view of preventing further attacks.
- Cooperate with other police services in Southern Africa, particularly with neighbouring on Mozambique and Tanzania to combat cross border trade of body parts and trafficking of people with albinism.
- Fully capacitate the office of the Special Counsel with financial and other resources to enable the office to support police investigations and prosecutions of crimes against people with albinism
- Allocate resources to the National Task Force to enable it to fully implement the National Response Plan of Action on Addressing the Situation of Persons with Albinism in Malawi.
- Amend existing laws to effectively capture the gravity of crimes against people with albinism and provide appropriate penalties without resorting to the death penalty. Amnesty International opposes the death penalty at all times, regardless of who is accused, the crime, guilt or innocence or method of execution.

WITH REGARD TO ENDING STRUCTURAL DISCRIMINATION AGAINST PEOPLE WITH ALBINISM, THE GOVERNMENT MUST:

- Take effective measures to eliminate all types of discrimination against persons with albinism, whether practised by state officials/bodies or private individuals by, amongst other things:
    - accelerating education and public awareness-raising activities on albinism and debunking myths about the condition; using appropriate media to reach out to communities and raise their awareness about the rights of people with albinism;
    - Raising awareness throughout society, including at the family level, regarding persons with albinism, and to foster respect for the rights and dignity of persons

with albinism;
- Promoting positive perceptions and greater social awareness towards persons with albinism;
- Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with albinism and other disabilities;
- Encouraging all organs of the media to portray persons with albinism in a manner fully that respects their human rights and dignity;
- Appointing people with albinism and other disabilities into public office.
- Monitoring and reporting on the situation of people with albinism through the Malawi Human Rights Commission and other bodies.

WITH REGARD TO ENSURING THAT PEOPLE WITH ALBINISM ENJOY THEIR FULL ECONOMIC, SOCIAL AND CULTURAL RIGHTS INCLUDING THE RIGHTS TO HEALTH AND EDUCATION, THE GOVERNMENT MUST:

- Increase awareness of public health interventions for albinism in order to better address the medical, psychological and social needs of this vulnerable population.
- Provide information to women who give birth to babies with albinism on caring of their children.
- Provide affordable (or free) sunscreen to people with albinism at all government health facilities and distribute through community health centres.
- Sensitize of health personnel on albinism at the nursing training schools and medical schools.
- Create conducive learning environment for people with albinism and other disabilities including by providing learning devices like magnifying glasses, bigger font size in textbooks and other reading materials; sensitize teachers and school administrations about the needs for learners with albinism and adopt measures to end bullying in schools.

TO THE INTERNATIONAL COMMUNITY

- Call upon the Government of Malawi to fully and effectively fulfil its obligations with regards to protecting the right to life and security of persons with albinism.
- Give technical and financial support to the Government of Malawi to address gaps in investigation and prosecution of perpetrators of crimes against people with albinism ensuring that trials are consistent with international human rights law and to address socio-economic needs of people with albinism.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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"WE ARE NOT ANIMALS TO BE HUNTED OR SOLD"

VIOLENCE AND DISCRIMINATION AGAINST PEOPLE WITH ALBINISM IN MALAWI

Since November 2014, Malawi has seen a sharp increase in human rights abuses against people with albinism, including abductions, killings and grave robberies by individuals and criminal gangs. At least 18 people have been killed and at least five have been abducted and remain missing.

People with albinism are being targeted for their body parts by those who believe that they contain magical powers and bring good luck. As a result, Malawi's 7,000 to 10,000 people with albinism live in fear of losing their lives to criminal gangs who, in some instances, include close family members.

This report focuses on the lived experiences of people with albinism in Malawi in the context of superstition-driven attacks against them and the corresponding government failure to protect the right to life for this vulnerable group and to guarantee their right to security of person. Although the attacks are being committed by criminal gangs and by individuals, the Government of Malawi has an obligation under the African Charter on Human and Peoples' Rights, as well as the International Covenant on Civil and Political Rights, to ensure safety for all people in Malawi, including vulnerable groups such as people with albinism.

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