



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
14 November 2022

Original: English

Committee against Torture
Seventy-fifth session

Summary record of the 1944th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 November 2022, at 3 p.m.

Chair: Mr. Heller

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Initial report of Malawi (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Initial report of Malawi (continued) (CAT/C/MWI/1; CAT/C/MWI/QPR/1)

1. *At the invitation of the Chair, the delegation of Malawi joined the meeting.*
2. **Mr. Kayuni** (Malawi), replying to questions raised by Committee members during the delegation's first meeting with the Committee (CAT/C/SR.1941), said that pretrial custody limits were set at 30 days for cases to be tried by subordinate courts, 60 days for cases before the high court and 90 days for persons charged with serious offences. In the absence of a specific body to monitor compliance with the above limits, that task was carried out indirectly through the work of the Legal Aid Bureau, the Prison Inspectorate and civil society organizations.
3. The Government provided free legal aid starting from the time of a person's arrest and throughout the proceedings to those who could not afford it through the Legal Aid Bureau, which was supported by various civil society organizations and could be reached via a toll-free number in many police stations. While funding had increased significantly since 2018, the resources allocated to the Legal Aid Bureau were not sufficient for it to fully execute its mandate. Even so, its technical and support staff had increased considerably, and its operational reach had expanded from 3 offices in 2018 to 19 in 2022 and was to be extended further to include offices in all of the country's 28 districts by 2025.
4. The Legal Aid Bureau had undertaken awareness-raising measures to inform the public how to access its services. Together with various other government bodies and civil society organizations, it had also launched awareness campaigns on the right to bail; the accuracy of the statistic cited in the report of a non-governmental organization, according to which 75 per cent of persons under arrest were not aware of their right to bail, could not be confirmed but, given the low literacy levels in the country, it was inevitable that most people would be uninformed on that score.
5. The Government had sought to remedy the shortage of lawyers by admitting lawyers trained abroad to the Bar and establishing the Malawi Institute of Legal Education. Moreover, legislation proposed by the Legal Aid Bureau to allow paralegals to represent clients in minor cases, thus enabling lawyers to focus on more complex cases, would be considered by Parliament in November 2022.
6. In order to tackle delays in the justice system, courts had been set up within prisons, progress was being made towards migrating to the use of electronic case management systems across the sector and a massive recruitment drive had been undertaken. The judiciary, supported by the European Union, had also renovated nine magistrates' courts.
7. Several attempts had been made to formalize the moratorium on the death penalty, but that decision could only be made if a consensus was reached among the people of Malawi through various consultative processes. The Government nonetheless remained committed to upholding the de facto moratorium, and no one had been executed since 1994. The mandatory death penalty had been abolished in 2007, thus entitling 170 prisoners to seek reduced sentences. In 2014, the Malawi Capital Resentencing Project had been established to bring justice to those who had spent years on death row, as a result of which 156 out of 169 eligible prisoners had received reduced sentences. In July 2022, at the request of the Legal Aid Bureau, the President had commuted 22 out of 25 death sentences to life imprisonment, and plans were under way to petition for the remaining three inmates.
8. The judiciary continued to treat allegations of torture with the utmost seriousness, and all complaints of torture and cases of deaths occurring in police custody were investigated by such agencies as the Professional Standards Unit of the Malawi Police Service, the Malawi Human Rights Commission and the Independent Police Complaints Commission. Statistics on deaths in police custody would be provided as soon as they were available.
9. In terms of redress for torture victims, damages were awarded through civil proceedings. For example, in the case of Mr. Lule Buleya, the High Court had found that 13

police officers had a case to answer, and damages amounting to 44 million Malawi kwacha had been awarded to the deceased's widow. The Government would consider the possibility of allocating resources for psychological and social forms of redress as, currently, only legal redress was available to victims.

10. In order to ensure respect for human rights on the part of police officers, the training providing to new recruits covered human rights law, and additional training on crowd control management skills was provided to police officers. Police officers had also received forensic training, both locally and abroad, thus reducing expenditure on forensic experts and enabling the timely completion of cases. However, there were still challenges to be overcome owing to the inadequacy of the available equipment and the lack of a forensic laboratory.

11. The Government wished to reaffirm its commitment to the principle of non-refoulement, including in the case of lesbian, gay, bisexual, transgender and intersex refugees and asylum-seekers. Same-sex relations remained a criminal offence in Malawi, but the Government had maintained a de facto moratorium on the arrest of persons for engaging in same-sex relations and would continue to do so.

12. Security was provided at transit camps for asylum-seekers and at the Dzaleka refugee camp. There was also a nearby police station at Dowa.

13. In the light of the changing dynamics of refugee situations, the Government of Malawi was considering revising the reservations it had made to the Convention relating to the Status of Refugees, as, currently, some refugees did own property, reside outside of the camp, attend public schools and engage in wage-earning employment. Furthermore, the Government had embarked on the development of a national migration policy to coordinate efforts by stakeholders and provide a framework for the safe, orderly and regular management of migrants.

14. Unaccompanied minors were lodged in safe homes or transit shelters and, if no relatives could be found at the Dzaleka camp, efforts were made to repatriate them.

15. The Department of Refugees worked closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) to ensure that refugees and asylum-seekers were not subjected to torture. Allegations of torture perpetrated by a public official could be lodged with the police at the Dzaleka camp, UNHCR or the Department of Refugees.

16. Both hard-copy and electronic records were kept on persons detained in police custody and in prison. Those records included occurrence books, cell registers, remand registers, and records of convictions and remand warrants. Closed-circuit television had been installed at 2 police stations as part of a pilot programme, and efforts would be made to extend the coverage of those systems to all 45 police stations in the country.

17. There were well-established disciplinary committees at police stations and prisons to deal with violence by inmates. During the last four years, there had been two violent incidents at Zomba Central Prison. Solitary confinement was indicated when a prisoner had committed any of the 34 prison offences established under section 89 of the Prisons Act; however, it was not applicable to minors and was used only in exceptional circumstances for prisoners with mental disabilities who were awaiting treatment or transfer to a mental health facility.

18. As regards the situation of juveniles in detention, the claim that young offenders represented 80 per cent of the prison population was incorrect: out of 16,645 prisoners, 1,032 were young offenders. Child detainees were kept in safe homes, not prisons, under the Child Care, Protection and Justice Act. There were three safe homes and two reformatory centres. All those facilities worked to reintegrate children into society by promoting active engagement with the community, and child detainees living in those facilities could attend public school from the seventh level on. Civil society organizations provided vital support in that area to help make up for the shortfall in budgeted allocations.

19. Diversion options provided for under the Child Care Protection and Justice Act included an oral or written apology to the victim, placement under the supervision and guidance of a mentor or peer role model, the establishment of a good behaviour agreement, mediation and therapy. The choice of diversion option depended on a variety of factors, such as the child's age, developmental needs, cultural, religious and linguistic background,

education level, cognitive ability, home circumstances, the proportionality of the diversion to the offence, the interests of society and whether the child was a repeat offender. The judiciary had developed guidelines on the use of those options that covered the duties and responsibilities of judicial officials, police officers, probation officers and other officials. It had also rolled out supplemental diversion options, including family counselling, life skills training and community service; training in that regard had been provided to judges, prosecutors, social welfare officers and some staff members of relevant non-governmental organizations.

20. There were currently 343 women in prison, of whom 228 had been convicted and 115 were on remand. Efforts of the Malawi Prisons Service to provide sanitary products for women prisoners were supplemented by civil society organizations. Women prisoners generally had access to preventive and curative health services in situ provided by nurses, nutritionists and pharmacists, among other health practitioners. Pregnant prisoners had access to prenatal and postnatal care in situ but, where necessary, were authorized to seek treatment at an external health facility; deliveries took place at external health facilities.

21. Under the Prisons Act, breastfed infants could live at the prison with their mother and received clothing and other necessities free of charge, subject to a medical officer certifying that the mother's normal lactation period had not ended and that the child was dependent on her for nourishment. The head of the prison could authorize children, from time of weaning to the age 5 years, to remain with their mother, provided that there were no relatives or friends willing and able to care for them. Children living in prisons were provided with age-appropriate nutrition, and most prisons had early childhood development centres.

22. As of October 2021, there had been 3,642 men on remand. In its report on its review of the Prisons Act, the Law Commission had recommended granting temporary or early release to convicted persons for any of the following reasons: good conduct, an urgent need to attend tertiary education, a terminal illness, a health condition that posed a risk for the prison population, and personal or family matters. The Law Commission had also recommended the use of parole and the establishment of halfway houses that would function as open prisons.

23. To prevent deaths in custody from natural causes, the Malawi Prisons Service had partnered with health service providers to train prison medical personnel and had introduced testing for HIV, tuberculosis and hepatitis on admission, while prisoners were serving their sentences and upon release. It had also opened eight new prison health clinics and, with support from the United Nations Office on Drugs and Crime (UNODC), had enlarged windows and installed extractor fans to improve sanitation and ventilation in cells and was ensuring that every prison had a clinic staffed with qualified medical personnel. To address deaths in prison from other causes, the Service had worked to raise staff awareness about human rights, with an emphasis on personal accountability for a prisoner's death.

24. Although the budget allocated to the Human Rights Commission had increased by nearly 300 million Malawi kwacha between the 2018/19 and 2020/21 financial years, the serious economic challenges faced by the country had forced the Government to reduce the allocation for 2021/22 by over 100 million Malawi kwacha. Only about half of the posts at the Commission were filled, but job openings had been published. All government branches took the Commission's recommendations seriously. For example, the case of Mr. Lule Buleya, who had been tortured by police officers and had died as a result, had been referred to the courts for prosecution on the recommendation of the Commission. Furthermore, the Commission acted as *amicus curiae* before the courts and provided advisory services to the legislature on human rights matters.

25. The Commission had conducted three prison inspections since 2018 and had published reports on those inspections; the visit carried out in 2021 had focused on compliance with coronavirus disease (COVID-19) rules. In addition to inspections, the Commission also conducted ad hoc investigations into allegations of ill-treatment brought by detainees and prisoners. The Commission received an average of five such complaints per year. The reports on investigations conducted in 2021 into allegations of torture at Zomba and Chichiri prisons had yet to be released.

26. The Community Policing Branch sought to raise awareness about how to prevent outbreaks of mob justice by holding meetings, broadcasting radio programmes and organizing crime prevention forums and panels with traditional and village authorities, which also liaised with the police and handled minor cases using diversion options. Persons suspected of acting as vigilantes were identified with the help of information provided by members of the community, and they were arrested, charged and prosecuted once conclusive evidence against them had been gathered.

27. Consultations concerning the possibility of raising the age of criminal responsibility, which was currently set at 10 years, could be undertaken only by the Law Commission and only if there was consensus that a review was necessary. While section 176 of the Criminal Procedure and Evidence Code permitted all confessions to be admitted into evidence, the court had to be satisfied beyond a reasonable doubt that the confession had in fact been made by the accused and that its contents were materially true in order to accord the confession any weight.

28. In 2016, the Ministry of Justice had requested the Human Rights Commission and the Law Commission to conduct consultations on whether to decriminalize same-sex acts. The organization of those consultations remained pending, but the Government intended to maintain the de facto moratorium on the arrest of persons engaging in same-sex relations. Establishing task forces to look into the welfare of persons who engaged in acts that were considered unlawful was a delicate matter. Nevertheless, members of the LGBTIQ+ community came under the scope of the Bill of Rights and were entitled to claim their rights through the various redress mechanisms that were available. The police could investigate cases of violence against a person who happened to belong to that community, but most such cases went unreported.

29. There had been an increase in cases of gender-based violence during the COVID-19 pandemic owing to the five-month closure of schools and to the increased stress brought on by the loss of livelihoods and by the curtailment of social interaction. There had been over 17,000 cases of physical, sexual, emotional or economic violence in 2020, over 16,300 cases in 2021 and nearly 13,900 cases up to August 2022. There had been 413 more cases of defilement, rape, indecent assault and other forms of sexual violence in 2020 after the onset of the pandemic compared to 2019. Efforts had been made to ensure that survivors could obtain services, including referrals, mediation, legal advice and psychosocial support, at the 20 one-stop centres located in health facilities throughout the country and at the Victim Support Units that had been established in 135 police stations.

30. The rise in cases was also due to increased reporting by women and girls. Considerable awareness-raising efforts had been carried out among the judiciary, officials of the Ministry of Gender, Community Development and Social Welfare, district-level technical working groups on gender, chiefs, groups of mothers in primary schools, grievance redress committees and extension workers. In addition, simplified reporting registers had been developed, along with helplines. The basic training package on responding to incidents of gender-based violence covered the common forms, root causes and effects of such violence, survivor-centred referral pathways, the formal and informal justice systems, psychosocial first aid for survivors, reporting principles and ethics, and safeguards. Malawi was part of the 16 Days of Activism against Gender-based Violence campaign.

31. A national coordination mechanism for combating gender-based violence had been established that was made up of 240 representatives of government entities, United Nations bodies, local and international civil society organizations, the media and the private sector. The Ministry of Gender, Community Development and Social Welfare had coordinated the preparation of rapid gender analysis reports in relation to COVID-19 and Tropical Storm Ana which had provided useful gender-disaggregated data for emergency response actions. In addition, a technical working group on gender-based violence met monthly, while another dealt specifically with gender mainstreaming and responses to gender-based violence in emergencies. Training in sexual and gender-based violence response and mainstreaming had been provided to 75 members of the Disaster Cluster.

32. Victims in the 2019 rape case in Msundwe had petitioned for a judicial review which had led to the initiation of proceedings against the Inspector General of Police, the Clerk of

the National Assembly and the Minister of Finance for failing to put in place a credible system to ensure that the police officers who had been deployed to M'bwatalika and Mpingu would discharge their duties in accordance with the law and for failing to conduct a prompt, effective and professional investigation into the ensuing complaints of sexual assault and rape. In a judgment of August 2020, the court had found that the Inspector General had failed to set up a credible system for the lawful conduct of police duties and had ordered that the 18 victims should be compensated. The total amount of the damages, set at US\$141,190, had been disbursed. Pursuant to the judgment, the Independent Complaints Commission had been operationalized in 2021 and was investigating the actions of the police officers allegedly involved.

33. Policy measures to address harmful cultural practices included the National Strategy on Ending Early Marriages 2018–2023 and the National Action Plan on United Nations Security Council resolution 1325 (2000) on Women and Peace and Security 2021–2025. Awareness-raising campaigns was being carried out at the community level, with support from religious leaders, to change societal attitudes towards harmful cultural practices, and dozens of district chief forums and community chief forums were assisting gender-based violence patrols and joining in efforts to end child marriage. The primary targets of interventions were vulnerable girls, parents, guardians, relatives and children's peer groups, while the secondary targets were religious, community, traditional and cultural leaders, policymakers, school administrators and teachers, local government officials, the police, social workers, child protection workers, health workers, law enforcement personnel and the judiciary.

34. In addition to the information provided in paragraph 72 of the initial report on the measures being taken to reduce attacks against persons with albinism, awareness-raising activities were being conducted by the Community Policing Branch, the Department of Disabilities, the Human Rights Commission and civil society organizations. Chiefs, community faith leaders and prominent village figures played a crucial role in mobilizing the population to disseminate the message about the need to protect persons with albinism. And, in fact, there had been a marked shift in prevailing attitudes regarding communities' collective responsibility to protect persons with albinism.

35. While statistics on the number of crimes committed against human rights defenders and journalists were not available for the entire reporting period, the police had registered three cases of abduction, one case of violation of human dignity, two cases of assault and three petrol bomb attacks since 2018. The Government of Malawi continued to take the steps necessary to punish perpetrators of any criminal acts that affected the ability of human rights defenders and journalists to do their work. Specifically, police officers investigated all the complaints they received involving acts of violence or intimidation committed against such persons. Human rights defenders and journalists were informed of the legal safeguards in place to protect them, including their right to report any acts of violence or intimidation to the Human Rights Commission, which was empowered under the Constitution and under the Human Rights Commission Act to investigate such reports. Human rights defenders and journalists were also informed that they could seek redress for violations through the Office of the Ombudsman, which was authorized under the Constitution to investigate any case in which a person was alleged to have suffered an injustice and in which no remedy appeared to be reasonably available by way of court proceedings or other practicable means.

36. Since the enactment of the Trafficking in Persons Act in 2015, the Government had adopted standard operating procedures and a national referral mechanism for identifying victims of trafficking. In addition, it had opened four safety homes for victims and had provided trafficking-related training to health workers and to social welfare, law enforcement and judicial officers. The Department of Social Welfare and the Ministry of Homeland Security also provided victims of trafficking with psychosocial support and access to legal remedies. Victims could lodge a complaint with the police and could seek redress through a civil suit. If they could not afford legal representation in civil cases, a lawyer from the Legal Aid Bureau was assigned to them. With a specific view to addressing the trafficking of women and girls for the purpose of economic exploitation, the Government had developed a national action plan for 2021–2025 on the implementation of Security Council resolution 1325 (2000) on women and peace and security.

37. During the 2021/22 financial year, law enforcement officers had identified 133 victims of trafficking in cases involving 78 traffickers. A total of 7 cases had been prosecuted thus far; prosecution in a further 78 cases was ongoing, 9 cases were still under investigation and the remaining cases were at the hearing stages. Guidelines had been developed for judges and magistrates in the sentencing of convicted traffickers. Between January and August 2022, 251 cases of trafficking in persons had been reported.

38. The Trafficking Fund, established in 2019 under the Trafficking in Persons Act, was now operational and had proven crucial in supporting victims of trafficking. The Government allocated the equivalent of some US\$145,000 to the Fund annually. Despite its resource constraints, the Government was committed to ensuring that survivors of trafficking received the support they needed. The Malawi Police Service had begun investigations into the mass grave found in Mzimba in order to identify the victims and the perpetrators and determine the charges that could be brought against the latter.

39. **Ms. Racu** (Country Rapporteur) said that the Committee welcomed the laws in place concerning fundamental legal safeguards and would be interested to learn how they were applied in practice and how compliance with the laws was monitored. In view of the serious discrepancy between the number of lawyers in the State party and the number of persons requiring legal aid, a holistic approach would need to be taken in order to ensure access to legal representation.

40. She would be grateful for more information on the steps taken to prevent the undue delay of trials. Specifically, it was difficult to understand why there were so many people being held beyond the maximum period of pretrial detention if, as the State party appeared to claim, pretrial detention periods were observed. She wished to recall that prolonged detention of a person in a police or remand facility could amount to cruel, inhuman or degrading treatment.

41. She would appreciate further information on the number and type of medical staff and services provided to prisoners; the actions taken by the Government to improve medical staffing levels in prisons; and the mechanisms available to such medical staff for reporting possible cases of torture. It would be interesting to learn if any criminal cases had been brought to the attention of a prosecutor or court as a result of a report made by prison medical staff and, if so, what the outcome had been.

42. The Committee would appreciate statistics on incidents involving inter-prisoner violence, self-harm and suicides in prisons, as well as information on any legislative or administrative measures adopted specifically to prevent violence among prisoners and on the procedures for investigating such incidents.

43. The Committee was particularly interested in the situation of prisoners suffering from mental illness – a vulnerable category of persons who were frequently placed in solitary confinement, according to reports received by the Committee. It would be useful to learn whether a legal procedure was available to prisoners to appeal a decision concerning solitary confinement.

44. The Committee would also like to know more about the causes of deaths in custody and why prisons with similar-sized prisoner populations often had vastly different rates of deaths in custody. More detailed information on the standardized procedure, if any, for investigating deaths in custody would be appreciated, as would information as to whether any law enforcement agents had been convicted on charges related to a death in custody in connection, for example, with a failure to provide sufficient medical care.

45. The Committee was sympathetic to the State party's concerns about limited resources and appreciated its efforts to meet the needs of prisoners as best as it could; nevertheless, it seemed necessary, exactly because of the Government's financial constraints, to prioritize actions for improving the material conditions of detention. In that connection, she welcomed the information provided by the delegation on the bill that was intended to replace the current Prison Act and would like to know how the State party planned to expedite its adoption, which was expected to help to reduce prison overcrowding.

46. The situation in the Dzaleka refugee camp continued to be a source of concern for the Committee and other international human rights organizations. She would like to know

whether there was a clearly defined mechanism for identifying victims of torture, including vulnerable persons such as persons with disabilities, children and lesbian, gay, bisexual, transgender and intersex persons. Information on the bill regarding the asylum procedure and existing practices for applying for asylum would also be appreciated, as would clarification regarding the exact procedure for appealing a denial of an application for refugee status, as referred to in section 11 of the Refugee Act.

47. Regarding minors in conflict with the law, she would like to know what training was given to staff in the reformatory centres that housed such minors. She would appreciate clarification as to whether migrant children were in fact held separately from adults in detention facilities in order to reduce their risk of abuse.

48. **Mr. Liu** (Country Rapporteur) said that, according to the reports received by the Committee, child marriage continued to be a problem in the State party, despite the legislative measures adopted in 2015 to prohibit it; indeed, its prevalence had reportedly risen during the COVID-19 pandemic. Female genital mutilation was also still practised in some communities and was apparently not penalized in the State party. In order to effectively address harmful traditional practices, awareness-raising activities were not always sufficient; the State party might wish to consider reviewing and improving its legal system, including those aspects related to victims' access to redress and support. The public needed to be able to trust in the legal system and the Government's enforcement of it.

49. He wished to encourage the State party to continue promoting the best interests of the child and combating human trafficking as part of its efforts to create a human-rights-based culture. The new Human Rights Commission, civil society organizations and human rights defenders could all play a significant role in that regard, and civil society should be involved in conducting visits to detention facilities and in the activities of the Human Rights Commission and Government more generally. In addition, human rights education should be incorporated into primary and middle school education.

50. He would like to know whether the State party was considering modernizing the police and judicial system. Specifically, a centralized detainee registration system could help to prevent cases of enforced disappearance, to inform relatives and authorities of detainees' whereabouts and to ensure that detainees' civil rights were respected.

51. Along similar lines, an improved birth registration system would help to prevent infanticide and human trafficking and would also make it easier for schoolteachers and for hospital and clinical staff to record and report cases of domestic violence in a timely manner.

52. Professional organizations for women often played constructive roles in achieving a gender balance in the workplace. He would therefore like to know if such organizations existed in the State party for women judges, prosecutors and police officers, for instance.

53. The rise in juvenile delinquency mentioned by the delegation was a problem faced by many countries, and it could be addressed only through a systematic approach involving the promotion of childcare and education, among other things. He appreciated the delegation's emphasis on the principle of the best interests of the child; the State party was to be commended for raising the age of criminal responsibility to 10 years in 2011, and he hoped that it would consider further increasing it in the future.

54. He welcomed the State party's efforts to abolish the death penalty and hoped that substantive progress would be made in that respect. In the meanwhile, the conditions of detention of those still on death row should be more closely monitored. He urged the State party to recast its current definition of human trafficking, which made no mention of trafficking for purposes of sexual exploitation, to cover the use of online or digital technologies and to bring it into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Although it was clear that trafficking offences were underreported, he would be grateful for any data that the State party could supply which were disaggregated by the victims' age, sex and gender and for information about any instances in which redress had been obtained. He would likewise appreciate detailed information about the budgetary appropriations for the implementation of the

National Action Plan on Security Council resolution 1235 (2000) and of the Trafficking Fund.

55. **A representative of Malawi** said that professional organizations formed by women lawyers, magistrates, judges and police officers were among the civil society organizations which had helped to prepare the State party's report and to provide responses to the questions posed by Committee members. All the relevant agencies engaged in a collective effort to ensure that the time limits of pretrial detention were observed. If anyone being held in a police station felt unwell, they had the right to be treated by the medical services at the nearest hospital. If a prison inmate was too ill to be treated by the prison doctor or medical staff, he or she would be taken to the nearest medical facility.

56. Asylum-seekers whose applications had been rejected could lodge appeals with the Minister for Homeland Security. The relatively small number of appeals could be attributed to the fact that, for many migrants and refugees, Malawi was a country of transit. Most deaths in custody were due to natural causes, and that had been especially true during the COVID-19 pandemic. Every death in custody was investigated, and a report was then sent to the Director of Public Prosecutions. If the death was deemed to be suspicious, legal proceedings could be initiated, as they had been in the case of Mr. Lule Buleya. Medical officers, like any other citizens, had a duty to report any deaths or instances of torture in prisons or police stations to a senior officer or supervisor. There had been eight cases of violence in prison during the period under review. They had all been investigated. In one case of cell telephone fraud which had led to a fight in the prison, the individuals involved had been separated and transferred to other facilities. An inquest was held into all deaths in prison. Some prisons were overcrowded, which might explain why there were more deaths there than might be expected on the basis of their officially rated capacity.

57. **A representative of Malawi** said that the 41 lawyers employed by the Legal Aid Bureau were not enough to handle the Bureau's caseload. The Legal Education and Legal Practitioners Act of 2017 mandated all lawyers, even those in private practice, to provide pro bono services to supplement the work of the lawyers employed by the Legal Aid Bureau, which, over the course of the coming three to five years, planned to recruit an additional 15 lawyers.

58. **The Chair** said that the Committee appreciated the open-minded attitude displayed by the State party's delegation throughout the constructive dialogue.

59. **A representative of Malawi** said that his Government was committed to ensuring that the Convention was implemented to the fullest extent possible to improve the lives of Malawians. Torture in any form was inexcusable. His delegation therefore looked forward to receiving the Committee's concluding observations, as they would enable the Government to improve its implementation of the Convention and to make progress towards ensuring that no acts of torture were perpetrated. He wished to thank the international partners which had provided technical assistance for the preparation of the report and appealed to them to continue providing assistance in order to enable Malawi to fully implement the Convention.

The meeting rose at 5.45 p.m.