



YAS Welcomes MHRC's Inquiry into Judicial Accountability and Access to Justice

Youth and Society (YAS) extends its strongest commendation to the Malawi Human Rights Commission (MHRC) for its courageous and proactive decision to conduct a comprehensive public inquiry into judicial accountability and access to justice in Malawi. This inquiry, centered on the core principles of transparency, integrity, and accessibility within our judicial system, is a timely response to growing public concerns and presents a critical step toward addressing systemic barriers that have historically impacted Malawians' right to fair and equitable justice.

The MHRC's decision to scrutinize key aspects of our judiciary—such as the challenges to accessing justice, the prohibitive costs associated with legal representation, and the broader implications of these issues on judicial accountability—highlights a sincere commitment to safeguarding the rights enshrined in Malawi's Constitution. This inquiry resonates deeply with section 41 of the Constitution, which establishes access to justice as a fundamental right for every Malawian, and underscores the MHRC's mandate to act in defense of those rights.

We are particularly encouraged by the inquiry's inclusion of assessments related to judicial integrity and competency, as these are vital components for ensuring that the judicial system operates impartially and upholds public trust. By examining and analyzing these dimensions, the MHRC is paving the way for a thorough understanding of how the judiciary functions, where it faces challenges, and where reforms may be urgently needed to restore and sustain public confidence. This inquiry, as outlined, is not only about diagnosing issues but also about generating actionable recommendations to address the gaps within our current legal and judicial systems.

The significance of this inquiry cannot be overstated. At a time when many Malawians, especially those from underrepresented and vulnerable communities, feel disenfranchised by the legal system, the MHRC's investigation represents a powerful affirmation that their voices and experiences matter. It underscores that the justice system should be a guardian of their rights rather than a barrier to them. YAS stands in complete solidarity with this initiative and believes it will provide the basis for long-needed reforms.

We further commend MHRC's call for transparency by inviting public submissions, thus ensuring that the inquiry is informed by the lived realities of the Malawian people. We urge individuals, civil society organizations, legal practitioners, and other stakeholders to actively engage in this historic initiative. By doing so, we can directly contribute to shaping a more transparent, equitable, and accountable justice system. YAS believes that only through collective input can we address the multifaceted issues within the judiciary and pave the way for sustainable reforms.

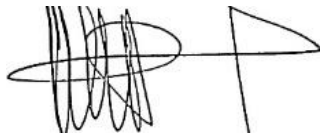
Additionally, we call upon the government of Malawi and development partners to provide robust financial support for this critical undertaking. Adequate funding is essential to ensuring that MHRC can conduct a thorough, independent, and wide-reaching inquiry. For the inquiry to achieve the transformative impact it promises, sustained funding will be paramount.

Moreover, we stress the need for the inquiry to be conducted with full transparency, independence, and unwavering integrity. YAS calls on all relevant stakeholders and MHRC leadership to uphold the highest standards throughout the investigation. This includes implementing mechanisms that ensure transparency at every stage, clear communication with the public, and rigorous checks to maintain the inquiry's impartiality. Only a process anchored in these values will effectively restore public confidence in the judiciary and provide a foundation for meaningful change.

As part of ensuring a transparent process, we also urge the MHRC to include clear timelines for the inquiry. Establishing a timeline will help manage public expectations, enhance accountability, and allow stakeholders to monitor progress effectively.

In conclusion, YAS realizes that the pathway toward meaningful judicial reform is challenging but essential. We all have the obligation toward building a justice system that is transparent, accountable, and serves the people of Malawi. We believe this inquiry will not only produce valuable insights but also lay the groundwork for significant legislative and policy changes.

With the participation of Malawians and the backing of stakeholders, we are confident that this inquiry will lead to transformative change, reinforcing the judiciary as a pillar of justice and a true protector of Malawian rights.

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Charles Kajoloweka
Executive Director

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