

MALAWI 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution prohibits discrimination based on religion and provides for freedom of conscience, religion, belief, and thought. In October a standoff between an Anglican parish and Muslim communities in Balaka District over the wearing of hijabs by Muslim female students led to four government-funded schools being closed for eight weeks. The standoff also led to violence between the groups in November. On November 5, the Ministry of Education, Science, and Technology clarified its stand on wearing the hijab as being a “nondiscrimination approach” that allows religious dress in schools. A court case involving a Rastafarian child’s ability to attend school with dreadlocks remained pending, and by court order, the child was able to attend school with his hair intact pending conclusion of the litigation.

In May the Public Affairs Committee (PAC), a multid denominational civil society governance organization, and the government held interfaith national prayers for peaceful general elections. In December PAC again held national prayers to promote religious tolerance ahead of the anticipated Constitutional Court verdict on a presidential election challenge case.

A U.S. embassy official discussed interfaith coexistence and faith leaders’ relationship with the government with the general secretary of the Malawi Council of Churches and with officers of the Quadria Muslim Association of Malawi (QMAM), the second largest Muslim association in the country. U.S. embassy officials, along with U.S. Africa Command military chaplains, also engaged Malawi Defense Force chaplains and PAC to discuss religious issues in the country. U.S. embassy officials regularly met with leaders of religious groups on issues of religious freedom and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 20.5 million (midyear 2019 estimate); the 2018 Malawi Population and Housing Census estimated the total population at 17.6 million. According to the 2018 census, 77.3 percent of the population is Christian and 13.8 percent Muslim. Christian denominations include Roman Catholics at 17.2 percent of the total population, Central Africa Presbyterians at 14.2 percent, Seventh-day Adventist/Seventh-day Baptists (the survey groups the two into one category) at 9.4 percent, Anglicans at 2.3 percent,

and Pentecostals at 7.6 percent. Another 26.6 percent fall under the “other Christians” category. Individuals stating no religious affiliation are 2.1 percent, and 5.6 percent represent other religious groups, including Hindus, Baha’is, Rastafarians, Jews, and Sikhs.

The vast majority of Muslims are Sunni. Most Sunnis of African descent follow the Shafi’i school of Islamic legal thought, while the smaller community of mostly ethnic Asians mostly follows the Hanafi school. There is also a small number of Shia Muslims, mostly of Lebanese origin.

According to the 2018 census, there are two majority-Muslim districts, Mangochi (72.6 percent) and Machinga (66.9 percent). These neighboring districts at the southern end of Lake Malawi account for more than half of all Muslims in the country. Most other Muslims live near the shores of Lake Malawi. Christians are present throughout the country.

Traditional cultural practices with a spiritual dimension are sometimes practiced by Christians and Muslims. For example, the *gule wamkulu* spirit dancers remain of importance among ethnic Chewas, who are concentrated in the central region of the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution prohibits discrimination on the basis of religion and provides for freedom of conscience, religion, belief, and thought. These rights may be limited only when the president declares a state of emergency.

The law states that holders of broadcast licenses “shall not broadcast any material which is...offensive to the religious convictions of any section of the population.”

Religious groups must register with the government to be recognized as legal entities. To do so, groups must submit documentation detailing the structure and mission of their organization and pay a fee of 1,000 kwacha (\$1). The government reviews the application for administrative compliance only. According to the government, registration does not constitute endorsement of religious beliefs, nor is it a prerequisite for religious activities. Registration allows a religious group to acquire land, rent property in its own name, and obtain utility services such as water and electricity.

The law authorizes religious groups, regardless of registration status, to import certain goods duty free. These include religious paraphernalia, vehicles used for worship-related purposes, and office equipment. In practice, however, the Ministry of Finance rarely grants duty exemptions even to registered groups.

Detainees have a right to consult with a religious counselor of their choice.

Religious instruction is mandatory in public primary schools, with no opt-out provision, and is available as an elective in public secondary schools. According to the constitution, eliminating religious intolerance is a goal of education. In some schools, the religious curriculum is a Christian-oriented “Bible knowledge” course, while in others it is an interfaith “moral and religious education” course drawing from the Christian, Islamic, Hindu, and Baha’i faiths. According to the law, local school management committees, elected at parent-teacher association meetings, decide on which religious curriculum to use. Private Christian and Islamic schools offer religious instruction in their respective faiths. Hybrid “grant-aided” schools are managed by private, usually religious, institutions, but their teaching staffs are paid by the government. In exchange for this financial support, the government chooses a significant portion of the students who attend. At grant-aided schools, a board appointed by the school’s operators decides whether the “Bible knowledge” or the “moral and religious education” curriculum will be used.

Foreign missionaries are required to have employment permits.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

QMAM reported that some female students were asked to remove their hijab in order to have their pictures taken for the secondary school examination identification cards. Muslim organizations also continued to request the education ministry to discontinue use of the “Bible knowledge” course and use only the broader-based “moral and religious education” curriculum in primary schools, particularly in predominantly Muslim areas. According to Saiti Jambo, QMAM executive director, the issue arose most frequently in grant-aided, Catholic-operated schools.

According to media reports, conflicts often arose related to school dress codes prescribing a particular uniform and appearance that did not allow female students

to wear the hijab. Beginning in October, a disagreement between the Anglican parish and Muslim communities in Balaka (a district in the southern part of the country) arose over the wearing of hijabs by Muslim female students attending Anglican schools receiving government funds. Four Anglican primary schools were closed for as long as eight weeks due to the standoff. Fighting between the groups broke out in early November after two Muslim girls wearing the hijab were prevented from attending a government school run by the Anglican Church, the M'manga Primary School, which is located in a part of the country where Muslims are the largest religious group.

On November 5, the Ministry of Education, Science, and Technology clarified its stand on wearing the hijab by Muslim female students as being a “nondiscrimination approach” that allows religious dress in schools. The ministry added that concerns about dress codes in schools run by faith-based organizations were forwarded to PAC for consultations, which PAC Publicity Secretary Bishop Gilford Matongax said would help the government in responding to concerns.

In November Alhaji Twaibe Lawe, secretary general of the Muslim Association of Malawi (MAM), the largest Muslim association in the country, said the Department of Road Traffic and Safety Services would allow women to wear the hijab for their driver's license photograph; some photographers from the department previously had asked women to remove their hijabs before taking the photographs.

The court case that commenced in 2017 of a Rastafarian child who was selected through a highly competitive process to attend Malindi Secondary School in Zomba and then denied enrollment due to his dreadlocks continued during the year. A hearing scheduled for December 3 did not take place because the judge was not available. The Malawi Human Rights Commission officially joined the case as a plaintiff in 2018, filing an amicus brief on behalf of the student. National school policy usually requires children to wear closely shaven hair to attend. In January 2017 the solicitor general affirmed Rastafarian children's constitutional rights to education. The child was allowed to attend school with dreadlocks after the Zomba High Court ordered in December 2017 that he be enrolled pending the conclusion of litigation initiated by the Malawi Women Lawyers Association on his behalf. The attorney for the student stated she had accepted a second case of a Rastafarian student denied school access because of dreadlocks in December and was working to consolidate the cases. She had requested that the existing injunction be broadened to cover all Rastafarian students.

Rastafarians continued to object to the laws making use and possession of cannabis a criminal offense in country, stating its use is a part of their religious doctrine.

Religious organizations and leaders regularly expressed their opinions on political issues, and their statements received coverage in the media. In April prior to general elections in May, the Nkhoma Synod of the Central Africa Presbyterian Church (CCAP) released a pastoral letter condemning endemic corruption, discouraging political violence, and calling on the Malawi Electoral Commission to avoid election fraud and rigging. In June following the elections, the Livingstonia Synod of the CCAP released a preliminary statement saying that the elections were generally free but that the synod was unable to attest to their credibility and fairness.

Most government meetings and events began and ended with a prayer, usually Christian in nature. At larger events, government officials generally invited clergy of different faiths to participate.

On May 4, PAC facilitated an event entitled “National Prayers for Peaceful Elections,” inviting leaders of multiple faiths to address the audience. All presidential candidates were present except the incumbent. The candidates signed a peace declaration during the prayers.

Section III. Status of Societal Respect for Religious Freedom

In May both PAC and the government held national prayers for peace ahead of the general elections. Both interfaith events were televised and well attended by religious leaders, politicians, government officials, civil society, the diplomatic community, and the public. In December PAC also convened national prayers for upholding peace, the rule of law, and coexistence ahead of the Constitutional Court verdict on the presidential election challenge case. Both the vice president and the leader of the main opposition party were in attendance.

Religious groups operated at least 18 radio and 10 television stations. Approximately 80 percent of the radio stations were Christian affiliated, while 20 percent were Muslim affiliated.

Section IV. U.S. Government Policy and Engagement

An embassy official discussed interfaith coexistence and religious leaders’ and organizations’ relationships with the government with the general secretary of the

Malawi Council of Churches and with officers of QMAM. In December embassy officials and visiting U.S. Africa Command military chaplains met with chaplains of the Malawi Defense Force and three senior leaders of PAC to discuss religious and interfaith issues, including the conflict between Anglican and Muslim communities in Balaka schools. Embassy officials also regularly met with leaders of religious groups on issues of religious freedom and tolerance.

Embassy officials also engaged representatives of religious groups, including MAM, regarding girls being denied access to school for wearing headscarves. They also discussed with leaders of the Rastafarian community the issue of Rastafarian children with dreadlocks being denied access to school. Embassy officials attended national prayers in May and December.