

MALAWI 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution prohibits discrimination based on religion and provides for freedom of conscience, religion, belief, and thought. At year's end, a court case initiated in January 2020 and involving a Rastafarian child's ability to attend school with dreadlocks remained pending. Muslim organizations continued to request that the Ministry of Education (MOE) discontinue use of the optional "Bible knowledge" course and use only the broader-based "moral and religious education" curriculum in primary schools, particularly in areas inhabited predominantly by Muslims. By year's end, the MOE had not yet acted on recommendations contained in a Memorandum of Understanding (MOU), submitted to the MOE for review on June 17, which proposed allowing female students to wear a hijab in their school colors as a part of their uniform. By year's end, the MOE had also not acted on a separate recommendation allowing inclusion of religious minorities on the Board of the Malawi Institute of Education.

According to media reports, there were a number of conflicts related to locally promulgated school dress codes. On June 2, Muslim and Christian leaders signed an MOU as a part of a joint technical team convened to resolve ongoing disputes about locally imposed restrictions banning female students from wearing a hijab in some government-funded schools. They submitted the MOU to the MOE for review on June 17.

The U.S. embassy hosted a virtual interfaith discussion with prominent religious and government leaders regarding COVID-19 related restrictions on assembly and religious freedom. Embassy officials engaged with religious leaders from Christian, Muslim, and other faiths to discuss religious freedom, interreligious relations, and community engagement.

Section I. Religious Demography

The U.S. government estimates the total population at 20.3 million (midyear 2021). 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 census 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 primarily follows the Hanafi school. There is also a small number of Shia Muslims, principally 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, *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 penal code covers several misdemeanor offenses related to religion, including insults to religion, disturbing religious assemblies, and writing or uttering words with the intent to wound religious feelings.

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 items for religious use, vehicles used for worship-related purposes, and office equipment. In practice, however, the Ministry of Finance rarely grants duty exemptions 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.

National school policy requires children to wear closely shaven hair to attend but makes exceptions for religious and health reasons.

Foreign missionaries are required to have employment permits.

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

Government Practices

At year’s end, an injunction by the High Court in Zomba, issued in January 2020, compelling the MOE to allow all Rastafarian children to be admitted and enrolled in government schools remained in effect pending the outcome of litigation. The court action came in response to a case filed in 2017 that involved a child who was denied enrollment to the Malindi Secondary School in Zomba due to his dreadlocks, as well as another case in 2019, in which the attorney requested that

the court ruling be broadened to cover all Rastafarian students. At year's end, all Rastafarian students were enrolled in school.

Government restrictions limiting gatherings to no more than 10 individuals, which were originally announced in August 2020 in response to the COVID-19 pandemic, drew significant public criticism from religious leaders as unduly restricting free religious practice. The government responded to the backlash in the same month, raising the limit to no more than 100 persons.

Muslim organizations continued to request that the MOE discontinue use of the optional "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, the Quadria Muslim Association of Malawi Executive Director, the issue arose most frequently in grant-aided, Catholic-operated schools.

On June 17, the MOU's recommendation was sent to the MOE to allow the wearing of the hijab in the same colors as school uniforms as an optional part of school dress codes. According to Muslim Association of Malawi representatives, the issue concerning the right to wear the hijab in schools had been resolved at the community level, and female students retained the right to wear the hijab; however, by year's end, the MOE had not yet implemented this or a separate recommendation. The other recommendation allowed inclusion of religious minorities on the Board of the Malawi Institute of Education. The institute is mandated by the government to design, develop, monitor, and evaluate the national education curriculum to ensure that it continues to respond to the present and future needs of Malawi society. In October, the PAC began efforts to raise public awareness of the contents of the MOU in the eastern region of the country where most of the Muslim population lives.

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

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.

Section III. Status of Societal Respect for Religious Freedom

According to media reports, there were a number of conflicts related to school dress codes, established locally, restricting female students from wearing the hijab. The issue most often arose in the case of religious schools that received government funding turning students away, which civil society groups and legal scholars stated was in violation of national policy. On June 2, Muslim and Christian leaders signed an MOU as a part of a joint technical team convened to resolve ongoing disputes about locally imposed restrictions on wearing hijabs. The MOU allowed the wearing of the hijab in the same colors as the school uniform as an optional part of school dress codes. They submitted the MOU to the MOE for review on June 17.

According to the Malawi Communications Regulatory Authority, of the 83 licensed radio and/or television broadcasters in the country, 14 are Christian-affiliated while three are Muslim-affiliated and the remainder have no religious affiliation.

Section IV. U.S. Government Policy and Engagement

On February 8, the embassy hosted a virtual interfaith discussion with prominent religious leaders in the country and government leaders, including the executive assistant to the President and the presidential advisor on religious affairs, regarding COVID-19-related restrictions on assembly and religious freedom.

Embassy officials engaged with representatives of religious groups from Christian, Muslim, and other faiths to discuss religious freedom, interreligious relations, and community engagement.