

Solidarity Playbook



Human Rights Defenders Coalition

Tackling corruption
to defend civic space
in Malawi



International
Civil Society Centre

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The **Human Rights Defenders Coalition (HRDC)** in Malawi was created in 2017 to provide protection and support for human rights defenders (HRDs), and to defend the civic space within which these activists operate.

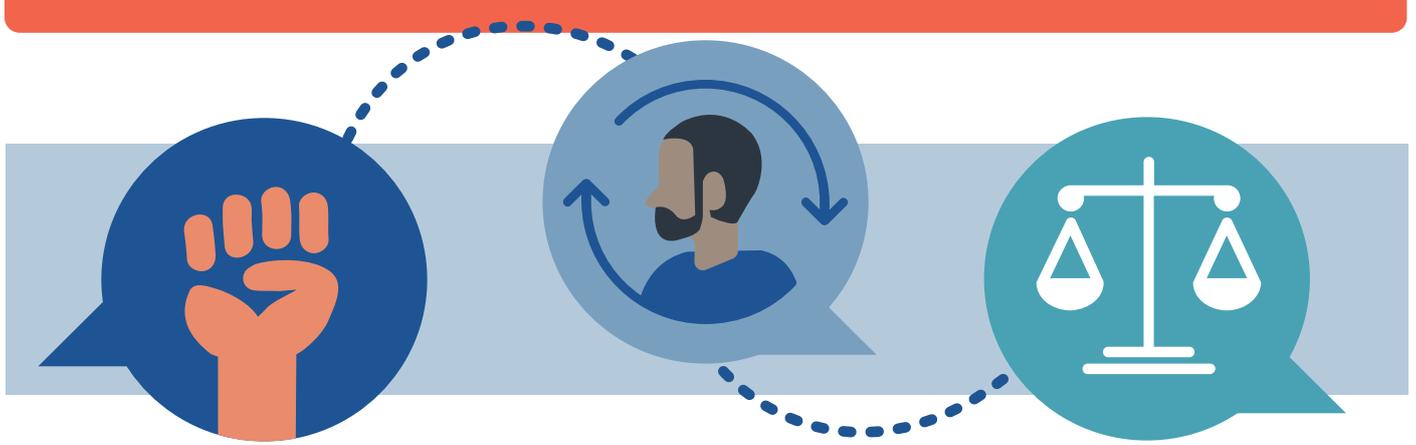
Civil society groups and actors were facing growing challenges because of a lack of accountability, and because of the impunity afforded to those committing human rights violations. The coalition's overarching focus has therefore been on tackling corruption.

Overview

In 2019 when election fraud ignited the anger of everyday Malawians, HRDC stepped in to unite activists and citizens across the country, mobilising calls for greater accountability, and using litigation strategies to protect the freedom of assembly. This instance of electoral fraud was indicative of how **corruption was negatively impacting the fair functioning of government, and in turn the enabling environment for civil society.** Meanwhile, HRDC's experience demonstrates the (sometimes) blurred line between the struggle to defend what can often be thought of as 'neutral' space and the need for civil society to be 'politically' engaged, along with the ways in which **corruption and civic space are intimately linked.**

Since the peaceful transition of power in Malawi, many regional and international civil society allies who felt unable to engage during the months of political unease are now looking to support the coalition.





What launched the coalition?

In 2017 three Malawian civil society organisations came together – the Centre for Human Rights and Rehabilitation (CHRR), the Centre for the Development of People (CEDEP), and the Malawi Law Society (MLS) – to found the Human Rights Defenders Coalition (HRDC). The new coalition's mandate was to provide sanctuary for HRDs, and to fight the shrinking of space for civil society.

The political atmosphere in Malawi was marred by **impunity for human rights violations, and a pervasive lack of transparency and accountability** in terms of the rule of law and governance which profoundly impacted civil society space. The founding members saw that there was a need for civil society to come together, for different groups to act in solidarity with one another and to push back against the obstruction and closing of civic space.

Civil society actors were facing mounting threats and challenges. Since taking office in 2014, President Mutharika had tried to take steps to constrain the legal framework for NGOs, for example by imposing increased fees that organisations would have to pay to the NGO Board ([ICNL Civic Freedom Monitor: Malawi](#)). Many of the more vocal human rights organisations had either defected, or had chosen to take a softer, safer stance in order not to challenge the status quo, for fear of repercussions such as physical assault. This limited the ability of human rights organisations, in particular, to function effectively.

Although corruption was rife, the judiciary was still independent, and the founders recognised that the courts could be an effective tool for trying to keep the government in check and for defending civic space.

How does it work?

The HRDC was initially unregistered, and has thus far been maintained by members and staff who work on a voluntary basis. The structure includes:

- A board, headed by a Chairperson who provides oversight
- A secretariat led by a national coordinator
- Regional coordinators based in Malawi's four political regions
- District coordinators in 28 districts
- Community volunteers at the local level.

It is through this **structure of networked individuals and groups** that the coalition has been able to organise collective action in response to corruption, and **provide protection** to HRDs or recourse for addressing particular rights violations.

For example, HRDC provides security training to HRDs, access to safe houses for defenders at risk, and legal support for those in need of litigation.

HRDC **uses social media**, including messaging platforms such as WhatsApp. These tools enable communication, information sharing, brainstorming and planning across multiple groups at the community, district, regional and national levels.

Through this broad reach (developed by leveraging existing networks and structures) and by seeking to fill a serious gap in addressing human rights violations, the coalition has **quickly built trust** amongst communities. It is even seen as a respected 'brand' by factions of the military and police, who have shared information, advice and warnings with members concerning various threats and attacks.

Who are the members?

The coalition's membership includes organisations and individuals from across Malawian civil society. The three founding groups focus on democracy, governance and human rights, LGBTQI rights, and the rule of law, whilst other members cover areas across multiple sectors such as children's rights, women's rights and social, economic and environmental rights. HRDC also partners with international groups such as Frontline Defenders and Human Rights Watch.

The founders felt that beyond supporting and protecting existing HRDs, there was a **need to grow activism** in Malawi, and build activists' capacity to navigate the increasingly closed context in which they had to work. As a result, the HRDC membership is **relatively young**. By focusing on recruiting younger generations, the coalition gains members who are not compromised in terms of character and reputation, and who have a clean slate from which to push back on closing civic space and challenge the government more widely.

Coalition in action

After the May 2019 election, in which President Mutharika was declared to win by a narrow margin, civil society actors (alongside the opposition) pointed to serious irregularities (including alterations made to ballot papers), alleging that **election fraud** had taken place. As the wave of national outrage over this scandal threatened to break, HRDC stepped in to coordinate and lead on **demanding electoral justice**.

The exposure of electoral fraud acted as a catalyst for a broader pro-democracy movement, **uniting many different groups** and individuals behind a shared rallying cry. The calls for accountability and transparency were intrinsically linked with HRDC's focus on the protection of civil society actors, because the repression of civil society throughout Mutharika's presidency had been intended to silence critics, hide and obscure corruption and maintain the status quo.

It was for this reason that HRDC felt compelled to enter into more direct political engagement to hold those in power to account.

The HRDC used mobilisation strategies and litigation in order to push back:

Mobilisation for demonstrations

- HRDC mobilised those citizens who were motivated to demonstrate against the results, **guiding them on how to demonstrate**

within the limits of the law. Tens of thousands of people took to the streets over the course of 9 months, supported and coordinated by HRDC members.

- The coalition had a **clear message for people to rally behind** – calling for the resignation of the Electoral Commission's Chairperson – **disseminated by radio and other media**.
- Networks made up of regional, district and community level coordinators were also activated, in order to **organise demonstrations countrywide**. This included coordinating logistical needs, such as transport for people located outside of the main cities.
- HRDC arranged **rallies** at regular intervals in other cities, in order to **motivate people to come out and assemble in large numbers**.

Litigation

- Each time the coalition sought to organise a demonstration, the government would try to block them with legal interventions. Organisers would have to approach the courts to seek confirmation that they could in fact assemble. **Lawyers, working on a pro bono basis, helped to ensure demonstrations could go ahead**, and they managed to secure confirmations from the courts every time the government attempted to block planned events.

Outcomes

- ✓ The High Court and the Supreme Court dismissed the government's request for an injunction against protests, concluding that the **right to demonstrate was unconditional** and that the state could not impose blanket bans or use the courts to ban the protests.
- ✓ The Constitutional Court nullified the results of the 2019 presidential election, calling for a new election to be held, and the **Chairperson of the Electoral Commission finally resigned**. A new Chairperson (elected by the judiciary) was able to push through plans for a fresh election.
- ✓ In June 2020 an **election rerun took place**, and a new president, Lazarus Chakwera, was sworn in, leading a coalition government. Promisingly, Chakwera's Malawi Congress Party's campaign promises had included the support of operations of local and international human rights civil society organisations (CSOs), "through a permissive and enabling policy" ([CIVICUS \(2020\): MALAWI: 'Civil society expects new gov. to place rights at the top of its agenda'](#)).

The demonstrations, alongside legal approaches, played a key role in ensuring that the Electoral Commission and President were ultimately held to account.

*"Judges and civil society-led protests paved the way for the fresh presidential election to be held... **key to the ruling was not only the independence of Malawi's judiciary but also months of civil society-led demonstrations...** This was particularly important because it **significantly increased the pressure on the judiciary and other key democratic institutions to do the right thing.**"* ([CIVICUS \(2020\): MALAWI: 'Civil society expects new gov. to place rights at the top of its agenda'](#)).

HRDC members have been able to meet with the new President several times already to have candid and honest conversations about the issues Malawians are facing. The President has already addressed some of the issues raised during these meetings, for example the coalition has secured an agreement with the Corruption Bureau for a new whistleblowing initiative. By **engaging in pro-democracy action at a critical moment**, HRDC has **helped to increase the odds of a more open context for civil society**, whereby CSOs and activists can contribute to good governance and therefore to broader social and development goals.



CHALLENGES

Threats, attacks and harassment

During the 9 months of protest, there were multiple cases of serious physical threats and attacks made against members and leaders of the HRDC. These attacks were designed to instill fear in activists and deter them from organising further protests. Prominent figures of the HRDC were also subject to other forms of harassment. For example the HRDC vice-Chairperson and an executive member were arrested and charged with inciting people to contravene the law, after they called for citizens to protest in front of the State House as the President was yet to assent to a rerun of the election. The government also attempted to sue HRDC organisers. They claimed that protestors were damaging property and looting, and demanded that the organisers should bear the cost of such damage. These tactics drained the coalition of capacity and resources, and put members at risk of physical harm.

Capacity and resources is an ongoing issue

The coalition's leadership has not had the time or resources to build the capacity of its regional and district members regarding the HRDC's mandate, and human rights awareness more generally. Although some limited funding and capacity building support was secured, allies and funders were quickly put off by government threats. For example it was reported in the media that HRDC had been 'trained in guerilla warfare' and an international civil society organisation (ICSO) was named as having provided support to that end (they had in fact been providing much needed security training). International actors were afraid to associate themselves with HRDC, as the issue was thought to be 'too political'. As a result the coalition struggled to secure financial or practical support during a critical period.

LESSONS LEARNED

De-centralised power empowers people

A decentralised structure gave people at the community level the autonomy to make suggestions and decisions, within the coalition's mandate. This meant that the HRDC leadership, who could not be everywhere at once, had contacts whom they could trust to make decisions at any level.

Bridging to the legal sector was important

By formalising a connection with the Malawi Law Society, the founders of the coalition built a bridge between civil society and the legal sector from the outset, gaining connections with lawyers who were able to support activists and CSOs under attack as they challenged the fraudulent election results. In contexts where the judiciary has not been compromised, the rule of law is an important tool for defending space for civil society.

International solidarity matters

Organisations including Human Rights Watch, Freedom House and Frontline Defenders stayed connected with HRDC and raised the alarm at the international level over arrests and threats. This awareness and solidarity was an important form of psychological support. Members sometimes struggled, wondering whether they were doing the right thing in mobilising people to demonstrate but hearing others elsewhere speak out on their behalf motivated them to continue. On the other hand, solidarity was less forthcoming when the coalition sought diplomatic solutions to the crisis. Whilst protests and litigation were ongoing, HRDC participated in a task force convened by development partners, involving political parties and diplomatic representatives from other states. HRDC found themselves having to make the case for why demonstrations were needed, as external stakeholders feared the situation would degenerate into civil strife or war, and were averse to associating themselves with the movement. This underscored the importance of ensuring that international allies have a thorough understanding of the specific context in question, and revealed how this can require advocacy with international actors (and therefore resources and capacity) in order to secure solidarity.

LESSONS LEARNED

Technical capacity is needed

HRDC and its members need ongoing support from ICSDOs and allies, for example to develop technical capacities, such as financial and legal knowledge, to hold the new government to account and defend civic space. In particular, the coalition aims to develop proposals for a strong legal framework that would support the work of HRDs and civil society, and to work with the government on this framework whilst there is still good will. The international community can provide training and learning on best practice to strengthen these proposals, whilst in turn learning from the experiences of HRDC and Malawian civil society.



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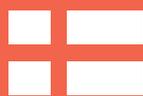
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