



MALAWI LAW COMMISSION

CONSTITUTION REVIEW CONFERENCE

28TH – 31ST MARCH, 2006

CAPITAL HOTEL, LILONGWE

SUMMARY OF PRESENTATION

BY

*The Federation of Disability Organisations in Malawi
(FEDOMA)*

SUMMARY OF SUBMISSIONS FROM THE FEDERATION OF DISABILITY ORGANISATIONS IN MALAWI (FEDOMA)

ISSUES

1. Representations and Consultation

- People with disabilities should be involved in decision making process.
- Quota system should be introduced for people with disabilities for the purposes of Parliamentary Elections and Local Government Elections. Examples of countries that have a quota systems are South Africa, Lesotho and Zimbabwe.

2. Protection of people with Disabilities

- Special provision should be introduced in the Constitution for the protection of people with disabilities.

3. Bill of Rights

- provisions should be introduced in the Constitution granting rights specifically for people with the Disabilities as is the case with women and children. These would include special rights in respect of education, health services, social and economic rights, auxiliary services, basis need etc.

4. International Instruments

- Government should affirm its commitment to international instruments with people with disabilities.

5. National Development Agenda

- Needs and aspirations of people with disabilities be taken into account in national development plans.

Problems existing in the Constitution with regard to people with disabilities.

- The President can be removed on the basis of incapacity. The term "incapacity" would include people with disabilities if not properly defined (section 87)
- No requirement that sign language be used in Parliament. This is not in conformity with section 13(g). As a result, deaf people would not qualify to be elected as MPs by virtue of section 51 because they will not be able to take an active part in the proceedings of Parliament.
- Right to life is not a reality for people with disabilities because modern technology makes it possible to terminate pregnancies of the infant is disabled.
- Right to fair trial will only become a reality for the disabled if special assistance is employed for the disabled especially the deaf.
- Access to information without making available auxiliary services for the blind, the deaf is rhetoric
- A special fund for people with disabilities should be established where companies should be required to contribute as a matter of law.