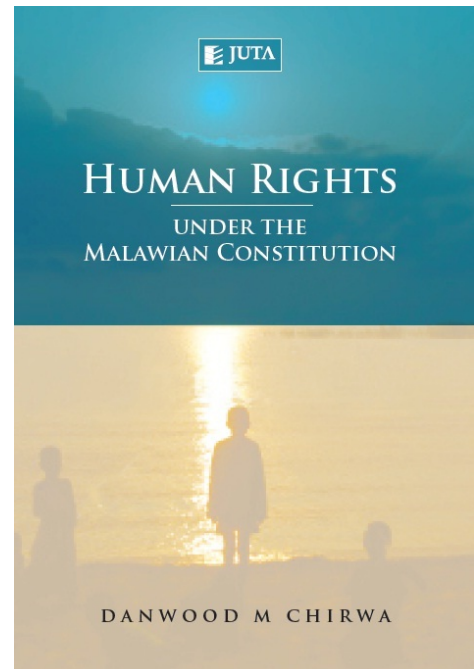


Human Rights under the Malawian Constitution

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About this Publication:

In 1994, Malawi adopted an unusually progressive Constitution, unprecedented in the country's political and constitutional history. *Human Rights under the Malawian Constitution* takes stock of the human rights jurisprudence generated by the new Constitution and the new judiciary in Malawi over the past sixteen years.

The book examines the largely unreported Malawian cases and legislation and systematically analyses them with a view to constructing a coherent corpus of human rights jurisprudence, which is essential to consolidating democracy, establishing the foundation for the rule of law and ushering in an era of accelerated development in Malawi.

The author draws on a wealth of international and comparative jurisprudence, including that from other African countries, without detracting from the main objective of constructing a Malawian brand of jurisprudence. Ultimately the book reveals that it is possible for human rights to grow even in underdeveloped countries.

Key Features

- Examines hundreds of previously inaccessible unreported Malawian judgments.
- Analyses legislative measures taken, or that are under consideration, to implement certain specific rights.
- Scrutinises the constitutional provisions and the relevant judgments and legislation, providing guidance as far as possible on the way forward.
- Draws on a wealth of comparative jurisprudence, including that from other African countries, without detracting from the main objective of constructing a local brand of jurisprudence.
- Provides useful insights into the ways in which the Malawian Constitution has departed from, and the residual role of, the English common-law-based human rights jurisprudence.

Reviews

'[This book] makes a significant contribution to African constitutional law. The author has engaged in a careful and systematic treatment of all of the clauses contained in Malawi's Bill of

law in general and Malawian law in particular will be required to use as a major source of reference.’ **Dennis Davis, Judge of the High Court of South Africa; Honorary Professor of Law, University of Cape Town**

‘[This book] fills a gap in the literature of human rights in the region with its excellent examination of the Malawian provisions. It is well written and will appeal to a wider readership than Malawi.’ **Boyce Wanda, Professor of Law, University of Fort Hare**

Contents Include:

- Interpretation
- Limitations and derogations
- Recognition as a person, access to court and remedies
- Life
- Personal liberty
- Dignity
- Equality
- Privacy
- Family and marriage
- Children's rights
- Women's rights
- Economic, social and cultural rights
- Property
- Economic activity, work and labour rights
- Freedoms and access to information
- Political rights
- Arrest, detention and fair trial
- Administrative justice
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Of Interest and Benefit to:

Human Rights under the Malawian Constitution is intended for use by judges, lawyers, legal scholars, students, civil society, law reform officers, human rights institutions and comparative law scholars.