

# LONDA 2025

## DIGITAL RIGHTS & INCLUSION IN AFRICA REPORT

### Malawi

Country Report



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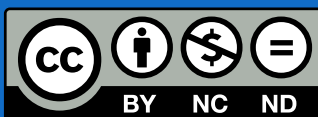
## DIGITAL RIGHTS & INCLUSION IN AFRICA REPORT

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# Malawi

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## Executive Summary

This report examines the state of digital rights in Malawi, focusing on key achievements and concerning regressions observed in 2025. It provides actionable recommendations for both government and non-state actors, grounded in empirical evidence and desk research. The analysis evaluates quantitative and qualitative aspects of digital rights and governance, offering a comprehensive view of the country's digital landscape. Specifically, the report dissects seven

key digital spheres: Internet access, Freedom of expression, Data Protection and Privacy, Censorship and content moderation, Access to information, AI and Emerging Technologies, and the Universal Service Fund. It presents a contextual analysis of these thematic areas and provides actionable recommendations for both state and non-state actors.

While in the reporting period, Malawi made some notable gains in expanding

and safeguarding digital space, including the historic repeal of criminal defamation law by the Constitutional Court, its overall performance on The Score Index developed by Paradigm Initiative (PIN) improved from 35 to 36 out of 60 and is rated “moderately compliant”.<sup>1</sup> The

improvement is attributed to a better legal protection environment for digital rights, including the repeal of criminal defamation, the UNESCO AI assessment, and the promulgation of the Data Protection Act Guidelines.



1. Londa Score Index is a digital rights index developed by Paradigm Initiative that evaluates compliance of the country with regard to key human rights elements and is inspired by the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information

## Introduction

The period under review witnessed an improvement in internet freedom, with fewer internet users criminally charged for their online expression than the previous year. Additionally, the Constitutional Court repealed Section 200 of the country's Penal Code, which criminalised defamation, a significant step in upholding the constitutional guarantee of freedom of expression and media freedoms. Malawi also commenced a participatory review of the Communications Act, 2026, to align the regulatory framework with rapid technological advancements, market developments, and stakeholder needs. Malawi also made significant strides in expanding access to information, particularly in the context of the September 16 2025 elections. Additionally, initiatives rolled out under the Universal Service Fund (USF) represented significant progress toward expanding digital access for the offline majority.

Despite these gains, several challenges persisted. While there were reduced cases of online crackdowns in the year as compared to previous years, authorities continued to arrest online users for their online expression. The official criminalisation of speech remained

a significant concern. There were also strong suspicions of government surveillance ahead of the September 2025 general elections. The Government's increase of Value Added Tax (VAT) from 16.5 to 17.5% on all mobile products and services significantly undermined digital inclusion efforts. Other structural challenges, such as high connectivity costs, unreliable electricity, limited rural infrastructure, and low digital literacy, continued to exclude significant portions of the population from full participation in digital systems. The absence of an artificial intelligence legal and policy framework also remained a major gap.

Looking forward, the Malawian government is called upon to review the prohibitive tax policy on ICT services and products, strengthen operational capacity and accountability mechanisms for the National ID system, particularly for replacement and renewal services, and develop regulatory and ethical use standards of artificial Intelligence with proper governance structures and strengthen digital rights principles—access, equality, remedy, and accountability—into all digital public infrastructure by design. While the

Court’s decision to outlaw Section 200 of the penal code is welcome, Malawi needs to review other repressive laws that undermine free expression, including Section 60 of the Penal Code, as well as the Electronic Transactions and Cyber Security Act, 2016.

## Internet Access

## And Disruptions

Section 157 of the Communications Act of 2016 provides for Universal Services and Access to Telecommunication. Malawi Telecommunications Regulatory Authority (MACRA), as a regulator, is mandated “to ensure that the provision of universal services is made on affordable tariffs that are accessible to all”.<sup>2</sup>

Moreover, in 2021 the government rolled out a five-year Digital Economy Strategy (2021-2026), which sets new targets,

including expanding internet access from 14.6% to 80% of the population and broadband coverage to 95% by 2026.<sup>3</sup>

In 2025, the official internet penetration rate was at 27.7%.<sup>4</sup> However, the 2025 DataReportal report shows that only 18% of the total population used the Internet by October 2025.<sup>5</sup> Kepios’s analysis shows that the number of internet users in Malawi increased by 2.6 per cent% between October 2024 and October 2025. Thus, there were 4.02 million internet users in Malawi at the end of 2025. About 82% of the total population of 24.4 million people remained offline in the year.

Further, Malawi was home to 2.4 million social media user identities in October 2025, representing 10.7%t of the total population.<sup>6</sup> According to Kepios, social media users in Malawi increased by 50% between late 2024 and the end of 2025.<sup>7</sup> Notably, 38% of Malawi’s social media users were women, an increase from

2. Communications Act of the Republic of Malawi, 2016

3. Malawi Digital Economy Strategy, 2021 <https://dig.watch/resource/the-malawi-digital-economy-strategy-2021-2026> (accessed 28 December 2025)

4. Ministry of Information and Digitalisation, 2025 “Malawi Digital Readiness Assessment”

5. S Kemp “Digital 2026:Malawi”, November 8, 2025, <https://datareportal.com/reports/digital-2026-malawi> (accessed 28 December 2025)

6. Kemp

35.8% in 2024, while 62% were men.

According to Meta, Facebook penetration in Malawi was at 10.7% (an increase from 6.1% in 2024), with 37.8% of users being women, while 61.7% were men.<sup>8</sup> Meanwhile, Instagram's reach was only 178,000 people, an increase from 130,400 in 2024, equating to 20% penetration growth, with 38.7% of Instagram's users being female, while 60.7 per cent were male. There were only 420,000 LinkedIn users in Malawi, an increase from 290,000 in 2024, with 34.5 per cent female members and 65.5 per cent male members. It is worth noting that women's inclusion across most social media platforms was significantly lower than that of men. This disparity highlights the need for targeted interventions to address the unique challenges faced by women. Similarly, there is also a geographic gulf in internet access between rural and urban areas. In 2025, with a population of 22.4 million

people, 19% of Malawi's population lived in urban centres, while 81% lived in rural areas. Telecommunication companies are unwilling to invest in Malawi's remote regions due to the high cost of infrastructure development.<sup>9</sup> According to a 2023 National Statistical Office (NSO) report, 40.7% of people in urban areas had access to the Internet, as opposed to 13.5% of those in rural areas.<sup>10</sup> It is also worth noting that Malawi's electric grid is urban-biased, standing at 62% of urban households, compared with a mere 5% of rural households.<sup>11</sup>

In addition, by October 2025, Malawi registered a total of 14.1 million cellular mobile connections, equivalent to 63% of the total population. Thus, the number of mobile connections increased by 8.6% between the end of 2024 and the end of 2025.<sup>12</sup> According to GSMA Intelligence, 92.5% of mobile connections in Malawi are now considered "broadband", which means that they connect via 3G, 4G, or

7. Kemp

8. Kemp

9. Freedom House "Freedom on the Net 2024" Malawi: Freedom on the Net 2024 Country Report | Freedom House (accessed 31 December 2025).

10. National Statistical Office, "National Survey on Access and use of Information and Communication Technologies by Households and Individuals in Malawi 2023" [http://www.nsomalawi.mw/images/stories/data\\_on\\_line/economics/ICT/Natio...](http://www.nsomalawi.mw/images/stories/data_on_line/economics/ICT/Natio...) accessed 22 December 2024

11. The Economist Group, 2022 "The Inclusive Internet Index 2022," <https://impact.economist.com/projects/inclusive-internet-index/2022>. (accessed 31 December 2025)

5G mobile networks.<sup>13</sup> A low ICT literacy rate of 62 % also remains a major hurdle to digital transformation.<sup>14</sup>

Despite a persistent digital exclusion landscape, in the reporting year, the government increased its tax policy on all ICT products and services, which in turn increases the cost of internet access. Through its revised national budget, the government introduced the new Value Added Tax(VAT) rate of 17.5% and a new e-money transfer levy.<sup>15</sup>

In Malawi, the telecommunications regulator, Malawi Communications Regulatory Authority (MACRA), requires internet service providers (ISPs) to pay a 3.5% tax on annual sales and turnover, annual license and spectrum fees and a 0.5% tax on all ICT equipment entering the country<sup>16</sup>. Worse still, in the reporting period, the government maintained the prohibitive taxes on ICT services, including 17.5% value-added

tax (VAT) on mobile phones, 16.5% on internet services and 10% excise duty on messages and internet data transfers. As a result, mobile service providers raised prices across various products, including internet data. For example, in November, Telecom Network Malawi (TNM), adjusted prices for a 20 GB weekly internet bundle from K9,000 (US\$5) to K 9,500 (US\$5.4); while the Airtel Malawi's 'Morefire Chezani' weekly bundle, previously priced at K8,000 (US\$4.6) and offering 20GB of data, increased to K9,500 (US\$5.4) providing 22 GB of data.

Despite the government's commitment in the Digital Economy Strategy to review these taxes, which are significant drivers of high costs of internet and mobile services, there was no action in the reporting period. These taxes continue to make the costs of ICT prohibitive, impacting the country's poorest the most, as they are effectively shut off from essential digital communication

12. Kemp

13. Kemp

14. The Economist Group, 2022 "The Inclusive Internet Index 2022" <https://theinclusiveinternet.eiu.com/explore/countries/performance/read...> (accessed 28 December 2025)

15. Capital FM, October 3, 2025 [https://web.facebook.com/CapitalFMMalawi/posts/telecommunications-company-tnm-plc-has-announced-that-it-will-adjust-its-tariffs/1198373518977247/?\\_rdc=1&\\_rdr#](https://web.facebook.com/CapitalFMMalawi/posts/telecommunications-company-tnm-plc-has-announced-that-it-will-adjust-its-tariffs/1198373518977247/?_rdc=1&_rdr#) (Accessed 30 December 2025)

16. M Malakata, "Business, Tech Lobbies Malawi's Govt to Relax Tax," ITWeb, January 13, 2022, <https://itweb.africa/content/o1Jr5Mx9n8VqKdWL>. (accessed 23 December 2024)

platforms and important services, such as mobile banking and money services, education, and commercial markets, which could help lift them out of poverty. During the coverage period, there were no internet restrictions, blocking or filtering of protected content imposed by authorities. Social media platforms are widely available, including those critical of authorities.

## Freedom Of Expression

## And Access To

## Information

Fewer internet users were criminally charged for their online expression, as compared to previous years. It is no coincidence that Freedom House's 'Freedom on the Net' 2025 reports that "Internet

freedom in Malawi improved during the coverage period".<sup>17</sup> On July 16 2025, Malawi celebrated a landmark victory for freedom of expression after the High Court of Malawi, sitting as a Constitutional Court, declared Section 200 of the Malawi Penal Code, which criminalised defamation, unconstitutional.<sup>18</sup> In a unanimous decision, three Constitutional Court justices ruled that the defamation law was a "disproportionate and unjustifiable limitation on constitutional freedom," especially when civil remedies are already available to address reputational harm.<sup>19</sup>

The court's decision stemmed from the case of Joshua Chisa Mbele, a social media influencer who challenged the constitutionality of the criminal defamation law following criminal defamation charges for his remarks about a senior military official regarding allegations of corruption.

Welcoming the ruling, a group of civil society organisations stated in a joint statement, "This ruling sends a powerful message:

17. Freedom House, "Freedom on the Net 2025". <https://freedomhouse.org/country/malawi/freedom-net/2025> (Accessed 30 November 2025 how)

18. Nation Publications Limited 'Court outlaws criminal defamation provision', 16 July 2025 <https://mwnation.com/court-outlaws-criminal-defamation-provision/> (Accessed 30 November 2025)

19. See Judgement Summary <https://cpj.org/wp-content/uploads/2025/07/Ruling-summary-Criminal-Defamation-and-Freedom-of-Expression-ConCourt-Referral.-July-2025-Summary-.pdf> (Accessed 29 December 2025)

in a democratic society, the remedy for offensive or false speech is not imprisonment, but more speech. It is through open dialogue—not the blunt instrument of criminal law—that truth, justice, and accountability are served”.<sup>20</sup>

The decision also places Malawi in line with regional and international human rights standards, including guidance from the African Commission on Human and Peoples’ Rights and the UN Human Rights Committee, both of which have long urged states to decriminalise defamation. In particular, Principle 22(2) of the African Commission on Human and Peoples’ Rights (ACHPR) on Freedom of Expression and Access to Information in Africa (ACHPR Declaration) calls on states to ‘repeal laws that criminalise sedition, insult and publication of false news’.

Despite this significant gain, Malawi still has restrictive laws on freedom of expression. Section 60 of Malawi’s penal code criminalises publishing false news, with penalties of fines or up to two years in jail, and the 2016 Electronic Transactions and Cyber Security Act makes un-

authorised transmission of data or information punishable by a fine of MWK2,000,000 (US\$1,153) and a five-year imprisonment. Thus, the Malawi government needs to reform these remaining laws that restrict free expression.

Additionally, while there were reduced incidences of online-user crackdown in 2025 as compared to previous years, Malawi authorities continued to arrest social media users, particularly those critical of authorities.<sup>21</sup> Previous incidents have involved actual court convictions of internet users, detentions, seizure of laptops and phones of journalists, and many arrests. For example, in 2024 alone, the Londa report recorded the arrests of 17 internet users, including journalists.

In March 2025, police arrested social media influencer Julius Mithi over a social media post in which he alleged that over one million Malawian eligible voters’ names were deleted in the National Registration Bureau (NRB) and Malawi Electoral Commission (MEC) systems. According to police, the arrest followed complaints from

20. CSOs Joint Statement (hard copy)

21. Paradigm Initiative Press Release, <https://paradigmhq.org/press-release-civil-society-groups-call-for-digital-rights-protection-in-malawis-upcoming-general-election/> (Accessed 29 December 2025)

the National Registration Bureau and the Malawi Electoral Commission (MEC). He was charged with publication of false news likely to cause fear and alarm to the public, which is an offence under Section 60 of the Penal Code.<sup>22</sup>

Similarly, in December 2025, police arrested two senior officials of the opposition Malawi Congress Party (MCP), Vintumbiko Mumba and Jessie Kabwira, for allegedly spreading false news and causing public alarm, an offence under Section 60 of the Penal Code.<sup>23</sup>

In 2025, the Media Institute of Southern Africa (MISA) Malawi documented over ten cases of attacks on journalists, including intimidation, disruption of live coverage, and online bullying during the election period. On October 10 2025, a group of men suspected to be the ruling Democratic Progressive Party (DPP) cadres stormed the Malawi Broadcasting Corporation (MBC) Kwacha premises in

Blantyre, forced MBC Director General George Kasakula to a live on-air apology to President Peter Mutharika and the DPP before forcing him out of the premises.<sup>24</sup>

## Censorship And Content Moderation

In 2025, there were no incidents of the state blocking or filtering, or compelling service providers to block or filter internet content. However, due to the crackdown on social media online users by authorities, including arrests of journalists and ordinary users, self-censorship could not be ruled out.<sup>25</sup>

22. A Banda, 28 March 2025 [https://web.facebook.com/zbsnews/posts/zbsnewsllongwe-principal-resident-magistrate-benjamin-chulu-has-granted-bail-to/1089719569854079/?\\_rdc=1&\\_rdr#](https://web.facebook.com/zbsnews/posts/zbsnewsllongwe-principal-resident-magistrate-benjamin-chulu-has-granted-bail-to/1089719569854079/?_rdc=1&_rdr#) (Accessed 29 December 2025)

23. P Malimba 'Mumba, Kabwira Granted Bail', 16 December 2025, <https://times.mw/mumba-kabwila-granted-bail/> (Accessed 29 December 2025)

24. MISA Malawi, "2025: The year impunity for crimes against freedom of expression reigned in Malawi", 31 December 2025, <https://malawi.misa.org/2025/12/31/2025-the-year-impunity-for-crimes-against-freedom-of-expression-reigned-in-malawi/#:~:text=In%20the%20year%202025%2C%20journalists,the%20cases%20include%20the%20following:> (Accessed 29 December 2025)

## Access to Information

The right to information is guaranteed under Section 37 of the Constitution, as well as the Access to Information Act (ATI Act) of 2016. To operationalise the ATI Act, regulations were developed in 2021, and the ATI Unit was established under the Malawi Human Rights Commission (MHRC) to oversee the overall operationalisation of the Act.

In September 2025, Malawi held tripartite general elections to elect the President, Members of Parliament and local government councillors. Thus, access to information was critical for the management of a fair and credible election. According to the Malawi Human Rights Commission,

“Proactive disclosure of electoral information and adequate voter education were essential for a transparent and credible election, and to reduce misinformation”.<sup>26</sup>

According to MHRC<sup>27</sup>, Malawi made some notable strides in the reporting period, including training 34 public institutions on the access to information legal framework. Out of these institutions, 70% developed information manuals, and 36,000 information requests were received and processed by various institutions. 96% of the requests were addressed by information holders. The MHRC also recognised and awarded ten best compliant institutions with the ATI Act and conducted monitoring of mainstreaming access to information and electoral civic education across the country, which uncovered gaps and challenges in the electoral civic education, such as not being disability friendly and poor participation of accredited CSOs in civic education due to a lack of funding.

Despite notable progress in expanding access to information, there were critical gaps that need redress. These include non-compliance by information holders and resource constraints facing the MHRC’s ability to carry out extensive awareness campaigns, particularly for

25. Freedom House, “Freedom on the Net 2025”. <https://freedomhouse.org/country/malawi/freedom-net/2025> (Accessed 30 November 2025)

26. Chance Kalolokeska, Key informant, Malawi Human Rights Commission (27 December 2025)

27. Chance Kalolokeska, Key informant, Malawi Human Rights Commission (27 December 2025)

rural communities. The government has not allocated a separate budget for implementing the ATI Act. The MHRC also noted that the “demand for capacity building by information holders declined in 2025, though the level of compliance was not satisfactory across the institutions”, noting that enforcement of the Act, where there are no administrative penalties or sanctions, has proved to be problematic.<sup>28</sup>

## Data Protection And

## Cybersecurity

Malawi’s Data Protection Act (2024) and National Cybersecurity Strategy (2019–2024) provide a strong legal foundation for safeguarding personal data, promoting privacy and ensuring secure digital transactions. The Electronic Transactions and Cybersecurity Act (2016), which sets standards for data governance and transparency, further supports these efforts.

In the reporting period, the Malawi government was registering voters for the

general elections slated for September 2025. While the use of National IDs in the voter registration process was a significant step forward, the integration of National IDs with voter registration systems raised concerns about data integrity. Inaccuracies, such as mismatched data between the ID and voter rolls, were reported. Moreover, there were concerns about the security of voter data, with stakeholders questioning how well the system could protect sensitive information.<sup>29</sup> These concerns raise critical concerns about whether the National ID should be the sole form of identification for voter registration, as it may disenfranchise citizens’ right to participate in elections. Other forms of identification beyond the National ID would be necessary to guarantee universal suffrage.

There were no cases related to data breaches enforcement by MACRA or before the courts. Additionally, throughout 2025, government institutions began the early stages of operationalising the Data Protection Act, particularly in relation to digital public services, national databases and emerging uses of data-intensive technologies. In the year, MACRA,

28. Chance Kalolokeska, Key informant, Malawi Human Rights Commission (27 December 2025)

29. Vinicent Kumwenda, Key Informant Interview (31 December 2025)

through the Data Protection Office, published the Data Protection Guidelines and conducted awareness campaigns on the requirements of the Data Protection Act. However, the Data Protection Act's implementation capacity remains limited. Enforcement institutions lack adequate staffing, technical expertise and public-facing complaint mechanisms. Moreover, the law does not yet address automated decision-making, algorithmic profiling or AI-specific risks, leaving gaps as more and more institutions increasingly adopt data-driven and AI-enabled systems.<sup>30</sup>

However, the challenges concerning the Data Protection Act persisted as no legal reforms were undertaken to address the flaws. A 2025 Malawi Digital Readiness Assessment (DRA) by the United Nations Development Programme (UNDP) highlights significant gaps in the enforcement of data protection laws, including a lack of public awareness of various laws. "These findings suggest that even where privacy laws exist, en-

forcement remains inconsistent or ineffective, leaving individuals vulnerable to data breaches, cyber threats and misuse of personal information."<sup>31</sup>

For example, Section 4 designates MACRA as the Data Protection Authority (DPA), potentially compromising the financial, decision-making, and institutional independence of the DPA.<sup>32</sup>

Additionally, Section 8 (b)(vi)(vii) allows the lawful processing of personal data for "public interest" or "legitimate interests," terms that are vague and undefined. This could grant excessive discretion to data controllers and processors in determining the lawful processing of individuals' personal data.

Further, Section 42 grants MACRA the authority to suspend or cancel the registration of a data controller or processor "of significant importance" based on vague and broad grounds including for not complying "with any provision" of the Act or

30. Vinicent Kumwenda, Key Informant Interview (31 December 2025)

31. UNDP Malawi, Malawi Launches First-Ever Digital Readiness Assessment to Guide Inclusive Digital Transformation. 15 May 2025. <https://www.undp.org/malawi/press-releases/malawi-launches-first-ever-digital-readiness-assessment-guide-inclusive-digital-transformation> (Accessed 30 December 2025)

32. CIPESA 'Analysis of the Malawi Draft Data Protection Bill, 2021' (May 2021) file:///C:/Users/User/Downloads/Analysis-of-the-Malawi-Draft-Data-Protection-Bill-2021.pdf (accessed 30 December, 2025)

any term or condition imposed on the registration; or if “there is any other reasonable ground to suspend or cancel the registration”.<sup>33</sup> These broad provisions would potentially lead to undue restrictions.<sup>34</sup>

While the Act is a shift in the right direction, significant attention should be given to the gaps in the law to prevent authorities from abusing concerning provisions. To ensure the law is applied effectively, it is also essential to invest in training and public awareness interventions for stakeholders, data controllers, researchers and processors.

## Surveillance and Cyber-Security

Malawi’s National Cybersecurity Strategy provides key interventions to address cybercrime, protect critical infrastructure, and enhance digital security. The govern-

ment has also established the Computer Emergency Response Team (CERT), a department within MACRA that acts as a focal point for the coordination of cybersecurity-related issues at the national and international levels. Established under Section 6 of the Electronic Transaction and Cyber Security Act, 2016, CERT takes charge of critical information infrastructure protection actions and serves as a base for national coordination to respond to cybersecurity threats.

In December 2025, the Government of Malawi developed the draft Cybersecurity Policy and the National Cybersecurity Strategy, and conducted validation consultations with stakeholders.<sup>35</sup> This is a critical step to address gaps in existing legislation and enhance the protection of Malawi’s digital space.

However, enforcement remains a gap, undermining the effectiveness of legislative efforts. A UNDP Stakeholder’s Survey (2024) shows mixed perceptions re-

33. Section 42(1) of the Data Protection Act of 2023

34. See the ‘2024 Londa report - Malawi’ for more analysis on Malawi Data Protection Act <https://paradigmhq.org/wp-content/uploads/2025/09/Londa-24-Malawi.pdf> (Accessed 30 December 2025)

35. C Mulekano, ‘Government moves to strengthen cybersecurity framework through policy review’, 5 December 2025, [https://web.facebook.com/malawinewsagency/posts/mananewsgovernment-moves-to-strengthen-cybersecurity-framework-through-policy-re/1368123351992844/?\\_rdc=1&\\_rdr#](https://web.facebook.com/malawinewsagency/posts/mananewsgovernment-moves-to-strengthen-cybersecurity-framework-through-policy-re/1368123351992844/?_rdc=1&_rdr#) (Accessed on 28 January 2026).

garding the existence and enforcement of cybercrime laws in Malawi.<sup>36</sup> While 30% of respondents indicated that cybercrime laws exist and are fully enforced, an equal 30% said that they exist but are only sometimes enforced, suggesting inconsistencies in law application and regulatory gaps. In addition, 20% of respondents believe that cybercrime laws exist but are seldom enforced, and 10% report that such laws exist but are never enforced, indicating weak implementation and possible lack of institutional capacity to effectively combat cyber threats. Additionally, 10% of respondents stated that no cybercrime laws exist, exposing gaps in awareness.

In 2025, there were strong suspicions of government surveillance of ICT activities by various stakeholders, including civil society groups<sup>37</sup> due to new reports that authorities had acquired a surveillance system. The Malawi Human Rights Com-

mission (MHRC) launched an investigation into the potential human rights impact of the surveillance system that the Malawi Communications Regulatory Authority (MACRA) procured from Hashcom Ghana Limited to track misinformation and disinformation ahead of the country's general elections.<sup>38</sup> At the time of writing this report, the MHRC had not released its investigation report.

In 2023, there were credible reports about Malawi's procurement of the Cellebrite Universal Forensic Extraction Device (UFED) system, and concerns that police used extraction tools to search journalists' devices.<sup>39</sup> Investigative reports in 2024 revealed that in 2019, MACRA procured the UFED system, a powerful technology designed to access and extract information from electronic devices such as phones and laptops sold by the Israel-based company Cellebrite.<sup>40</sup> MwCERT, MACRA's cybersecurity unit, confirmed that it had ac

36. Ministry of Information and Digitalisation, 2025 "Malawi Digital Readiness Assessment" [https://www.undp.org/sites/g/files/zskgke326/files/2025-05/dra\\_malawi\\_report\\_2025\\_a4\\_print.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2025-05/dra_malawi_report_2025_a4_print.pdf) (accessed 28 December 2025)

37. Paradigm Initiative, "Press release: Civil society groups call for digital rights protection in Malawi's upcoming General Election" April 3, 2025, <https://paradigmhq.org/press-release-civil-society-groups-call-for-digi...> (Accessed 30 November 2025)

38. E Banda, "MHRC investigates human rights concerns over Macra's K2.6bn surveillance system," Malawi 24, January 23, 2025, <https://malawi24.com/2025/01/23/mhrc-investigates-human-rights-concerns...> (Accessed 30 November 2025)

39. Freedom House, "Freedom on the Net 2025". <https://freedomhouse.org/country/malawi/freedom-net/2025>

40. Freedom House, "Freedom on the Net 2024". Malawi: Freedom on the Net 2024 Country Report | Freedom House

cess to the tool as of January 2023. MACRA also confirmed that it provides services to the police, military, and intelligence services during cybercrime investigations, though the regulator stated that it follows a search warrant and approval process that requires a court order. However, some sources reported that Cellebrite has since ceased issuing license renewals to several countries, including Malawi.<sup>41</sup>

## **Ai And Emerging Tech- nologies**

In June 2025, Malawi became the 28th African country to successfully complete the UNESCO Readiness Assessment Methodology (RAM) for AI ethics and governance. The assessment supported Malawi to evaluate its capacity to adopt responsible AI technologies, and is part of Malawi's efforts to develop

an AI Ethics strategy.<sup>42</sup> The assessment shows that AI governance remains underdeveloped, with no statutory requirements for transparency, explainability, human oversight, or algorithmic impact assessments.<sup>43</sup>

Despite growing policy interest, Malawi did not enact AI-specific legislation or binding ethical standards. This regulatory gap has implications for digital rights, particularly where automated or semi-automated systems are used in public service delivery, revenue administration, agriculture, and civic technologies. Citizens currently lack clear legal protections against algorithmic bias, opaque automated decisions, or misuse of data in AI systems, despite that Resolution 473 of the African Commission on Human and Peoples' Rights calls on State Parties to develop a comprehensive legal and ethical governance framework for AI technologies so as to ensure compliance with human rights standards.

41. E Chimoyo "Unveiling MACRA's sophisticated phone, PC data extracting tool: balancing privacy and security," Platform for Investigative Journalism, January 26, 2024, <https://www.investigativeplatform-mw.org/show-story/unveiling-macras-so....> (accessed 30 November 2025)

42. A Chauwa 'Malawi: Kabwila - Malawi Must Lead, Not Lag, in Global Ai Revolution', 27 June 2025 <https://allafrica.com/stories/202506270502.html#:~:text=Revolution%20%2D%20allAfrica.com-,Malawi:%20Kabwila%20%2D%20Malawi%20Must%20Lead%2C%20Not%20Lag%2C%20in,ethics%20and%20governance%20of%20AI.> (Accessed 29 January 2026)

43. Ministry of Information and Digitalisation, 2025 "Malawi Digital Readiness Assessment" [https://www.undp.org/sites/g/files/zskgke326/files/2025-05/dra\\_malawi\\_report\\_2025\\_a4\\_print.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2025-05/dra_malawi_report_2025_a4_print.pdf) (accessed 28 December 2025)

## Digital Inclusion

In 2025, Malawi continued expanding its digital public infrastructure (DPI), including digital identity systems, digitised registries, Data Centres and online public services. The National ID system, in particular, became increasingly central to governance, service access and civic participation.

A defining digital rights issue in 2025 was the decision to use the National ID card as the sole proof of identity for voter registration. This marked one of the most consequential uses of digital identity infrastructure in Malawi's democratic process to date.

The policy aimed to strengthen electoral integrity by eliminating duplicate registrations and ensuring a unified, verifiable voters' roll. In principle, this represented a positive step toward credible elections and alignment between civil registration and electoral systems.

However, the implementation revealed

serious challenges. Persistent issues included limited availability of physical ID cards, particularly for first-time registrants, delays in replacement and renewal of lost, damaged, or expired cards and uneven service quality and access, especially in rural and hard-to-reach areas.<sup>44</sup> Although the government had extended the validity period of National ID cards to mitigate these constraints, operational bottlenecks remained. As a result, some eligible citizens faced barriers to voter registration not because of legal ineligibility but because of administrative and infrastructural shortcomings. These challenges triggered court cases and public disputes<sup>45</sup>, with concerns raised about potential disenfranchisement and the proportionality of relying on a single digital credential in a context of uneven service delivery. Civil society actors and political party players argued that weaknesses in the ID system translated directly into unequal access to political rights. From a digital rights perspective, DPI expansion offers clear benefits such as improved service targeting, reduced fraud and increased administrative efficiency. At the same time, it concentrates sensitive personal data within state systems,

44. Vinicent Kumwenda, Key Informant Interview (31 December 2025)

45. Nation Publications Limited, 11 October 2024, [https://web.facebook.com/NationOnlineMw/posts/news-a-move-by-democratic-progressive-party-dpp-to-commence-a-case-against-malawi/925019012991222/?\\_rdc=1&\\_rdr#](https://web.facebook.com/NationOnlineMw/posts/news-a-move-by-democratic-progressive-party-dpp-to-commence-a-case-against-malawi/925019012991222/?_rdc=1&_rdr#) (Accessed 29 January 2026)

increasing the importance of strong privacy protections, cybersecurity, transparency and accountability.

In May 2025, the Government of Malawi, in partnership with the United Nations Development Programme (UNDP), unveiled Malawi's first-ever Digital Readiness Assessment (DRA). The DRA comprehensively evaluates Malawi's current status and prospects in digital transformation. It assesses progress across six key pillars: Digital Public Infrastructure (DPI), Connectivity, Government, Regulation, Economy, and People. The assessment provides evidence-based recommendations to guide national strategy, investments, and policy reforms.<sup>46</sup>

According to the report, Malawi achieved a Digital Readiness Score of 1.96 out of 4.0, positioning the country within the "Opportunistic" stage of digital readiness. Key recommendations from the assessment include strengthening regulatory enforcement and developing future-facing policies, including a National AI and Data Strategy, improving public

sector coordination, interoperability and user experience in e-services; promoting digital trust and citizenship through inclusive and accessible platforms; and investing in rural broadband infrastructure and reducing the cost of internet access. The report also emphasises the need to develop a National Digital Skills Framework focused on inclusion and workforce alignment, and establishing the Department of e-Government as an Independent Authority with a stronger implementation mandate.

The report offers an opportunity for Malawi to renew its digital transformation agenda by acting on the insights of the assessment.

Further, in August 2025, MACRA commenced public consultations to review the Communications Act of 2016 to align the regulatory framework with technological advancements, market developments and stakeholder needs. Led by a Digital Laws Taskforce,<sup>47</sup> input was sought through submissions on various issues, including the Universal Service Fund (USF) to improve digital inclusion and ac-

46. UNDP Malawi, *Malawi Launches First-Ever Digital Readiness Assessment to Guide Inclusive Digital Transformation*. 15 May 2025. <https://www.undp.org/malawi/press-releases/malawi-launches-first-ever-digital-readiness-assessment-guide-inclusive-digital-transformation> (Accessed 30 December 2025)

47. MACRA, 19 August 2025 [https://web.facebook.com/MACRA1998/posts/macra-is-reviewing-the-communications-act-cap-6801-to-ensure-it-responds-to-new-/1103242165234383/?\\_rdc=1&\\_rdr#](https://web.facebook.com/MACRA1998/posts/macra-is-reviewing-the-communications-act-cap-6801-to-ensure-it-responds-to-new-/1103242165234383/?_rdc=1&_rdr#) (accessed 31 December 2025)

cessibility. Malawi also faces a significant gender digital divide. The latest (2023) Global Gender Gap Index ranks Malawi in position 110 out of 146 countries, an improvement from 132 in 2022.

There are gaps in access to ICT services by persons with disabilities. In 2024, the Government, through the Universal Service Fund (USF), rolled out two interventions, the “Disability Project for Digital Inclusion” and “Sign Language,” aimed at advancing digital inclusion in institutions with people with disabilities.<sup>48</sup> The Disability Project for Digital Inclusion is promoting ICT access and use by people with disabilities (PWDs) living in different areas of the country.<sup>49</sup>

## The Universal Service

### Fund (USF)

While USF models vary across countries, their common objective is to deploy communication infrastructure and promote

the adoption of ICT services in rural and underserved areas, even when not economically viable. This reflects a commitment to connecting everyone, regardless of the associated costs. Principle 37(2) of the African Commission on Human and Peoples Rights Declaration on Freedom of Expression and Access to Information (African Commission Declaration) emphasises the necessity of universal, equitable, affordable, and meaningful internet access for the realisation of various human rights. It is by no coincidence that the 32nd Session of the Human Rights Council (2016) affirmed that rights enjoyed offline should also be protected online, necessitating the availability, affordability, and accessibility of telecommunication services.<sup>50</sup>

In Malawi, the USF is established under Section 157 of the Communications Act of 2016, with the aim of promoting universal access and services in underserved areas.<sup>51</sup>

The USF budget for the 2025 fiscal year was valued at US\$7.5 million (MWK13.1 billion), a 27% increase from US\$5.9

48. USF Key Informant Interview (28 December 2025)

49. USF Key Informant Interview (28 December 2025)

50. UN Human Rights Council ‘Report of the Human Rights Council on its thirty second session’ <https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/008/73/PDF/G2000873.pdf?OpenElement> (accessed on 25 December 2024).

51. Section 157 of the Communications Act

52. USF Key Informant Interview

million registered in the 2024 Budget.<sup>52</sup> In 2025, the USF continued to roll out various projects estimated at a total of US\$6.8 million.<sup>53</sup> For example, the Connect a School (CAS) initiative targets rural and peri-urban schools by constructing ICT Labs and providing internet and ICT Equipment to facilitate access to modern ICTs and the Internet for learners and communities. In 2025, the USF Committee indicated its plans for 2026-2027 to expand the CAS ICT labs to 229 from the initial 75, covering all parliamentary constituencies across the country.<sup>54</sup> The CAS model, which is built on partnering with community actors, has also

Other USF-funded initiatives include Community Networks (Yathu Yathu Data),<sup>56</sup> expected to diversify the mobile operator market and provide a low-

er-cost alternative to Airtel and TNM for mobile data, particularly in rural areas.<sup>57</sup> In addition, the Radio Access Network (Rural Telephony),<sup>58</sup> Connect Teachers Training College<sup>59</sup>; Grants for Local Digital Content Production; Sign Language Project; E-Health Project; and E-commerce project were some of the projects in the year. USF projects also included Connect a Post Office;<sup>60</sup> National Addressing System Project<sup>61</sup>; Persons with Disability Project for Digital Inclusion; Last Mile; Virtual Postal App; Curriculum Review; SMEs Digital Skills Training; and Digital Ambassadors<sup>62</sup>.

While USF has begun to register notable strides through projects, after inordinate inactivity, it still faces significant operational and institutional challenges, undermining its full potential. According to

53. USF Key Informant Interview

54. USF Key Informant Interview (20 December 2025)

55. USF Key Informant Interview (20 December 2025)

56. USF is piloting the Community Broadband Network Project in 8 district councils including the identification of cooperatives that will run broadband network deployments in rural areas. USF has also trained the Cooperatives and facilitated their licensing.

57. "MACRA to roll out Yathu Yathu data network," Nthanda Times, <https://nthandatimes.com/macra-to-roll-out-yathu-yathu-data-network/>. (accessed 24 December 2024)

58. USF is procuring 26 mobile network towers to connect 22 mobile network infrastructures unserved/underserved areas to ensure adequate broadband coverage.

59. USF Key Informant Interview (20 December 2025)

60. USF Key Informant Interview (20 December 2025)

61. USF-funded digitization of land parcels in all districts

62. USF Key Informant Interview (20 December 2025)

the USF Management, USF-funded projects were significantly affected by a precarious macro-economic environment, including high levels of inflation, pushing up the costs of the projects. The researcher also noted unrealistic ambitions in USF projects. For example, there were over 16 projects running concurrently, but with limited budgets and lean USF management staff, risking underperformance of the projects. Inordinate delays and long procedures in public procurement also affected the timely completion of some projects.<sup>63</sup> The limited funding for USF is another area of concern. Section 160 outlines diverse funding sources for the USF, including operators' levies, parliamentary appropriations, grants, subsidies, auctions, public access projects and funds from MACRA<sup>64</sup>. This assessment, however, established Parliament's failure to appropriate funds to the USF despite Section 160(b) of the Communications Act, 2016 placing an obligation on Parliament to appropriate funds to the USF. This has increased the financial burden on USF. There are also transparency and accountability concerns arising from MACRA's failure to comply with Section 194(c) of

the Communications Act, 2016, regarding the publication of fund details and reporting to Parliament on USF. Since the establishment and operationalisation of USF, MACRA has not published USF reports. There is a need for proactive disclosure of information on the USF in line with Principle 29 of the African Commission on Human and Peoples' Rights' Declaration on Freedom of Expression and Access to Information in Africa.<sup>65</sup>

63. Ibid

64. USF Strategic Plan

65. African Commission on Human and Peoples' Rights (ACHPR) Declaration on Freedom of Expression and Access to Information (the Declaration) <https://www.achpr.org/legalinstruments/detail?id=69> (accessed on December 20, 2024).

## Conclusion

In 2025, Malawi's overall performance on the TheScore Index improved from 35 to 36 out of 60 and is rated "moderately compliant". Increased reports of surveillance, a prohibitive tax regime on ICT products and services introduced through the 2025 national budget, and criminalisation of online expression, remained major areas of concern among others.

Major gains in the year included the Constitutional Court's repeal of Section 200 of the Penal Code outlawing criminal defamation, a significant step in upholding the constitutional guarantee for freedom of expression

and media freedoms. Malawi also commenced a participatory review of the Communications Act, 2026, to align the regulatory framework with rapid technological advancements, market developments, and stakeholder needs. Initiatives rolled out under the Universal Service Fund (USF) were a step in the right direction in transforming digital inclusion in the country.

Pursuant to the existing gaps, opportunities and recent developments in the digital space in Malawi, the following recommendations are made:

## Recommendations

The Government should:

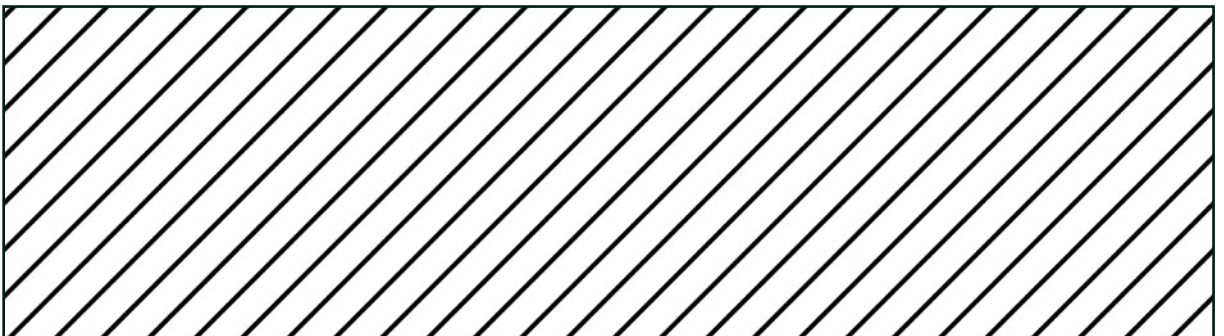
- Review the prohibitive taxation regime on ICT products and services.
- Review the Electronic Transac-

tions and Cybersecurity Act of 2016 to remove broad and vague provisions and offences, including sections 24(1) (e) and (f) and repealing any sedition laws in the Penal Code, to align with the Constitutional Court's ruling outlawing criminal defamation.

- Repeal Section 60 of the Penal Code that criminalises false or fake news to guarantee freedom of expression and media freedoms.
- Address strong suspicions of government surveillance equipment procured by MACRA to monitor social media platforms and ICT activities using the UFED system, designed to access and extract information from electronic devices such as phones and laptops sold by the Israel-based company, Cellebrite
- Guarantee Freedom of Express-

sion and Media Freedoms by, among others, desisting from arbitrary arrests and censorship

- Intensify implementation of the Malawi Digital Economy Strategy to ensure accelerated universal access to the Internet and mobile services.
- Raise public and stakeholder awareness on the Data Protection Act
- Strengthen operational capacity and accountability mechanisms for the National ID system, particularly for replacement and renewal services.
- The Malawi Parliament should allocate funds to the Universal Service Fund (USF) in compliance with section 160(b) of the Communications Act.
- Develop regulatory and ethical use standards of Artificial Intelligence with proper governance structures.



### Civil Society Organisations should:

- Advocate for the review of the government's tax regime on ICT products and services
- Advocate for the review of the Electronic Transactions and Cybersecurity Act of 2016; and repealing false news and sedition laws in the Penal Code through engagement with authorities, public awareness, and litigation
- Train law enforcement agencies, the judiciary, and regulatory institutions in digital rights
- Demand accountability on the procurement and deployment of MACRA's social media surveillance machine and UFED system for surveillance.
- Strengthen digital rights coalitions and networks to bolster civil society agencies in digital rights advocacy.
- Advocate for Malawi's ratification of the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention)

### The Media should:

- Monitor, investigate, and expose digital rights violations
- Track government accountability on the implementation of the Malawi Digital Economy Strategy to ensure accelerated universal access to the Internet and mobile services.
- Raising public and stakeholder awareness on various digital rights-related laws, including the Data Protection Act
- Monitor the operations of the USF to ensure proactive disclosure of USF information every year, transparency, accountability, and effectiveness, while also advocating for the appropriation of funding by Parliament

### Mobile Network Operators should:



- Collaborate with non-state actors in advocating for a conducive policy and legislative environment for digital rights and ICT actors.
- Proactively partner with the government in bridging the digital divide, including joint investment in ICT infrastructure targeting rural communities and provision of affordable data tariffs and mobile services.

### Academia should:



- Provide intellectual leadership and guidance on issues of digital rights and inclusion.
- Conduct research on issues of digital rights and inclusion and emerging technologies such as Artificial Intelligence.

66. An improved Index score from 3 in 2024 to 4 attributed to repeal of criminal defamation

67. [https://malawi.misa.org/2022/11/22/members-of-parliament-in-malawi-remove-sedition-as-criminal-offence/%23~:text%3DOn%2520November%252021%252C%25202022%252C%2520Members%2520of%2520Parliament,Constitution%2520\\*%2520Open%2520up%2520the%2520civic%2520space&sa=D&source=docs&ust=1774356819281102&usg=AOvVaw3g8zpHfORNE9U-QGEEvw-T](https://malawi.misa.org/2022/11/22/members-of-parliament-in-malawi-remove-sedition-as-criminal-offence/%23~:text%3DOn%2520November%252021%252C%25202022%252C%2520Members%2520of%2520Parliament,Constitution%2520*%2520Open%2520up%2520the%2520civic%2520space&sa=D&source=docs&ust=1774356819281102&usg=AOvVaw3g8zpHfORNE9U-QGEEvw-T)

68. <https://macra.mw/download/25/rulesregulations/252806/data-protection-act-2024.pdf&sa=D&source=docs&ust=1773680549141611&usg=AOvVaw1LomaO0ATgPlyDoeiLgBM>



69. The Index Score dropped from 3 to 2 due to increased prohibitive tax regimes, increasing prices of internet services and ICT products

# The Score Index

Malawi, 2025

1 = Totally non-compliant; 2 = Mildly compliant; 3 = Moderately compliant;  
4 = Considerably compliant; 5 = Fully compliant

Indicator	ACHPR Principle	2024 Score	2025 Score	2025 Justification
Internet Shutdowns	P38(2)			No incident of internet shutdown
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37			Policies and laws are there but limited compliance. For example, Malawi has Communications Act, Digital Economy Strategy, Universal Service Fund, ICT Policy – but implementation is insufficient
False News Criminalisation	P22(2)			Arrests of social-media users; Section 60 of Penal Code, 87, 91, Electronic Transactions and Cyber Security Act, and Penal Code. Repeal of defamation law in 2022 (Secs 50, 51, 52 and 53 of the Penal Code of Malawi)
Sedition Legislation	P22(2)			No sedition law <sup>67</sup> in Malawi although repressive provisions exist in Section 87 of the Electronic Transactions and Cyber

Indicator	ACHPR Principle	2024 Score	2024 Score	2025 Justification
				Security Act, containing aspects of criminalisation of “offensive communication”.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)			Arrests of social media users
Data Protection Legislation.	P42			<ul style="list-style-type: none"> <li>• Data Protection Act is in place;</li> <li>• Office of Data Protection Officer established to handle complaints;</li> <li>• Regulations for Data Protection Act promulgated in 2025;</li> <li>• MACRA is designated as Data Protection Authority, not a best practice</li> <li>• Advisory Committees<sup>68</sup> established under sec.7 of the Data Protection Act, to provide advice to the Authority, not yet in place</li> </ul>
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)			No incident recorded
Invasion of Privacy of Communications	P41			

Indicator	ACHPR Principle	2024 Score	2024 Score	2025 Justification
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	 4	 3	Most government agencies have an online presence, including websites and social media platforms. However, proactive disclosure of information is limited
AI and Emerging Technologies national strategies	P39(6)	 1	 2	<ul style="list-style-type: none"> <li>Underwent UNESCO RAM in 2025;</li> <li>No AI Policy and regulatory framework</li> </ul>
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P29(3)	 3	 3	Adoption of the National Child Online Protection Strategy in 2024
Digital Inclusion	P29(3)	 3	 3	<ul style="list-style-type: none"> <li>Increased VAT on ICT products and services from 16.5% to 17.5% in 2025;</li> <li>Introduction of 0.5% levy on e-money transfer;</li> <li>Increased cost of internet data by mobile companies</li> <li>Active USF projects</li> </ul>

Total (out of 60):	2024: <b>35</b>	<b>2025</b> <b>36</b>
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