



SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY

# Enabling Environment Baseline Snapshot

Malawi

October 2025



## Context

Period covered by report: November 2024 – October 2025

Malawi is a landlocked country in the Southern African region. It has a population of 21.1 million people with an area of 118.5 square kilometres (high population density). With its capital as Lilongwe, Malawi's economy is heavily reliant on agriculture and has a multiparty democratic system. In terms of civil society, Malawi has over 2,000 registered Non-Governmental Organisations (NGOs) and fivefold of this number are Community Based Organisations (CBOs), with some trade union groups.

Over the past year, Malawi's civic environment has been shaped by major political and governance developments. The country went through general elections in September 2025 amid concerns about accountability, corruption, and citizen participation. The Government's efforts to review and implement the NGO Policy and the revision of the [NGO Act 2001 in 2022](#) marked an [important step toward](#) strengthening participatory policy-making, enhancing regulatory clarity, and enhancing a more enabling environment for civil society operations in Malawi. Nevertheless, heightened political sensitivities during the [2025 elections](#) increased the risk of clampdowns on activism.

In parallel, Malawi's economic challenges, rising cost of living, and donor dependency have constrained operational capacities for CSOs. Civic actors have continued to demand Government transparency and reforms in public finance management, human rights, and access to justice. Since 2012, the general public, experts, and business community have consistently perceived that Malawi is not doing enough to [fight corruption](#). This perception is reflected in the country's persistently low scores on Transparency International's Corruption Perceptions Index, which ranks countries from 0 (highly corrupt) to 100 (very clean); Malawi has never scored above 37, indicating ongoing challenges in governance and public sector integrity. While civil society organisations (CSOs) in Malawi actively advocate for transparency, monitor public resources, and expose corruption, these efforts have not yet shifted overall public perception, highlighting the need for stronger enforcement, accountability measures, and collaborative action between government institutions and CSOs.

At the same time, civic engagement around governance and service delivery remains somewhat healthy through initiatives such as the [Governance to Enable Service Delivery \(GESD\)](#) project, but the space for dissent remains narrow, with periodic intimidation of activists and selective law enforcement trends. GESD is a World Bank funded challenge programme being competed in by all local 28 Councils in Malawi on local service delivery aspects.

## 1. Respect and protection of fundamental freedoms

Malawi's Constitution guarantees freedoms of expression, assembly, and association through [Sections 35–38](#), however, the practical exercise of these rights remains uneven. CSOs, activists, and human rights defenders frequently face intimidation, harassment, and legal obstacles when engaging in [legitimate advocacy](#). Restrictive legislation has been used to stifle dissent and criminalise civic action, while peaceful protesters have been arrested,

and defenders subjected to prolonged legal battles, as [documented](#) by the Human Rights Defenders Coalition and Amnesty International. Instances of excessive police force during demonstrations, bureaucratic hurdles in obtaining protest permits, and direct threats against activists undermine civic participation. Notably, human rights defender Sylvester Namiwa was [attacked](#) during a protest, and on 22 November 2025, the Democratic Progressive Party publicly warned the Human Rights Defenders Coalition against organising anti-government protests, asserting that it would “fight back” against any demonstrations. These developments highlight a shrinking civic space that constrains the ability of Malawians to freely exercise their constitutional rights.

Media freedom in Malawi has seen some improvements following the repeal of restrictive provisions under [Section 46 of the Penal Code](#) in 2012, as well as Section 200, in July 2025, which [decriminalised defamation](#) and eased legal constraints on expression. Despite these reforms, [concerns on broadcasting licences](#), state control, and political bias in public media persist. Independent outlets, including The Nation Publications and Times Group, continue to perform a vital watchdog role, yet journalists and media houses occasionally face harassment, threats, and pressure to self-censor. In 2025, journalists were [attacked](#) by political party zealots and others while performing their duties, but no individuals were arrested or prosecuted, perpetuating a culture of impunity for crimes against the press. These challenges underscore ongoing obstacles to fully realizing media freedom in Malawi.

The civic space context is further shaped by structural human rights challenges, including the continued criminalisation of [same-sex conduct](#) under Sections 153, 156, and 137A of Malawi’s Penal Code, which prohibit “unnatural offences” and same-sex relations. These legal provisions, combined with persistent discrimination, stigma, and risks of violence based on sexual orientation, gender identity, and sex characteristics, restrict the ability of affected groups to [organise freely](#), participate in public life, and access protection, contributing to unequal participation in civic processes.

## 2. Supportive legal framework for the work of civil society actors

Malawi’s legal framework for CSOs and civic space is anchored in constitutional provisions and various laws designed to uphold and safeguard fundamental rights. Notably, the passage of the [NGO \(Amendment\) Act 2022](#) followed wide consultations with civil society leaders and stakeholders. Despite this engagement, the law retained challenges, including a restrictive definition of NGOs that could exclude “non-public benefit organisations” or “mutual benefit organisations” such as federations, advocacy groups, or research institutions from registering; mandatory registration requirements; excessive discretion granted to the NGO Regulatory Authority ([NGORA](#)) to suspend, cancel, or revoke registration; prohibitions on “electioneering and politicking” by NGOs; and disproportionate criminal sanctions for [non-compliance](#). Subsequent regulations under the Act have similarly benefited from CSO input, but concerns remain regarding potential constraints on advocacy, social accountability, and public-interest activities, highlighting ongoing risks to civic space and the operational freedom of CSOs.

Positive strides include consultations on revising the NGO Policy initiated by the Ministry of Gender, Children, Disability and social welfare as a parent ministry for civil society, and the NGO Regulatory Authority. With wide consultations, the NGO Policy is now more

consultative, talks of resource mobilisation for NGOs and is modernising the civil society regulatory environment, which remains with multiple registration regimes for CSOs ([Trustees Incorporation Act](#) or [Companies Act](#) for legal personality and the NGO Act for identity and administration). The policy is yet to be approved by Cabinet, with delays triggered by regime change.

At the same time, delays in implementing the NGO Regulations on registration and coordination, along with the absence of consistent enforcement, have perpetuated confusion among CSOs regarding their compliance obligations. For example, the [First Draft NGO Complaints Handling Mechanism](#) - which, once gazetted, is expected to provide a structured process for addressing disputes between NGOs and the regulatory authority, enhance accountability, and protect the rights of CSOs - remains unpublished, leaving NGOs without clear guidance. Additionally, under the [NGO Fees Regulations](#), registered NGOs are required to pay annual fees to the designated government agency, with non-compliance potentially resulting in deregistration. The lack of clarity on enforcement and the slow gazetting of complementary regulations make it difficult for NGOs to plan their operations, comply confidently with the law, and engage effectively in advocacy, social accountability, and other public-interest activities.

Although the [NGO Act 2000](#) (amended in 2022) under Sections 21(b) and (c) grants registered NGOs the right to fundraise in Malawi and access fiscal benefits from government, in practice, grants for NGO activities remain very limited. This is partly due to bureaucratic hurdles, selective enforcement of tax regulations, and uneven application of local government by-laws, which can discourage donors or restrict the operations of critical CSOs. For example, government authorities have sometimes applied tax regulations selectively against NGOs that are perceived as critical of the State, creating uncertainty and risk for funders. In addition, unclear arrangements at the local council level—such as Memoranda of Understanding (MoUs) requiring NGOs to hand over project assets to government once projects phase out—contradict the [Trustees Incorporation Act](#), Section 3(4), which vests such assets in the NGO's trustees. These practical and regulatory challenges limit the flow of grants and other funding to NGOs, despite the formal legal right to fundraise. Continuous legal reforms should therefore prioritise transparency, protection from arbitrary deregistration, and strengthened self-regulation mechanisms to enable NGOs to mobilise resources effectively.

### 3. Accessible and sustainable resources

Resource scarcity remains a defining challenge for Malawi's civil society. Most CSOs depend heavily on international donor funding, primarily from the European Union (EU), United States Agency for International Development (USAID), Foreign, Commonwealth and Development Office (FCDO), and United Nations (UN) family agencies. Recent reductions and restructuring of USAID development assistance have hugely affected civil society programming in Malawi, leading to delays or scaling down of governance, health, and community development initiatives previously supported through these grants. The funding constraints have also had broader socio-economic implications, as many community-based economic empowerment activities such as livelihoods programmes, youth enterprise initiatives, and local capacity-building efforts have been curtailed or suspended due to reduced financial support. Generally, domestic philanthropy is weak due to limited disposable incomes, weak corporate social responsibility frameworks, and absence of tax

incentives for charitable giving. Funding restrictions, delayed disbursements, and stringent compliance requirements have led to reduced programming.

Efforts to diversify funding, such as CONGOMA's (the Council for NGOs in Malawi) engagement with the private sector and proposal development for joint projects, have shown promise but remain in early stages. The absence of sustainable local fundraising mechanisms continues to threaten the survival of many NGOs, to the extent that by 30 June 2025 around 24 NGOs become dormant or extinct as per a [2025 NGO Sector Report](#) (page 22) by [NGORA](#).

To address these constraints, CONGOMA has begun promoting social enterprise models as an alternative pathway for NGO sustainability. In 2024, CONGOMA developed a policy paper on social enterprise development, outlining strategies for NGOs to generate income through mission-aligned business ventures without compromising their non-profit identity. The framework advocates for a supportive fiscal and legal environment that enables NGOs to invest in social innovation, reinvest profits into community impact, and reduce dependency on donor aid. To strengthen this emerging trend, there is a need for policy-level incentives that encourage local giving, predictable donor commitments, and supportive legislation for NGO-led social enterprises.

## 4. State openness and responsiveness

Government–civil society relations in Malawi remain dynamic and largely constructive. Malawi is currently implementing its third [Open Government Partnership](#) (OGP) National Action Plan (2023–2025), building on commitments from the 2016–2018 and 2019–2021 cycles. The Open Government Partnership was widely regarded as a potential “panacea” for enhancing government openness, as it promotes co-creation of commitments between government and civil society in line with [principles of OGP such as](#) transparency, accountability, and public participation. Through this framework, CSOs have had structured opportunities to engage in policy dialogue, monitor implementation of commitments, and contribute to reforms aimed at strengthening governance and civic participation. Performance shows there are still openness challenges by the State due to the existence of the [1913 Official Secrets Act](#) which runs counter to the Access to Information Act (see below). As such, the OGP principles provide for an opportunity for State openness while the Official Secrets Act takes it away.

As engagement levels vary across ministries and agencies, there has nonetheless been measurable progress in institutionalised collaboration between the state and CSOs. This progress is reflected in the formal inclusion of civil society representatives in national development frameworks such as the implementation structures of Malawi's national vision, [MW2063](#), as well as participation in sector working groups and thematic technical committees. Under the Decentralisation Policy framework, CSOs have increasingly engaged in District Executive Committee (DEC) meetings, District Development Planning processes, and social accountability initiatives linked to local councils. Additionally, statutory and regulatory frameworks, including sector-specific Acts of Parliament and [Coordination Regulations](#), have created structured spaces for consultation, public hearings, and stakeholder input during policy formulation and review processes. Continued engagement with institutions such as the Malawi Human Rights Commission (MHRC) and collaboration with the Malawi Police Service and local councils on civic freedoms are crucial to preventing regression. For example, a meeting between the MHRC and [civil society actors](#) provided a platform to discuss emerging threats to civic space, including harassment of activists and

journalists, and resulted in concrete recommendations for strengthening protections, promoting accountability, and ensuring that citizens could exercise their rights without intimidation. While implementation remains uneven, these mechanisms demonstrate a gradual shift toward more structured and predictable engagement between Government institutions and civil society actors.

As engagement levels vary across ministries and agencies, there has been significant progress in institutionalised collaboration between the state and CSOs through the [Malawi 2063](#) Vision and various public policies including the [Decentralisation Policy](#) and various Acts of Parliament. CONGOMA maintains a strong partnership with government and currently sits in over ten government-led taskforces and committees, including those on governance, decentralisation, disaster risk management, and public finance oversight with the purpose of influencing the results. In addition, CONGOMA is a member of the pillar and coordination groups of the National Planning Commission - [NPC](#), ensuring that civil society voices are reflected in national development frameworks and the implementation of Malawi 2063.

The [Access to Information Act \(2016\)](#), particularly Section 15, mandates proactive disclosure and publication of information by public bodies. However, many CSOs and citizens still struggle to fully exercise this right, often facing bureaucratic barriers and limited institutional responsiveness. Section 28 of the Act introduces exemptions that restrict access to certain categories of information, which activists view as potential loopholes that can be exploited to withhold critical public data. These limitations are widely perceived as setbacks to transparency and accountability, especially in instances where access to information is essential for the protection and promotion of human rights.

However, challenges persist in ensuring that such engagements are consistently meaningful and inclusive across all sectors. Civil society input is not always reflected in final policy outcomes, and mechanisms for feedback and follow-up remain weak. One example to attest to this is on national electoral processes. The Malawi Electoral Commission - [MEC](#) has a National Consultative Forum (NECOF) which includes CSOs, the Church and others, but it is only for consultation on issues of elections. The final decision that matters is that of the MEC Commissioners. As such, there is still some secrecy and limited responsiveness. But still, strengthening structured consultation frameworks and ensuring reciprocal accountability between government and civil society will be essential to deepening trust and transparency.

## 5. Political Culture and Public Discourses on Civil Society

Public attitudes toward civil society in Malawi are generally positive but remain heavily influenced by prevailing political narratives. During advocacy campaigns, particularly those focused on governance, accountability, and human rights, some political actors have [portrayed](#) CSOs as “political” or “foreign-driven,” thereby casting doubt on their legitimacy. State-controlled media and certain partisan commentators have occasionally amplified these narratives, framing civic actors as opponents of Government rather than partners in national development, who are accused of conniving with donors to cause anarchy. This portrayal risks eroding public confidence in CSOs and discouraging citizens from associating with advocacy initiatives.

Despite these challenges, civil society's visibility and credibility have continued to improve through tangible contributions to community development and humanitarian response. Notably, CSOs played a central role in coordinating disaster relief during Cyclone Freddy and in advancing social protection initiatives under various fora. Having [2023](#) and [2024 NGO Day](#) celebrations officiated by His Excellency the former President Lazarus Chakwera, offered a rare demonstration of national recognition for CSOs' work, reinforcing their relevance to local development goals. These engagements have strengthened public appreciation of NGOs as legitimate development partners.

A notable trend in Malawi's civic landscape has been the Government's appointment of prominent civil society leaders and activists into public offices and commissions. While such appointments seen in areas like human rights, governance, and social policy reflect recognition of CSOs' technical expertise and leadership, they have also generated debate within the sector. One example is the [appointment](#) of Presidential Advisors in all the last six political regimes. Some stakeholders view this as an opportunity to bridge the gap between Government and civil society, promoting reform from within, while others express concern that it is risky, weakening independent advocacy and blurring the lines between state and civic accountability. This duality underscores the importance of safeguarding the autonomy and watchdog role of civil society, even as it engages constructively with government.

Evidence suggests a growing culture of citizen engagement, particularly at the district level, where CSO-led platforms such as district civic forums, citizen engagement committees, and public monitoring initiatives including Project Implementation Committees have enhanced dialogue between communities and local authorities. For example, CSO networks in [Chikwawa](#) district have commended inclusive engagement in GESD and District Development Fund (DDF) projects, and similar citizen participation processes have been documented in GESD planning and service delivery discussions. Local dialogue sessions in [Dowa](#) district also illustrate active engagement between communities, traditional leaders, and councils in monitoring development projects. In addition, Malawi's National Audit Office's [Citizen Engagement Strategy](#) (2025–2029) institutionalises citizen participation in public accountability processes.

These platforms are in all the 28 District/Local Councils in Malawi under the District NGO Networks. The dialogues are on issues of budget tracking, community score card process of social services and climate resilience, among others. The rise of youth and women's advocacy networks such as those campaigning for climate justice, education reforms, and gender equality has reshaped public discourse by giving a voice to previously [marginalised groups](#). Initiatives by the Media Council of Malawi and the Malawi Human Rights Commission to promote civic education and accurate reporting on NGO work have also contributed to a more balanced narrative about civil society's role.

## 6. Access to a secure digital environment

Malawi's digital environment remains moderately open, with a steadily increasing internet [penetration rate](#) estimated between 18% and 36.9% depending on the source of data. Within the provisions of the Electronic Transactions and Cyber Security Act and related laws, citizens and CSOs enjoy broad access to social media platforms such as Facebook, WhatsApp, and X (formerly Twitter), which serve as key tools for civic engagement and advocacy. However, the 2016 [Electronic Transaction and Cyber Security Act \(ETCSA\)](#) has also been used in ways that limit online freedom of expression and create a chilling effect on

civic discourse. Under Article 87 of the Act, “offensive communication” broadly defined and subject to discretionary enforcement remains punishable by fines and imprisonment of up to 12 months, and has been used to arrest and charge individuals, including those critical of public officials, for posts on social media platforms (e.g., convictions for “cyberspamming” following critical [WhatsApp messages](#)). Courts have also applied provisions related to online speech to [prosecute internet users](#), undermining confidence in digital civic expression.

Additionally, vague clauses in the Act that permit restrictions on online communications in the name of “public order” or “national security” create uncertainty and may discourage legitimate [critique of authorities](#). Other laws such as the [Protected Flag, Emblems and Names Act](#) and certain Penal Code provisions have historically constrained journalism by restricting access to certain areas or penalising perceived insults, although [sedition was abolished](#) in 2023. Civil society and media advocacy groups, including the Media Institute of Southern Africa (MISA Malawi), have criticised the ETCSA for being overly broad and capable of criminalising legitimate speech online, and have called for its review to align with democratic freedoms and international standards on freedom of expression and digital rights.

Persistent [concerns](#) around cyber security, online misinformation, and digital surveillance continue to threaten the integrity of civic participation. Journalists, human rights defenders, and activists have reported instances of arrest due to online allegations. Others have reported harassment, trolling, and threats, especially during periods of heightened political activity or when addressing sensitive governance issues. Although Malawi has not experienced formal internet shutdowns, social media slowdowns during protests and politically charged events have raised suspicion of indirect state interference in digital spaces.

The Government has made progress in establishing a legal framework to safeguard digital rights (see the Electronic Transactions and Cybersecurity Act (2016) above), provide for the protection of personal data, regulation of online transactions, and prevention of cybercrime, while the [Data Protection Act of 2024](#) seeks to reinforce privacy standards and align national laws with international norms. Despite these advances, enforcement remains weak due to limited institutional capacity within the Malawi Communications Regulatory Authority (MACRA) and inadequate resourcing of cyber security units across ministries. The lack of a designated data protection authority and absence of public awareness campaigns have left both institutions and individuals vulnerable to data breaches, phishing scams, and digital exploitation.

For civil society, the digital landscape presents both opportunity and vulnerability. Many CSOs lack adequate technical capacity for data management, cyber security, and digital advocacy. Few organisations employ secure digital storage or encryption systems, leaving sensitive information exposed to cyber threats. The [CONGOMA Management Information System](#) (MIS) highlighted these gaps ‘*under challenges faced by NGOs*’, calling for the establishment of a Management Information System (MIS) for NGO registration and mapping, as well as capacity-building initiatives on digital literacy and data security for district networks. These efforts, once implemented, are expected to improve the safety and coordination of NGO operations and enhance transparency across the sector.

Civil society also faces increasing risks from online misinformation and disinformation campaigns and politically motivated digital manipulation. During key national debates, including those on corruption and public sector reforms, misinformation has been used to

discredit CSOs and activists, with some anonymous online pages spreading [false narratives](#) to poison public opinion. This trend underscores the urgent need for coordinated media literacy and fact-checking initiatives, in collaboration with platforms like the Media Council of Malawi, MISA Malawi, and international partners such as the Digital Rights and Inclusion Network (Paradigm Initiative).

## Challenges and Opportunities

Some of the expected challenges include:

- a. Political transitions in Malawi often bring shifts in Government attitudes toward civil society, influencing how CSOs are regulated and engaged. Changes in leadership have resulted in inconsistent application of NGO laws, with some administrations viewing CSOs as partners in development, while others perceive them as critics aligned with opposition interests. These fluctuations disrupt policy continuity and delay the implementation of reforms such as the NGO Policy and Regulations. A stable, non-partisan legal framework is therefore essential to safeguard CSOs from political interference and ensure predictable operating conditions regardless of which party is in power.
- b. Intensified political oversight after general elections on CSOs engaged in governance, human rights, or civic monitoring may result in increased scrutiny, including selective enforcement of laws, arbitrary audits, or restrictions on assembly.
- c. Misuse of regulatory frameworks such as the NGO (Amendment) Act and Police Act, may be interpreted restrictively, limiting registration processes, freedom of association, or public advocacy for NGOs.
- d. Resource constraints triggered by economic instability and rising operational costs may reduce donor support, affecting CSOs' ability to conduct outreach, mobilise citizens, and monitor government accountability.
- e. Security risks for activists including human rights defenders, journalists, and civic monitors may come in the form of intimidation, online harassment, or threats that undermine their ability to operate safely.

Despite these challenges, several opportunities exist to strengthen civic space:

- a. Going forward, civil society must invest more in strategic communication, public accountability, and evidence-based storytelling to consolidate public trust. Building alliances with local media, faith-based institutions, and traditional leaders can help counter misinformation and disinformation, and amplify success stories that demonstrate CSOs' positive impact on livelihoods and governance. A strong communication strategy, coupled with transparency and community engagement, is key to strengthening civic legitimacy and deepening democratic culture in Malawi.
- b. The ongoing review of the NGO Policy presents a critical window for CSOs to influence legislation, simplify registration procedures, and promote protections for civic actors.
- c. Malawi's OGP framework provides a platform to advance transparency, accountability, and participatory governance, which CSOs can leverage to institutionalise dialogue with Government agencies.

- d. Renewed attention from international partners offers potential for targeted funding, technical support, and capacity development to enhance CSO effectiveness.
- e. CONGOMA's focus on social enterprise may assist some NGOs to gain support for their sustainability.

To fully seize these opportunities, civil society actors will need these Enablers:

- a. Enhanced capacity in advocacy and evidence-based engagement, enabling CSOs to influence policy and promote citizen-centred reforms.
- b. Strengthened financial sustainability, including diversified funding strategies to reduce vulnerability to economic shocks.
- c. Improved digital safety and security to ensure that activists and organisations can operate online without undue risks.
- d. Stronger coordination and networking, facilitated through CONGOMA and district/sector networks, to present unified positions and share resources.
- e. Sustained engagement with Parliament, oversight institutions, and policy-making bodies, to secure protections for civic freedoms and embed participatory mechanisms into governance processes.

*This publication was funded by the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.*

**EU SEE** SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY



Funded by  
the European Union

