



PRESS STATEMENT

For Immediate Release

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Family Planning Association of Malawi (FPAM) Commends the High Court Ruling on amendment of Post-Abortion Care Guidelines

The Family Planning Association of Malawi (FPAM) commends the High Court of Malawi for its landmark ruling ordering the Ministry of Health to consider amending the Post-Abortion Care (PAC) Guidelines effective Tuesday, October 28, 2025.

The ruling, delivered by Justice Mike Tembo, follows a case involving a 14-year-old girl from Chileka, Blantyre, who was defiled in 2022 and subsequently denied access to a safe abortion by health authorities. The survivor was later permitted to undergo the procedure and successfully terminated the pregnancy. The perpetrator, Lazalo Charles, was convicted and sentenced to 14 years imprisonment with hard labour - a sentence he is currently serving.

In his judgment, Justice Tembo emphasized that the Constitution of the Republic of Malawi allows for the termination of pregnancy when the mother's life is at risk, as was the case with the minor. The Court found that the 1st defendant, the Ministry of Health, breached several statutory duties, including:

- **Section 19(1) of the Gender Equality Act [Cap. 25:06]**, which guarantees the right to adequate sexual and reproductive health, including access to safe and legal termination of pregnancy.
- **Section 19(2) of the Gender Equality Act**, which guarantees every person the right to choose whether or not to have a child, subject to Sections 149 and 151 of the Penal Code as read with Section 243.
- **Section 20(1)(d) of the Gender Equality Act**, which mandates that a health officer imparts all necessary information for a person to make an informed decision regarding procedures or services affecting their sexual and reproductive health.

The Court further stated:

“This Court has absolutely no doubt that the claimant suffered injury and loss due to the mental anguish attendant to her being compelled to carry the unwanted pregnancy longer than necessary herein, that is, for the duration between her being unlawfully denied access to a safe

abortion by the 1st defendant to the time she eventually was afforded the right to access by the specialist at Queen Elizabeth Central Hospital.”

In conclusion, the Court found that the claimant had made out her case and was entitled to all declarations and reliefs sought, including costs and damages to be assessed by the Registrar if not agreed upon within 14 days.

Commenting on the ruling, FPAM Executive Director Mr. Donald Makwakwa stated:

“This ruling is a victory for justice, health, and human rights. For too long, many women and girls in Malawi have suffered or lost their lives due to unsafe abortions resulting from restrictive interpretations of policy. We commend the High Court for reaffirming the constitutional and human rights of women and girls to access safe post-abortion care. FPAM remains committed to supporting government efforts to ensure that all Malawians, especially women and girls, can access the sexual and reproductive health services they need without fear or discrimination.”

As an organization committed to advancing sexual and reproductive health and rights in Malawi, FPAM reiterates the importance of aligning national policies and guidelines with constitutional and human rights principles to protect the health, dignity, and lives of women and girls.

Signed:



Donald Makwakwa

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