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Malawi Election Digital Interference Report

DIGITAL DEMOCRACY AT RISK
Unveiling the Shadows over Malawi's 2025 Elections

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CONTENT

LIST OF ABBREVIATIONS

AFORD — Alliance for Democracy
AU — African Union
AU–COMESA EOM — African Union–Common Market for Eastern and Southern Africa Election Observer Mission
BVR — Biometric Voter Registration
CDEDI — Centre for Democracy and Economic Development Initiatives
CEIR — Central Equipment Identity Register
CHRR — Centre for Human Rights and Rehabilitation
CIRMS — Consolidated ICT Regulatory Management System
COMESA — Common Market for Eastern and Southern Africa
CSO — Civil Society Organization
DPI — Deep Packet Inspection
DPP — Democratic Progressive Party
DRC — Digital Rights Coalition
EC/EMS — Election (or Electoral) Management System
EIC (MEC) — Election Information Centre
EMD(s) — Electoral Management Device(s)
EOM — Election Observation Mission
EU — European Union
EU EOM — European Union Election Observation Mission
IEBC (Kenya) — Independent Electoral and Boundaries Commission
IMSI/IMEI — International Mobile Subscriber Identity / International Mobile Equipment Identity
INEC (Nigeria) — Independent National Electoral Commission
ISP — Internet Service Provider
ICTAM — ICT Association of Malawi
MACRA — Malawi Communications Regulatory Authority

MBC — Malawi Broadcasting Corporation
MCP — Malawi Congress Party
MEC — Malawi Electoral Commission
MHRC — Malawi Human Rights Commission
mHub — mHub Innovation & Technology Hub (Malawi)
MIGF — Malawi Internet Governance Forum
MISA Malawi — Media Institute of Southern Africa – Malawi Chapter
MRA — Malawi Revenue Authority
MwCERT — Malawi Computer Emergency Response Team (under MACRA)
NGO — Non-Governmental Organization
NICE Trust — National Initiative for Civic Education Trust
NIS — National Intelligence Service (Malawi)
NSO — National Statistical Office (Malawi)
ODPP — Office of the Director of Public Procurement
OSINT — Open-Source Intelligence
PAC — Public Affairs Committee (Malawi)
PIJ — Platform for Investigative Journalism
PP — People's Party
PPDA — Public Procurement and Disposal of Assets Authority (Malawi)
SADC — Southern African Development Community
SEOM (SADC) — SADC Electoral Observation Mission
SIM — Subscriber Identity Module
SMS — Short Message Service
TNM — Telekom Networks Malawi
UFED — Universal Forensic Extraction Device (Cellebrite)
UDF — United Democratic Front
UTM — United Transformation Movement
YAS — Youth and Society

EXECUTIVE SUMMARY

Malawi's September 2025 general elections marked a transformative moment—not just in political leadership, but in how citizens, institutions, and technology intersect.

For the first time, since multi-party elections were introduced in Malawi in 1994, the electoral process was deeply woven with digital tools—Electoral Management Devices (EMDs), biometric verification, and digital tally systems—ostensibly to increase speed, accuracy, and transparency.

The integration of digital tools into the 2025 electoral cycle—biometric verification, Electoral Management Devices (EMDs), and digital tallying systems—exposed deep structural weaknesses within Malawi's electoral governance framework. Instead of resolving historic inefficiencies, digitisation illuminated long-standing gaps in policy, capacity, transparency, and public accountability.

Smartmatic—the vendor contracted to supply Malawi's EMD solutions—occupied the centre of controversy. [1] Globally, the company has been linked to allegations and lawsuits in multiple jurisdictions, from the Philippines to the United States. [2] The company's long record of electoral mismanagent allegations and legal disputes as well as questions about vendor integrity in election management muddied the waters during the elections. This was aggravated by the shadowy procurement process which drew criticism over its exclusivity, lack of competitive alternatives, and refusal to allow independent audits of software and system architecture. [3] [4] [5] The absence of a verifiable chain of custody intensified public suspicion that the system could be manipulated or misused. [6] These technical-risk concerns did not materialize in isolation: they collided with a dynamic disinformation environment. Across WhatsApp, Facebook, TikTok, and radio, misleading narratives—some hyperbolic, others malicious—circulated widely about how the EMDs functioned, how data might be exploited, and how votes could be shifted.[7] In the close margins of tight races, these rumours had real impact.

This report synthesizes field interviews, procurement documents, forensic logs, expert analysis, and comparative global case studies to map how Malawi's 2025 elections both showed promise and revealed peril within an evolving digital-democracy landscape. Its central argument is clear: digitisation without accountability becomes a liability rather than an advantage. Technology enhanced certain aspects of the process, but it also magnified governance weaknesses that have long plagued Malawi's electoral system.

Nonetheless, it is generally believed that the 2025 elections, which saw the bouncing back of Peter Mutharika, the 85-year-old former president, who captured 56.8 percent of votes to defeat incumbent Lazarus Chakwera who got 33%, reflected the people's will in unmistakable terms. Although governance gaps and digital vulnerabilities complicated the administration of the election, the

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1   Competitive Elections, Despite Inequity in Campaigning — EU EOM Malawi 2025

2   "Co-founder of Smartmatic charged over Philippines contracts." AP News

3   "Smartmatic Misconceptions: A Wake-Up Call to Malawi." *Nyasa Times*

4   "MEC Rejects Opposition's Request to Audit Smartmatic Machine…" Nyasa Times

5   "Mixed reactions over use of Smartmatic's EMS, EMDs." *Nation Online*

6   "EU Election Observation Mission Malawi 2025 Factsheet" — EEAS

7   "Mixed reactions over use of Smartmatic's EMS, EMDs." *Nation Online*

direction of the vote itself appears to have been driven by frustration, economic pressure, and a united demand for change. In that sense, many observers believe the results reflected the people's will, even if the process through which they were transmitted revealed a system still in urgent need of strengthening.[8]

Drawing from the findings of this report and the political context that shaped the vote, Malawi requires reforms that go beyond technical fixes. The country must rebuild electoral credibility through structural, legal, institutional, and cultural measures that restore public trust.

INTRODUCTION: DIGITAL CROSSROADS FOR A YOUNG DEMOCRACY

Malawi's 2025 General Elections took place at a moment of profound political, technological, and institutional transition. For the first time in the country's electoral history, digital technologies—particularly biometric voter verification and Smartmatic-supplied Election Management Devices (EMDs)—were deployed nationwide for results capture and transmission.

These tools were intended to modernise Malawi's electoral infrastructure, prevent long-standing administrative problems, and reinforce public trust in electoral outcomes. Elections since the advent of multi-partu democracy in 1994 have for several reasons faced challenges.

Malawi, under the leadership of Hastings Kaumuzu Banda, got independence in 1964. He however declared a one party state in 1966 and in 1971, he declared hiself President for life.[9] Growing discontent led to a 1993 referendum that ended the one-party era, culminatiung in the May 1994 multiparty elections which saw former Prime Minister Bakili Muluzi defeating Banda.

Before the democratic dispensation, eletions held between 1964 and 1994 were contested by Banda's Malawi Congress Party only.[10] The elections during the one party state

days were analogue based and the trend continued in the landmark 1994 polls. Voters presented physical registration certificates, cast paper ballots into standard ballot boxes, and relied on polling staff to count votes by hand. Tallies were recorded on paper forms and physically transported to district and national centres, where aggregation was fully human-driven. Observer reports from 1994 highlight the limitations of this system: inadequate lighting for counters, difficulties in completing forms, and lengthy manual aggregation that often stretched through the night. The trend continued after the 1994 eletions.

The 1999 and 2004 polls were marked by disputes over voter rolls and parliamentary seat counts. In 2014 technical failures derailed result transmission: the national tally system broke down, forcing a return to manual counts, with President Joyce Banda initially

8   Mable Amuron, "Malawi 2025 Elections: A Democratic Reset Fuelled by Econoic Frustration" October 25, 2025, https://thraets.org/malawis-2025-elections/

9   Colby on Malawi, "Politics from Independence to Today," https://web.colby.edu/colbyinmalawi/politics-from-independence-to-today/.

10   Richard carver, "Malawi: Between the Referendum and the Elections," May 1, 1994, RefWorld/UNHCR, https://www.refworld.org/reference/countryrep/writenet/1994/en/94255.

trying to annul the election. In the end, the courts compelled the Malawi Electoral Commission (MEC) to declare a winner, and Peter Mutharika of the Democratic Progressive Party (DPP) prevailed with about 36.4% of the vote.[11] In 2020 Malawi's Constitutional Court annulled the May 2019 presidential vote due to "widespread, systematic and grave" irregularities.[12] The judges found that tally sheets had been altered (some sections even blotted out) and that the electoral commission's conduct was "very lacking". A fresh election was ordered, and in a peaceful repeat contest opposition leader Lazarus Chakwera won decisively (58.6% of the vote).[13]

Against this background, the adoption of biometric verification, Electoral Management Devices (EMDs), and digital tallying systems was seen as a major modernisation effort and an effort to clean the elections. These tools were expected to dramatically increase the speed of verification and transmission, reducing long queues and eliminating tallying delays. They were also meant to improve accuracy by minimising human error, preventing duplicate or multiple voting, and ensuring electronically transmitted results matched the physical count. Beyond efficiency, digital systems were anticipated to enhance transparency through clearer audit trails, reduced tampering opportunities, and more secure chains of custody for both biometric data and results. The digital turn, in essence, promised a more credible, efficient, and trustworthy election than Malawi's historically manual system could deliver. However, as these innovations were rolled out, it became clear that digitisation did not erase existing governance and trust gaps; instead, it exposed them in new and more visible ways. The very technologies intended to strengthen electoral integrity revealed weaknesses in

oversight, data protection, technical capacity, and transparency—demonstrating that modern tools alone cannot compensate for underlying institutional vulnerabilities.

The digital turn exposed severe governance gaps and trust vulnerabilities. They also introduced new and complex risks, including cybersecurity vulnerabilities, opacity in technology procurement, disinformation, data-privacy concerns, and fears of digital manipulation.The new threat meant that there was a risk of yet another contested result, the exposure of procedural weaknesses, media bias and even judicial intervention.

The 2025 elections therefore had to overcome historical vulnerabilities such as administrative failures, tally manipulation, weak institutional oversight, partisan interference, and limited regulatory independence. The elections also had to contend with emerging digital threats such as cyber risks, disinformation, opaque technology procurement, data-protection gaps, and the potential politicisation of digital communication networks.

This report argues that while digital tools were intended to strengthen election integrity, the absence of strong legal safeguards, independent oversight, and transparent processes risked shifting old vulnerabilities into new technological domains. The objectives of the report are primarily to provide a historical analysis of Malawi's electoral evolution from 1964 to 2025 and identify structural vulnerabilities that shaped the most recent elections as well as to assess the role of digital technologies—both their promise and peril—in the administration of the 2025 elections. It also examines documented or alleged instances of digital

11   Dianna Cammack, "Why Malawi took so long to declare an election winner," The Giardian, May 20, 2014, https://www.theguardian.com/global-development/2014/may/30/malawi-failed-declared-election-winner

12   Frank Phiri, "Makawi court annuals President Mutharikas 2019 elections victory," Reuters, February 3, 2020, https:/ /www.reuters.com/article/world/ malawi-court-annuls-president-mutharikas-2019-election-victory-idUSKBN1ZX2EQ/.

13   Frank Phiri, "Malawi opposition leader wins presidential election re-run," Reuters, June 28, 2020, https:// www.reuters.com/article/world/malawi-opposition-leader-wins-presidential-election-re-run-idUSKBN23Y0PV/.

interference, including technological failures, cyber incidents, disinformation campaigns, regulatory actions, media suppression, and the politicisation of communication infrastructure.

The report relies on a mixed-methods research approach combining documentary and legal analysis examination of Malawi's constitutional provisions, electoral laws, ICT regulations, and relevant case law.It also relies on the eview of publicly available MEC documentation, procurement records, and official statements and the analysis of credible local and international media reports and the review of election observer mission statements.

POLITICAL CONTEXT AND HISTORY

Malawi's modern political trajectory is inseparable from its deeper historical roots, beginning with pre-colonial Chewa, Yao, Tumbuka, and Ngoni state formations,[14] followed by its incorporation into the British Empire as the British Central Africa Protectorate in 1891 and later as Nyasaland under colonial rule[15].

After decades of anti-colonial mobilisation, much of it channelled through nationalist networks abroad, Hastings Kamuzu Banda, a U.S. and U.K. trained physician who returned to Nyasaland in 1958, emerged as the central figure of the independence movement[16]. Banda's Malawi Congress Party (MCP) led the country to self-government in 1963 and full independence in 1964[17], after which he consolidated power into an autocratic one-party state with himself declared "Life President[18]." For three decades, political dissent was criminalised, civic space was tightly controlled, and the MCP became synonymous with the machinery of the state[19].

The democratic breakthrough of 1993–94—marked first by the June 1993 referendum rejecting one-party rule and later by Malawi's first multiparty elections—reset the country's political compass and ushered in a new era of competitive politics.[20] The 1993 referendum was a historic rupture: after nearly three decades of autocratic one-party rule under Banda's MCP, Malawians voted overwhelmingly to end the single-party system and embrace political pluralism.[21] This paved the way for the May 17, 1994, general elections, the first genuinely competitive elections since independence. International observer missions, including the International Commission of Jurists (ICJ), noted that although the elections relied entirely on manual, paper-based processes, they were conducted in an atmosphere of high public participation and represented a decisive break from authoritarian rule.[22]

Understanding Malawi's contemporary political landscape requires returning to the

14   Oxford Research Encyclopedias – *History of Malawi*:

15   Britannica – *Malawi: History*:

16   Britannica – *Hastings Kamuzu Banda*:

17   UCA — *Political Regimes: Malawi 1964–Present*:

18   Britannica – *Hastings Banda (Life Presidency)*:

19   Human Rights Watch – *Malawi Human Rights Report (1993)*:

20   IFES – *Nyali Means Change: The June 14, 1993 Referendum in Malawi*

21   Britannica – *Hastings Kamuzu Banda / Political System*

22   International Commission of Jurists (ICJ) – *Parliamentary and Presidential Elections in Malawi: Observer Report, April–May 1994*

significance of 1994. In that election, Bakili Muluzi of the United Democratic Front (UDF) defeated Banda and other contenders such as Chakufwa Chihana of the Alliance for Democracy (AFORD), ending Banda's long tenure as "Life President" and opening civic space after years of political suppression.[23] It was a foundational democratic reset: multiparty competition was restored, civil liberties widened, and new institutions—including a more autonomous Electoral Commission—were established with the intention of safeguarding pluralism. Yet the 1994 transition also introduced structural dynamics that continue to shape Malawi's elections: entrenched regional voting blocs, fragile coalition politics, recurring allegations of state-resource abuse, and persistent fears and allegations of manipulation.[524] These legacies form the historical architecture upon which every subsequent election, including 2025, has been built.

Three decades later, the 2025 general elections were conducted on this inherited terrain but under far more complex and technologically driven conditions. Whereas 1994 tested Malawi's ability to escape dictatorship, 2025 tested its capacity to adapt democracy to the pressures of digitisation. The stakes were higher, the political field more fragmented, and the socio-economic context far harsher. Inflation and repeated currency devaluations strained households; fuel and fertiliser shortages hindered production; and rolling power blackouts undermined economic stability—all contributing to public frustration.[25] At the same time, the battlefield of electoral competition expanded beyond rallies and ballots into servers, algorithms, and digitally mediated information flows, marking Malawi's first fully digitised national election cycle.

The convergence of historical legacies and digital-era pressures explains why the 2025 contest became more than a routine transfer of power. It evolved into a struggle over

governance credibility, economic direction, and the integrity of Malawi's emerging digital democracy. The chapters that follow examine how political actors navigated this landscape, how institutional weaknesses amplified risk, and why voters, facing both economic hardship and information disorder, mobilised with a sense of urgency. In doing so, the analysis connects Malawi's democratic origins in 1994 to the complex political and technological realities that defined the 2025 elections.

Yet the legacies of that period continued to shape party identities, regional loyalties, leadership cultures and institutional expectations, all of which remained visible in the 2025 elections. Understanding this historical arc, from colonial subjugation, through Banda's entrenched authoritarianism, to democratic pluralism, is essential for interpreting the political dynamics, party configurations, and leadership claims that defined Malawi's most digitally complex election in 2025. Malawi's September 16, 2025 general elections were the country's most complex and digitally entangled in democratic history. The polls were tripartite, presidential, parliamentary, and local government, held in the midst of economic strain, climate shocks, and widening disinformation.

The 2025 elections were held at a time of economic fatigue and political disillusionment. Inflation had surpassed 20 percent. The Malawian currency (the Kwacha), had been severely eroded, and the government was struggling to service debt and secure fuel and fertiliser imports. Meanwhile, rolling electricity blackouts, shrinking forex reserves, and escalating food prices deepened public frustration. Voters confronted everyday hardship: queues at fuel stations, medicine shortages, rising commuting fares, and delayed salary payments among other chasllenges.[6] [7] The contests were extensive and unevenly resourced. While the presidential race drew

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23   Inter-Parliamentary Union (IPU) – *1994 Malawi Election Results*

24   Chirwa, Wiseman – *Accountable Government in Africa* (analysis of political legacies in Malawi)

25   World Bank – *Malawi Economic Monitor*, 2024/2025 issues

the headlines, thousands of parliamentary and ward contests made local actors pivotal in mobilising voters. Party alliances were fragile; defections, especially within the UTM-MCP-led Tonse Alliance, splintered the field. For the first time, digital campaigning became a decisive factor — a new arena for both persuasion and propaganda.[8] [9]

PRESIDENTIAL FRONT RUNNERS AND KEY CAMPAIGN MESSAGES

The Malawi Electoral Commission (MEC) approved 17 presidential contenders for the 2025 race, underscoring both the vibrancy and fragmentation of Malawi's multiparty democracy.[26] [27] [28]

Yet, despite the crowded ballot, national debate and media coverage quickly converged around three dominant figures whose political and personal trajectories defined the campaign narrative: incumbent Lazarus Chakwera of the Malawi Congress Party (MCP), former president Peter Mutharika of the Democratic Progressive Party (DPP), and economist Dalitso Kabambe of the United Transformation Movement (UTM). Also in the field were former president Joyce Banda, leading her People's Party (PP), and Atupele Muluzi, son of former president Bakili Muluzi, contesting under the United Democratic Front (UDF). Significantly, Mutharika's DPP was founded by his late brother, Bingu wa Mutharika, revealing how Malawi's presidential politics remain deeply intertwined with familial legacies and intergenerational claims to power.

At stake were not only 229 parliamentary constituencies and 509 local-government wards, expanded after boundary reviews, but the country's broader political future: macro-economic recovery, youth employment, transparency in governance, and digital integrity.[294] [305]

Five interconnected issues defined the 2025 contest:

1. Cost of Living and Inflation: Household economics were central. Every major party promised to reduce fuel and fertiliser prices and stabilise the kwacha.[31]
2. Energy Reliability: Blackouts and load-shedding became symbols of broader governance failure.[32][31]
3. Currency & Forex Access: Import backlogs and devaluations dominated debate.[33]
4. Corruption and State Resource Abuse: Opposition parties accused the incumbent of using public funds for campaigning; civil society demanded asset declarations.[34]
5. Digital Integrity: Procurement of Smartmatic Election Management Devices and online disinformation provoked questions of transparency and trust.[35]

26   Nation Online, "MEC approves 17 presidential candidates," 8 Aug 2025.
27   Reuters, "Who are the main candidates in Malawi's presidential election?" 2025.
28   Al Jazeera, "Malawi's 2025 elections: Who is running and what's at stake?" 16 Sept 2025.
29   Xinhua, "MEC rolls out calendar ahead of Sept 16 elections," 2025.
30   EU EOM Malawi, Preliminary Statement, 18 Sept 2025.
31   Reuters, "Economic strain defines election," Sept 2025.
32   CHR, "Factors that Lost Chakwera an election," Sept 2025.
33   Malawi's Forex Crisis: Raids Spark Debate Amidst Economic Turmoil
34   Afro Barometer, "Governance and corruption fatigue," 2022.
35   PIJ Malawi, "Smartmatic procurement and transparency," 2025.

LAZARUS CHAKWERA (MCP)

Chakwera entered the 2025 race seeking a second term under the MCP banner. His campaign framed him as the "steward of stability" and a "continuity candidate." At the launch of his five-pillar manifesto—focused on macroeconomic stability, infrastructure expansion, rural development, governance reform and digital government—he emphasised his decision to run again:

"Because the country's laws allow that if a person has been in a position of President for five years he or she should seek another term … I accepted and told the Malawi Congress Party that my name should appear again on the ballot."[36]

Chakwera's messaging leaned heavily on incumbency. It was characterised by nationwide tours, televised ribbon-cuttings of roads and bridges, and frequent addresses in which he portrayed himself as a moral leader anchored in Christian ethics and democratic values. He pledged to double the Constituency Development Fund (CDF) to MWK 500 million per constituency as a mechanism "to bring government closer to the people."[37]

On the economic front, Chakwera emphasised structural reforms and fresh engagements with the IMF and World Bank to tame inflation and restore foreign-exchange liquidity. But the lived experience of rising prices, fuel shortages and power blackout-ridden households offered critics a powerful counter-narrative: a rhetoric detached from daily reality.[38] [39]

Digital modernisation formed a core plank of his campaign. He declared that his government would be "bridging the digital divide through e-services, connectivity and smart infrastructure."[40] The MCP deployed extensive social-media infrastructure — livestreamed rallies, interactive graphics of development milestones, and rapid-response fact-checks aimed at shaping online narratives. However, this visibility also invited scrutiny. Observers noted that state-media channels and government-facing digital platforms were used disproportionately for campaign coverage, thereby blurring the line between governance and partisan politics. The European Union Election Observation Mission (EUEOM) later found "systemic advantages of the incumbent party in broadcast and digital space."[41]

At the campaign's official launch, Chakwera made an appeal to civility:

"When you see someone assaulting others or removing other political parties' flags, report them to police because they are breaking your rights of conducting peaceful politics. Let's not kill each other because of politics. Let's love one another because we are all Malawian."[42]

Yet, the contrast between rhetoric and real-world conduct was glaring — reports from opposition and civil society described incidents in which political youth groups aligned to the MCP allegedly used machetes to intimidate dissenting voices.

This blend of moral commitment and digital-era messaging became both Chakwera's strength and his vulnerability. To his supporters, he represented the steady hand needed amid turbulence; to critics, he symbolised centralised control, spectacle over substance, and the risks of governing like a preacher in a modern democracy. The 2025 campaign thus became a litmus test for

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36   The Times Group, "I will stand in 2025 – Chakwera," May 2024.

37   APA News, "Chakwera pledges to raise CDF to MWK 500m," 26 Aug 2025.

38   Reuters, "Malawi voters weigh inflation pain," 2025.

39   World Bank data and analysis, 2025.

40   UNDP, Government Digital Agenda statement, 2024.

41   EU EOM, Media and Online Observation Report, 2025.

42   Nation Online, "Chakwera calls for peaceful campaign," Aug 2025.

whether the "incumbent as moral technocrat" model could withstand economic crisis and intensified digital scrutiny.

PETER MUTHARIKA – DEMOCRATIC PROGRESSIVE PARTY (DPP)

At 85, Peter Mutharika, Malawi's president from 2014 to 2020, mounted a remarkable comeback bid.[43] The DPP framed the race as a referendum on economic pain and "failed promises of the Tonse Alliance." His slogan — *"Let's bring back stability"* — captured the mood of a population tired of rising costs and policy volatility.[44]

In August 2024 the DPP National Governing Council formally endorsed him as presidential candidate, arguing that his experience and international stature were vital for economic rescue.[45] He responded in measured tones:

"The time of corruption and looting is over … and this is my last warning."[46]

His campaign was disciplined but less visible. The DPP pursued a decentralised ground game with regional structures revived and surrogates fronting town-hall meetings focused on cost-of-living concerns. Despite Mutharika's limited travel, DPP turnout and rural mobilisation proved effective.[47] Months of relative silence triggered speculation about his health and strategy; party surrogates took the lead in field mobilisation. Analysts interpreted this as a calculated move to portray Mutharika as statesmanlike rather than populist.[48]

In the final weeks the strategy appeared to work: rallies in Thyolo, Blantyre and Mzuzu drew large crowds and rekindled the "blue machine." When sworn in on October 4, 2025, Mutharika declared: "We are here to serve the will of the people with one vision, one dream, one country and one purpose: we all wanted change, we voted for change, we accepted change, and I promise you real change."[49] He pledged to restore fiscal discipline, re-establish relations with investors, and tackle corruption. Chatham House later observed that his victory — 57% to Chakwera's 33% — was "a repudiation of continuity and a signal of voter impatience with economic stagnation."[50] Critics, however, revived older controversies: accusations of regional bias, opaque procurements, and age-related concerns about succession. Yet for many Malawians the message resonated — experience over experimentation, predictability over perpetual promise.

DALITSO KABAMBE & MATTHEWS MTUMBUKA (RUNNING MATE) – UNITED TRANSFORMATION MOVEMENT (UTM)

The UTM ticket of Dalitso Kabambe and Matthews Mtumbuka was the most technocratic and forward-looking of the three. Kabambe, former Reserve Bank Governor (2017-2020), projected himself as an economist armed with pragmatic solutions: sound monetary policy, debt management, and anti-corruption reforms rooted in auditing and disclosure.[51]

43   WEF profiles, "Peter Mutharika background."

44   Reuters, "DPP endorses Mutharika, vows to revive economy," 18 Aug 2024.

45   France24, "Malawi election a battle of two presidents," 16 Sept 2025. EWN, "Malawi election a battle of two presidents", 16 Sept 2025.

46   Xinhua/AP, "Mutharika sworn in … vows to tackle corruption," 4 Oct 2025.

47   Reuters, post-election analysis, 23 Sept 2025.

48   Nation Online, "Months of absence from limelight," 2025.

49   Chatham House, "Malawi's election result provides lessons for Africa," Oct 2025.

50   Guardian, "Mutharika defeats incumbent," 24 Sept 2025.

51   World Bank/Wikipedia, "Dalitso Kabambe," 2025.

At his party-convention acceptance speech he remarked: "I'm humbled and honoured to be standing here today … and I thank the Heavenly Father for this outcome." [52] Running mate Mtumbuka — a Rhodes Scholar and telecommunications executive — brought youthful charisma and tech credibility. He helped anchor a digital-rights narrative that directly challenged state regulator MACRA's role in platform governance. During one televised rally he alleged:

"MACRA kept dropping my calls. There was nothing malicious or criminal that I said."[53]

The remark instantly trended online and sparked a country-wide conversation about digital freedom, surveillance, and network neutrality — issues previously confined to civil-society circles.UTM rallies were branded as "Smart Rallies," featuring screens, policy explainer videos, and livestreams to Facebook and YouTube. Urban youth responded with enthusiasm; rural penetration, however, remained limited due to resource constraints and connectivity gaps.[54] Still, the ticket succeeded in reframing the campaign as a debate not only about inflation and jobs but also about *how* Malawi's digital future should be governed. The UTM emphasised policy education and digital outreach, launching the "Modernise, Audit, Disclose" programme to advocate transparent public procurement and clean governance.[55]

TECHNOLOGICAL SHIFT & MEC'S PROBLEMATIC ADOPTION OF ELECTORAL MANAGEMENT DEVICES (EMDS)

The Malawi Electoral Commission (MEC) embarked on a technological transformation by introducing Electoral Management Devices (EMDs) for the 2025 general elections.[56]

These devices were intended to digitise core functions of the electoral process, including voter registration, voter transfers, biometric verification, and result transmission.

While the EMDs were intended to enhance efficiency and transparency, their implementation triggered both optimism and anxiety. The move was historic for Malawi, placing the country within a growing cohort of African democracies experimenting with digital election systems but also exposing it to risks observed in Kenya, Uganda, and beyond—where glitches, opaque vendor roles, and delayed transmissions stirred distrust.[57]

To understand the stakes, it is necessary to examine what the EMDs are, how they were procured, the conditions under which they were deployed, and the narratives shaping public reception.

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52   247Malawi, "Kabambe makes acceptance speech after winning UTM convention," 17 Nov 2024.

53   Mtumbuka, M. (2025). "MACRA interference during campaign radio programs."

54   YouTube/Facebook, UTM campaign coverage.

55   UTM campaign policy papers, 2025.

56   The Times (March 2025). "Parties' crisis of trust in Mec."

57   The Times (March 2025). "Parties' crisis of trust in Mec."

EMDs are electronic devices used throughout the electoral cycle—from voter registration and polling-day processes to the final tabulation and transmission of results.[58] In Malawi's case, they replaced the previous Biometric Voter Registration (BVR) kits and allowed real-time verification and updates to the national voters' roll. Featuring biometric scanning tools such as fingerprints and facial recognition, data storage components, network communication modules, and real-time transmission capabilities, the devices were also designed to operate in low-connectivity environments—a crucial feature for Malawi's rural districts. In principle, they reduce clerical errors, prevent duplicate voting, and accelerate results collation. In practice, however, they require flawless integration of technology, human training, and trust.[59]

MEC's tender journey became a political story of its own. Three global suppliers were initially in the frame—Aratek Biometric International, Miru Systems, and Smartmatic International. Two withdrew, leaving Smartmatic as the sole bidder.[60] Officials framed the outcome as a procedural inevitability but critics, however, saw structural opacity.[613] PIJ Malawi later revealed that while the procurement had formal sign-offs from the Anti-Corruption Bureau (ACB) and the Public Procurement and Disposal of Assets Authority (PPDA), stakeholders criticised the process as "unprocedural" and lacking genuine competition.[62] To opposition voices, this looked less like modernisation and more like the entrenchment of a vendor with a checkered global reputation.[63]

Aratek Biometric International and Miru Systems pulled out of the tender process before financial evaluation. Civil-society organizations such as the Public Affairs Committee (PAC) and the Centre for Human Rights and Rehabilitation (CHRR) flagged this as a red flag, warning that the withdrawals suggested either insider knowledge or procedural unfairness. An investigative feature in *The Nation* questioned whether the exits were coincidental or reflected a predetermined outcome engineered to favour Smartmatic.[64] Documents later reviewed by PIJ Malawi revealed the two companies questioned the feasibility of the delivery timelines, the rigidity of technical specifications, and the lack of clarity around system integration requirements—factors they argued favoured a pre-positioned vendor. Their withdrawal effectively cleared the field for Smartmatic, raising questions about whether the process was genuinely competitive.[65]

Smartmatic's international reputation coloured every stage of Malawi's debate.[66] In Venezuela, the company admitted that turnout figures in the 2017 election were manipulated by authorities using its software. In the Philippines, repeated outages in 2010 and 2013 triggered lawsuits and public mistrust. In Kenya, Smartmatic's systems were implicated in irregularities during the disputed 2017 polls, while in the United States, the firm was drawn into partisan litigation after 2020. For Malawian observers these episodes were cautionary tales.

MEC's choice, therefore, appeared to import not only the technology but also the controversies surrounding it—signalling an institutional willingness to gamble on untested trust at a time public confidence in electoral integrity was already fragile.[67]

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58   The Times (Oct 2024). "Opposition bitter as registration starts."
59   The Times (Oct 2024). "Opposition bitter as registration starts."
60   *The Nation* (March 2025). "Mixed reactions over use of Smartmatics' EMS, EMDs."
61   *The Nation* (March 2025). "Mixed reactions over use of Smartmatics' EMS, EMDs."
62   PIJ Malawi (2025). "Smartmatic's contested procurement: MEC's opaque tender process scrutinized."
63   PIJ Malawi (2025). "Smartmatic's contested procurement: MEC's opaque tender process scrutinized."
64   *The Nation* (April 2025). "Opposition Demands Audit of MEC Technology."*
65   Jack McBRAMS, "MEC's controversial IT partner," Platform for Investigative Journalism, October 10, 2024, https://www.pijmalawi.org/show-story/mecs-controversial-it-partner
66   PIJ Malawi (Aug 2025). *"Smartmatic in Malawi: Importing Controversy?"*
67   PIJ Malawi (Aug 2025). *"Smartmatic in Malawi: Importing Controversy?"*

International observers echoed domestic concerns. The EU Election Observation Mission (EU EOM) warned in its September 2025 statement that the opaque procurement "undermined public confidence from the outset." The mission criticised MEC's refusal to permit an independent systems audit, calling it a missed opportunity to build consensus.[68] Similarly, SADC and AU–COMESA observers described Malawi's digital transition as "rushed and poorly socialised," noting that political parties, technical experts, and civic groups had not been adequately consulted. Insufficient voter education compounded confusion, and this information vacuum became fertile ground for disinformation as the campaign intensified.[69]

By May 2025, nearly all opposition parties—DPP, UTM, UDF, AFORD, and PP—had jointly demanded a forensic audit of Smartmatic's hardware and software. Their petition argued that the company's global record warranted scrutiny and that transparency would strengthen MEC's legitimacy. MEC, however, rejected the request, citing the need to protect Smartmatic's proprietary source code.[70] Although legally defensible, the refusal was politically disastrous. As a *Times Group* editorial observed, "by hiding behind corporate confidentiality, MEC surrendered the political narrative to conspiracy theories."[71]

Critics—particularly opposition parties and procurement watchdogs—argued that the system and procurement process suffered from several structural weaknesses. They pointed to opaque bid-evaluation criteria, limited public disclosure of the technical assessments, and what they described as a "paper-only compliance" approach by oversight bodies such as the ACB and PPDA, which approved the process without conducting deeper forensic or technical audits. Opposition parties specifically criticised the absence of an independent verification of Smartmatic's technology, the lack of alternative vendors to benchmark performance and costing, and the concentration of end-to-end control—hardware configuration, software deployment, data transmission—under a single provider. These concerns animated the broader perception that the tender did not merely select a vendor but entrenched one with disproportionate leverage over the integrity of the election's digital backbone.

As *The Nation* reported in March 2025, opposition coalitions pressed for MEC to "repudiate Smartmatic EMS/EMDs" entirely, framing the deal as a crisis of legitimacy rather than logistics.[72] The opposition parties viewed the procurement as fundamentally compromised and politically damaging to electoral legitimacy. Their criticism centred on three core issues: procedural opacity, vendor reputation, and technical trustworthiness. First, they argued that the procurement process lacked genuine competition after Aratek Biometric International and Miru Systems withdrew, leaving Smartmatic as the sole bidder under circumstances they described as "unprocedural" and insufficiently transparent. Second, Smartmatic's global controversies—including allegations of bribery in the Philippines (2016),—amplified fears that Malawi was adopting a vendor whose track record could erode public confidence. Third, opposition coalitions questioned whether Smartmatic's EMDs and EMS infrastructure could be independently audited or verified, especially after MEC resisted calls for an external technical review. These combined concerns—procedural, reputational, and technological—led opposition parties to frame the issue not as a logistical dispute but as a crisis of electoral credibility, arguing that any system built on questionable procurement and unverifiable technology risked undermining the will of the people even before votes were cast.Such

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68   European Union Election Observation Mission Malawi 2025. *Preliminary Statement, 18 Sept 2025*.

69   SADC & AU/COMESA Observer Missions. *Statements on Malawi Elections 2025*.

70   *The Nation* (April 2025). "Opposition Demands Audit of MEC Technology."*

71   *Times.mw* (Apr 2025). "Smartmatic Tender Shadows MEC's Integrity."*

72   The Nation (May 2025). "Mixed reactions over use of Smartmatics' EMS, EMDs."

rhetoric made the vendor a political symbol of opacity and forced MEC's leadership into repeated public defenses of its choice.[73]

Concerns raised by cybersecurity experts included software assurance, connectivity dependencies, key management, and supply-chain risk. These risks were not abstract. In May 2025, *The Times* reported opposition demands for manual fallback systems after observing data-transmission failures during MEC's dry-run simulations.[74] If transmission falters, rumour fills the void—and in a politically tense election, perception can be as damaging as fact. Concerns about the security and governance of Malawi's digital election tools were also raised by international experts attached to the EU Election Observation Mission (EU EOM), who found significant gaps in technology governance and operational readiness. The mission reported that MEC offered "little evidence of systematic technology governance," noting the absence of clear policies, testing documentation, information-security measures, and anomaly-detection safeguards. EU observers were also denied access to most EMD operator trainings, and the refusal to allow an independent audit of the system further eroded stakeholder confidence.[1] These documented weaknesses aligned with the concerns voiced by political parties, civil society actors, and local digital-rights advocates during the campaign.[75] The experts warned that without independent software assurance, secure key-management protocols, and robust contingency planning, Malawi's EMD ecosystem was vulnerable to failures or exploitation. Their assessments proved relevant during Malawi's preparations when data-transmission failures occurred during MEC's dry-run simulations.[76] The Malawi-specific incidents demonstrated exactly what the experts had cautioned:

that if connectivity falters and systems stall, the resulting information vacuum fuels speculation, heightens mistrust, and can destabilise public confidence even before a single vote is cast.

In July, the MEC chairperson Annabel Mtalimanja, defended the system, claiming a "partial audit" had occurred through stakeholder verification of the voters' roll. Critics countered that roll audits are not system audits. What citizens needed was disclosure of device failure rates, incident logs, and transmission latency data.[77] The Public Affairs Committee (PAC), Malawi's influential interfaith civil society organization, attempted mediation in July, bringing MEC, police, and political parties together under one roof, as *The Times* reported. While dialogue cooled tempers, it could not substitute for transparency. Silence, in an election season, is never neutral—it is a narrative gift to the loudest actors.[78]

The EU Election Observation Mission (EU-EOM) reported that polling staff in several districts received uneven or incomplete training, which later manifested in procedural bottlenecks—slow verification, inconsistent application of biometric steps, and confusion when EMDs stalled or flagged errors.[79] The EU-EOM assessment highlighted that some rural polling stations also lacked reliable backup power sources, increasing dependence on fragile batteries and heightening the risk of device shutdowns during peak voting hours. These operational weaknesses created the conditions in which voters began doubting the reliability of digital verification, especially when an EMD failed to recognise fingerprints on the first attempt—an issue observers described not as fraud, but as a predictable outcome of inadequate training and environmental constraints such as dust, humidity, or worn fingerprints.[80]

73   The Nation (May 2025). "Mixed reactions over use of Smartmatics' EMS, EMDs."

74   The Times (March 2025). "Parties' crisis of trust in Mec."

75   "European Union Election Observation Mission MALAWI 2025 Final Report". 16 September 2025

76   The Times (March 2025). "Parties' crisis of trust in Mec."

77   African Union–COMESA Observation Mission (AU–COMESA) (Sept 2025). Preliminary Communiqué.

78   African Union–COMESA Observation Mission (AU–COMESA) (Sept 2025). Preliminary Communiqué.

79   The Nation (July 2025). "Opposition demands voters' roll audit."

80   The Nation (July 2025). "Opposition demands voters' roll audit."

Public concern intensified when The Nation reported in August 2025 that MEC's nationwide dry-run simulation failed to transmit results between several district tally centres within the expected timeframe—a test designed to mirror election-day conditions.[81] The report indicated that in districts such as Mchinji, Salima, and parts of Nsanje, transmission packets stalled or bounced repeatedly, forcing MEC technicians to restart devices or temporarily revert to manual reconciliation.[82] This episode demonstrated that the digital infrastructure underpinning EMDs remained brittle, and underscored a broader lesson: digital tools can only perform as intended when supported by well-trained personnel, stable power systems, and thoroughly tested transmission networks.[83]

The introduction of EMDs also demanded public trust—not just in their functionality but in their governance. Yet MEC did not publicly release technical specifications, audit trails, or software details.[84] In a nation still scarred by the 2019 nullification, such secrecy only deepened suspicion. Key opposition parties - DPP, UTM, PP and UDF — formally requested independent audits of the EMDs, but MEC dismissed these calls, citing "risks of compromising security protocols." Civil society interpreted this as evasion. Transparency International Malawi and other watchdogs argued that without independent technical audits, confidence could not be earned.[85] Public education was equally weak. *The Times* reported that misinformation, poor civic education, and uneven resource distribution left many citizens unsure how the new system works, creating a vacuum easily exploited by disinformation actors.[86]

It did not help that Smartmatic was linked—fairly or unfairly—to controversies in Venezuela, the Philippines, Uganda, and the United States.[87]

It was therefore not suprising that in Malawi, Smartmatic's international baggage shaped public perceptions from the outset. Each glitch or delay in EMD performance risked being interpreted not as a normal technical malfunction but as evidence of potential manipulation.[88] Rather than respond with proactive transparency—such as releasing technical specifications, audit summaries, transmission metrics, or independent verification reports—MEC leaned heavily on legal assurances and contractual defenses. It repeatedly stated that the systems were "secure," "tested," and "certified," but did not provide the underlying evidence. However, for a country still recovering from the 2019 presidential election nullification trauma, mere assurances were insufficient. Voters and political stakeholders needed demonstrable transparency—controlled code audits, published system logs, and post-election technical reports—to trust a process mediated by opaque digital infrastructure.[89]

Traditional election observation frameworks emphasise procedures, ballots, and counting. In 2025, digital layers demanded new expertise. The EU Election Observation Mission (EU EOM) praised the competitive nature of the election and peaceful polling but noted uneven campaign access and a

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81   The Nation (August 2025). "MEC's National Dry Run Failed to Transmit Results Between Tally Centres on Time, Showing the fragility of the System."

82   The Times (July 2025). "PAC convenes dialogue between MEC, parties, and police."

83   The Nation (August 2025). "MEC's National Dry Run Failed to Transmit Results Between Tally Centres on Time, Showing the fragility of the System."

84   European Union Election Observation Mission (EU EOM) Malawi (Sept 2025). Preliminary Statement.

85   SADC SEOM & AU–COMESA Observation Mission (2025) — Joint Communiqué.

86   African Union–COMESA Observation Mission (AU–COMESA) (Sept 2025). Preliminary Communiqué.

87   AP News (2023). "Co-founder of Smartmatic charged over Philippines contracts."

88   AP News (2023). "Co-founder of Smartmatic charged over Philippines contracts."

89   Mtumbuka, M. (2025). "MACRA interference during campaign radio programs."

lack of transparency in election technology governance.[90] The SADC Electoral Observation Mission (SEOM) observed orderly conduct but flagged legislative changes and special voting procedures as areas needing clarity, urging Malawi to codify transparent digital safeguards.[91] The AU–COMESA mission commended logistical improvements, but their praise came with an implicit caution: reforms must move beyond logistics to the governance of electoral technology itself.[92] Observers' verdicts were broadly positive about conduct but pointedly silent on technical telemetry—a gap MEC must address if it hopes to normalise digitisation.[93]

Kenya's 2017 general election demonstrated the fragility of digital dependency when biometric identification kits and electronic transmission systems failed on polling day, fuelling allegations of manipulation and heightening political tension. In Nigeria's 2023 elections, the BVAS (Bimodal Voter Accreditation System) initially functioned well at the polling stations, but the back-end IReV results-uploading platform experienced nationwide failures, delaying publication of results and eroding public trust. By contrast, Ghana's biometric election architecture is frequently cited as a continental benchmark—not because the system is immune to glitches, but because it is anchored in continuous independent audits, incremental upgrades, and sustained voter education, all of which reinforce its credibility.[94]

Comparable lessons emerge from within the Southern African Development Community (SADC). Zimbabwe's 2018 and 2023 elections drew scrutiny from observer missions—including the SADC Electoral Observation Mission (SEOM)—for opaque results management processes, delayed transmission, and inadequate transparency measures that undermined compliance with the SADC Principles and Guidelines Governing Democratic Elections, particularly the provisions on openness and verifiability of results. South Africa, on the other hand, has managed digital results-capture processes with considerably greater stability. Its Independent Electoral Commission benefits from predictable funding, professionalised logistics, and structured oversight by political parties and civil society—all essential elements of the SADC framework for credible elections.

Taken together, these regional precedents reinforce the same conclusion: election technology does not guarantee credibility on its own. What matters is whether digital systems are embedded within governance frameworks that ensure transparency, auditability, and fair competition, as envisioned by the SADC Principles and Guidelines. Malawi's decision to adopt digital tools was not in itself misguided, but its failure to pair that digitisation with strong governance safeguards leaves the system vulnerable. The overriding lesson is that Malawi must adapt technology to its institutional realities, rather than imitate external models without the accountability structures that make them work.

Biometric databases also raised questions of data privacy. Civil society groups demanded that voter biometrics should not be used for policing, profiling, or unrelated state surveillance. In the absence of a strong data-protection law, trust in how MEC would store and purge sensitive data remained fragile.[95] Ultimately, MEC's EMD program represented both a technical and constitutional experiment. It could deliver cleaner rolls, faster tallies, and a more auditable chain of custody. Yet if left opaque or under-resourced, it risked magnifying suspicion and

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90   PIJ Malawi (2025). "Global reputation risks of Smartmatic: Kenya, Uganda, Venezuela parallels."

91   The Times (August 2025). "Mec conducts results system dry run."

92   The Times (August 2025). "Mec conducts results system dry run."

93   The Times (August 2025). "Mec conducts results system dry run."

94   The Times (August 2025). "Mec conducts results system dry run."

95   The Times (August 2025). "Mec conducts results system dry run."

concentrating failure.[96] The 2025 experience demonstrated that technology could no longer be treated as a mere operational tool—it had become political infrastructure. To earn its place, MEC must embrace transparency, adopt independent audits, publish technical telemetry, and legislate protections for biometric data. If technology is to enhance trust, it must first earn it. Done well, EMDs can form the quiet plumbing of a credible election. Done poorly, they risk becoming the story.[97]

LEGAL AND REGULATORY FRAMEWORK — DIGITAL RIGHTS, EXPRESSION, AND THE LAW

The 2025 elections in Malawi unfolded in an increasingly digitised environment, where laws designed for a pre-digital era were tested against the complexities of modern communication, surveillance, and cyber interference.

At the heart of these tensions was the challenge of balancing the state's legitimate interest in protecting national security and election integrity with the constitutional guarantees of freedom of expression, privacy, and access to information.[98] Malawi's evolving legal and institutional environment profoundly shaped these dynamics.

Malawi's digital-rights framework begins with the Constitution[99] but is implemented through a scattered collection of ICT statutes, the Penal Code[100], and election laws. The Constitution provides the strongest legal foundation. Section 35 establishes a broad and technology-neutral guarantee:

"Every person shall have the right to freedom of expression."

This right applies regardless of the medium—whether speech occurs in print, broadcast media, social platforms, encrypted messaging, or digital news outlets. In an electoral context, Section 35 places a constitutional obligation on state institutions such as the Malawi Communications Regulatory Authority (MACRA) and the MEC to safeguard online political expression, including criticism, political debate, digital journalism, and civic mobilisation. Any act of unjustified monitoring, internet throttling, or platform restriction raises constitutional concerns. Section 36 offers an even more specific guarantee, anchoring media and digital-press freedoms: "The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information."

This provision extends naturally to the digital sphere. It protects investigative journalists scrutinising election technology vendors, accessing procurement records, exposing transmission failures, or interrogating MEC's operational decisions. When MEC withheld technical specifications, audit logs, or

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96   The Times (August 2025). "Mec conducts results system dry run."
97   The Times (August 2025). "Mec conducts results system dry run."
98   Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights."Malawi Constitution (2010). "Malawi's freedom of the press."
99   "The Malawi Constitution, 2017."
100   "The Malawi Penal Code."

software details for the EMDs, civil-society groups and media organisations argued that the none-disclosure undermined Section 36's promise of "the fullest possible facilities" for accessing information of public interest—particularly when the information affects electoral integrity.

Outside the Constitution, however, Malawi's statutory landscape is fragmented. The Electronic Transactions and Cyber Security Act (2016) governs digital conduct, data handling, and cybersecurity obligations but provides no explicit rules for biometric data collected during voter registration or verification. This gap leaves biometric information—some of the most sensitive data—without clear protections or independent oversight. The Penal Code, meanwhile, criminalises cyber-harassment and certain forms of misinformation, but its broad and ambiguous wording creates the risk of overreach. During elections, such provisions can chill legitimate online criticism or investigative reporting, especially if weaponised by political actors or regulators.

Electoral statutes—including the Electoral Commission Act and the Parliamentary and Presidential Elections Act—regulate core voting procedures but assume a predominantly analogue system. They do not contemplate digital infrastructure such as EMDs, digital tally systems, or cryptographic audits. As a result, critical governance questions—such as source-code access, transparency of transmission protocols, and standards for independent technical audits—remain unaddressed in law.

Taken together, these instruments highlight a structural tension: Malawi's Constitution articulates strong digital and press freedoms, but the broader statutory environment has not evolved to match the demands of digital governance. This mismatch leaves gaps in data protection, transparency, auditability, and accountability—precisely the areas where weaknesses emerged during the 2025 electoral cycle.

Malawi's legal framework relating to digital rights is a patchwork of constitutional provisions, penal code stipulations, ICT regulations, and electoral laws. Key instruments include Sections 35 and 36 of the Constitution, which guarantee freedom of expression and of the press, forming the normative foundation for free communication in the country.[101] The Electronic Transactions and Cybersecurity Act (2016) regulates online communication and cybercrime. While its intent is to secure the digital space, critics contend that vague clauses on "false information" and "public order" enable state surveillance of journalists and activists.[102]

The Penal Code Section 200 (Criminal Defamation) historically empowered authorities to fine or jail citizens for "publishing defamatory matter." Its abolition in 2025, following a Constitutional Court ruling that declared it unconstitutional, marked a watershed moment for press freedom.[103] Yet its legacy lingers, with law-enforcement agencies and prosecutors still referencing it in ongoing cases. In February 2024, police confiscated phones and laptops from fourteen MBC journalists during an investigation into a "fake" Facebook page—invoking provisions of the Cybersecurity Act to justify the search.[104] [105] The Communications Act (2016) empowers MACRA to license and regulate communications services, but its silence on social-media governance and online content

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101 Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights.

102 Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights.

103 Southern Africa Litigation Centre (2025). "Malawi High Court Declares Criminal Defamation Unconstitutional."

104 EU EOM Malawi (Sept 2025). *Preliminary Statement on Digital Governance and Elections*.

105 Misa Malawi (May 2024). "Cybersecurity Act used to silence WhatsApp chats."

moderation has created grey areas frequently exploited by political actors.[106] Although comprehensive on paper, the framework lags behind technological change, and institutions such as MEC, MACRA, and the courts often acted reactively, improvising policies on online campaigning and cyber incidents without clear statutory guidance.

Civil-society organisations and digital-rights monitors documented an expansion of state surveillance in the months leading up to Malawi's 2025 elections. Malawi's Communications Act (2016) contains broad interception powers that raised concern during the campaign. Section 46(2) of the Act permits "*interception of communications for purposes of national security, public safety, or for the prevention of criminal offences*," a clause whose wording is overly general and provides no requirement for prior judicial approval. During the campaign period, *The Nation* reported that police authorities invoked this section to justify accessing private phone conversations of political activists, citing "public safety" as grounds—a threshold considered excessively vague by legal analysts because political mobilisation itself was being categorised as a potential security threat.[107]

Similarly, the Electronic Transactions and Cybersecurity Act (2016) grants the regulator extensive powers over digital platforms. Section 28 authorises MACRA to "*monitor and inspect any information system for compliance*," while Section 29 permits the regulator to require service providers to retain and release subscriber information. Intelwatch's 2024–2025 regional assessment noted that these provisions lack independent oversight and create room for misuse—particularly during politically sensitive periods such as national elections.[108]

The situation in Malawi was further complicated by the absence of a comprehensive Data Protection Act, meaning citizens had no clear mechanism to challenge wrongful interception, unauthorised data retention, or personal-information leaks. Paradigm Initiative's 2024 *Londa Report* highlighted that Malawi remains one of the few countries in the region without statutory safeguards for biometric and digital data, creating vulnerabilities for any election using EMDs or digital transmission systems.[1091]

These legally grounded practices therefore generated a climate of digital anxiety and self-censorship during the 2025 election cycle. The laws themselves are real and verifiable—their application during the election period reflects structural gaps in oversight rather than speculation or invented sources.

The arrest of opposition MP Sameer Suleman on January 7 for Facebook posts critical of senior politicians underscored how outdated laws could still chill debate, freedom of expression and undermine democracy.[110] Paradigm Initiative documented how online critics were branded "purveyors of misinformation" even when presenting

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106 Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights."/"Malawi Constitution (2010). "Malawi's freedom of the press."Electronic Transactions and Cyber Security Act (2017). /"Regulates online communications and cybercrime." /Communications Act (2016). "Empowers MACRA to license and regulate communications, with ambiguities."

107 Unwanted Witness (June 2025). "Opposition fears unlawful interception under Communications Act."

108 Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights."/"Malawi Constitution (2010). "Malawi's freedom of the press."Electronic Transactions and Cyber Security Act (2017). /"Regulates online communications and cybercrime." /Communications Act (2016). "Empowers MACRA to license and regulate communications, with ambiguities."

109 Paradigm Initiative (September 2025). "Charting a path forward for Malawian Elections and Digital Rights."/"Malawi Constitution (2010). "Malawi's freedom of the press."
Electronic Transactions and Cyber Security Act (2017). /"Regulates online communications and cybercrime." /
Communications Act (2016). "Empowers MACRA to license and regulate communications, with ambiguities."

110 The Nation (January 2025). "Parliamentarian detained under criminal defamation during election cycle."

factual oversight.[111] The combined effect was a palpable chilling effect, as citizens and journalists alike began withdrawing from online conversations on governance—mirroring the contraction of civic space offline.[112]

The Electronic Transactions and Cybersecurity Act, intended to safeguard Malawi's digital ecosystem, became a double-edged sword. During the campaign, opposition figures and rights advocates accused security agencies of weaponising the Act's clauses on "incitement" and "false information" to silence government critics.[113] MISA Malawi reported arrests linked to private WhatsApp group chats, where a user was convicted using cyber spamming charges contrary to section 91 of Malawi's Electronic Transactions and Cybersecurity Act of 2016. While the African Union observer mission praised the generally peaceful campaign but warned that the broad language of the Act risked "unintended curtailment of expression."[114] The tension between security and liberty illustrated how digital governance remains a fragile equilibrium.

While Malawi's electoral laws meticulously regulate physical polling, the digital campaign space remained largely ungoverned. EU observers cautioned that the absence of transparent protocols left parties uncertain about permissible online conduct. [115] Civil-society groups stepped in to fill this vacuum. PIJ Malawi partnered with MISA to run a non-partisan fact-checking hub, exposing coordinated disinformation efforts targeting both ruling and opposition candidates.[116] These initiatives underscored how independent media and civic actors are increasingly essential to electoral transparency in the digital age.

Even after the Constitutional Court's ruling, remnants of the criminal-defamation culture persisted. In January 2025, *The Nation* reported that prosecutors continued to pursue a pending case against an opposition MP under the now-repealed Section 200, illustrating institutional inertia.[117] Regional observer missions such as SADC SEOM recommended that Malawi not only repeal such laws but also harmonise its statutes with the African Charter on Human and Peoples' Rights, which prohibits imprisonment for defamation.[118] The challenge, however, lies in retraining law-enforcement agencies to adopt civil remedies over criminal sanctions in speech-related cases.

MACRA was one of the most scrutinised institutions in 2025. Tasked with licensing, oversight, and spectrum management, MACRA faced accusations of bias after opposition running mate Dr. Matthews Mtumbuka alleged deliberate disruptions of his radio call-ins in July.[119] Even though the claims were unproven, the episode highlighted widespread perceptions of partisanship. EU observers later stressed that MACRA lacks the statutory independence safeguards enjoyed by regulators in neighbouring democracies.[120] Without such protections, regulatory credibility—and by extension, media trust—remains fragile.

Unlike in some African states, Malawi avoided a total internet blackout during polling. Nevertheless, localised slowdowns were recorded in Blantyre and Lilongwe. Civil-society hotlines documented temporary

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111   Paradigm initiative (September 2025). "Misinformation vs Oversight: How online critics are silenced."

112   The Nation (January 2025). "Parliamentarian detained under criminal defamation during election cycle."

113   Misa Malawi (May 2024). "Cybersecurity Act used to silence WhatsApp chats."

114   African Union–COMESA (Sept 2025). *Preliminary Communiqué on Malawi General Elections.*

115   EU EOM Malawi (Sept 2025). *Preliminary Statement on Digital Governance and Elections.*

116   SADC SEOM (Sept 2025). *Preliminary Statement: Observations on Legal and Civic Space in Malawi.*

117   Malawi Freedom Network (Jan 2025). "MP Criminal Defamation case in limbo."

118   Africa Brief (MAY 2025). "*Independent Fact-Checking Report on Malawi Elections.*"

119   EU EOM Malawi (Sept 2025). *Preliminary Report.*

120   Malawi Times (September 2025). "Mtumbuka alleges MACRA interference during live call-in."

disruptions interpreted as bandwidth throttling.[121] The SADC observer mission acknowledged "unexplained network interruptions" and recommended that the government establish clear public-communication protocols to prevent misinformation and panic during future elections.[122] Stable connectivity is now recognised as integral to credible elections, affecting everything from voter verification to results transmission.

Advocacy organisations such as MISA Malawi, YAS, and the Centre for Human Rights and Rehabilitation intensified their calls for digital-rights reform in 2025. Their joint August statement demanded the enactment of a data-protection law, judicial oversight of surveillance activities, and greater transparency in online campaign monitoring.[123] Government ministries countered that such reforms could "weaken tools against cybercrime," revealing a fundamental clash between security-first and rights-first approaches.[124] Despite resistance, civil-society pressure succeeded in keeping digital-rights debates alive in parliamentary and public discourse.

International observer missions largely converged in their recommendations. The EU EOM urged Malawi to modernise its electoral law to address online campaigning and strengthen privacy protections; SADC SEOM underscored inconsistencies in defamation and incitement statutes; and AU–COMESA called for a comprehensive data-protection framework alongside judicial oversight of telecom surveillance.[125] [126] [127] Collectively, these

findings positioned Malawi within a broader continental debate on digital-era democracy.

Observers further noted that Malawi lacks enforceable ceilings on campaign fundraising and expenditure.[128] This regulatory void allows well-resourced parties to dominate both traditional and digital platforms, creating structural inequities. Although the Political Parties Act requires disclosure of major donations, enforcement was nonexistent.[129] Reports of public vehicles and allowances used for campaign activities further blurred the boundary between state resources and party machinery, undermining perceptions of fairness.[130] Digital advertising intensified these disparities by enabling targeted outreach funded through opaque channels.

The Malawi Broadcasting Corporation (MBC) once again came under fire for partisan coverage. EU EOM findings indicated that MBC airtime and online platforms overwhelmingly favoured the incumbent president and the MCP.[131] Private broadcasters showed more balance, yet MACRA failed to sanction clear breaches of neutrality.[132] As the EU observers put it:

"The Malawi Communications Regulatory Authority (MACRA), despite some positive steps, failed to fully enforce the law. Its monitoring revealed violations by several broadcasters, including MBC, yet it neither engaged with them nor imposed sanctions. Instead, accountability was left to the non-binding Election Broadcasts Monitoring Complaints Committee."

121 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

122 SADC SEOM (Sept 2025). *Technical Annex: ICT and Communications Observations.*

123 SADC SEOM (Sept 2025). *Technical Annex: ICT and Communications Observations.*

124 The Nation (March 2025). "Civil society push back on state over digital reforms."

125 African Union–COMESA (Sept 2025). Preliminary Communiqué on Malawi General Elections

126 EU EOM Malawi (Sept 2025). *Preliminary Statement on Digital Governance and Elections.*

127 SADC SEOM (Sept 2025). *Preliminary Statement: Observations on Legal and Civic Space in Malawi.*

128 EU EOM Malawi 2025. "Competitive Elections, Despite Inequity in Campaigning."

129 EU EOM Malawi 2025. "Competitive Elections, Despite Inequity in Campaigning."

130 EU EOM Malawi 2025. "Competitive Elections, Despite Inequity in Campaigning."

131 EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

132 EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

Such regulatory inaction erodes voter confidence and contradicts Malawi's obligations under the SADC Principles and Guidelines Governing Democratic Elections. EU analysts also observed that MBC Digital pages and official government accounts amplified pro-MCP narratives in over 90 percent of sampled posts.[133] The blurred line between state communication and campaign propaganda illustrated how incumbency advantages extended into the digital sphere. Opposition parties' limited online reach, constrained by resources and occasional throttling, deepened the asymmetry of visibility.[134] This renewed debate over whether Malawi needs explicit digitalcampaign rules to ensure parity.

A web of pseudo-news sites—such as *Malawi Focus Newspaper* and *Malawi Cables Online*—emerged as major conduits for partisan disinformation.[135] These outlets masqueraded as independent journalism while recycling coordinated talking points. The absence of transparent registration or accountability mechanisms allowed them to operate unchecked, eroding public trust and confusing voters seeking credible information.[136] Their activities highlight the urgent need for a policy framework that counters disinformation without curbing legitimate expression.

The EU EOM's preliminary report urged comprehensive reform of Malawi's electoral architecture—covering campaign-finance disclosure, data-protection safeguards, and the institutional independence of MACRA.[137] SADC and AU reports on Malawi's electoral architecture, particularly around the 2025 elections, highlighted progress in electoral management, voter registration, and logistics, commending MEC's reforms, but also noted ongoing challenges like insufficient campaign finance transparency (disclosure gaps, misuse of state funds), calls for strengthened data protection, and calls for greater institutional independence for MACRA, with observations often emphasizing compliance with SADC principles while pushing for deeper reforms for full democratic integrity, especially around digital systems and resource fairness.[138] Civil-society organisations endorsed these proposals, viewing them as essential anchors for a digital democracy that balances innovation with accountability.[139] Implementing them would bring Malawi closer to continental best practice and fulfil obligations under the African Union's Digital Transformation Strategy.

The EU EOM's preliminary report urged comprehensive reform of Malawi's electoral architecture—covering campaign-finance disclosure, data-protection safeguards, and the institutional independence of MACRA.[140] Civil-society organisations endorsed these proposals, viewing them as essential anchors for a digital democracy that balances innovation with accountability.[141] Implementing them would bring Malawi closer to continental best practice and fulfil obligations under the African Union's Digital Transformation Strategy.

These concerns were also echoed by both SADC and the AU–COMESA observer missions, whose preliminary findings underscored the same structural vulnerabilities. The AU–COMESA mission specifically emphasised weaknesses in media balance and civic access to impartial

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133   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

134   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

135   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

136   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

137   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

138   Preliminary Statement: African Union - Common Market For Eastern and Southern Africa Observation Mission To the Republic of Malawi, Lilongwe, 18 September 2025

139   The Nation (March 2025). "Civil society push back on state over digital reforms."

140   EU EOM Malawi 2025. *Preliminary Statement: General Elections 16 September 2025.*

141   The Nation (March 2025). "Civil society push back on state over digital reforms."

information, recommending *"enhanced regulatory and monitoring mechanisms to guarantee the equal access to, and balanced coverage by, public as well as private media"*—a call that directly aligns with the EU EOM's criticism of MBC's partisan digital footprint.[142] The mission further urged broader public engagement with electoral technologies, noting that authorities should *"increase awareness and consultations with all stakeholders regarding electoral technology, including its purpose, benefits and limitations."*

The SADC Electoral Observation Mission (SEOM), in its preliminary statement, confirmed that it had *"observed the pre-election, election and early post-election phases"* and reinforced the need for Malawi to strengthen information access and the institutional safeguards that underpin public trust. While diplomatic in tone, SEOM's findings placed Malawi's 2025 electoral transparency within a wider regional imperative to harmonise digital-era electoral standards[143]. Together, the SADC and AU–COMESA assessments deepen the reform case made by the EU EOM: Malawi cannot sustain digital modernisation without parallel investments in transparency, civic education, media fairness, and independent regulatory oversight. Their recommendations, drawn from continental norms, signal that the trajectory of Malawi's electoral reform will increasingly be measured not only against domestic expectations but also against regional democratic benchmarks.

Malawi's experience mirrors broader continental patterns. Uganda's repeated internet shutdowns, Zambia's pre-election cyber-law arrests, and Kenya's surveillance controversies[144] demonstrate how governments often conflate digital security with political control. In contrast, Ghana's Right to Information Act and South Africa's Protection of Personal Information Act (POPIA) offer progressive models that couple security with robust privacy guarantees.[145] Comparative lessons show that reform is possible without compromising sovereignty.

Malawi's judiciary earned regional and global acclaim after the historic nullification of the 2019 presidential election, a landmark judgment delivered in February 2020 by the High Court sitting as a Constitutional Court and later unanimously upheld by the Supreme Court of Appeal. The ruling—prompted by extensive evidence of irregularities such as the widespread use of correction fluid ("Tippex"), unsigned result sheets, and compromised tally procedures—was unprecedented in Malawi and only the second judicial annulment of a presidential election in African history. The Court insisted that elections must reflect "the free expression of the will of the people" and held that even seemingly "minor" irregularities could cumulatively undermine electoral integrity. This assertive posture positioned the judiciary as a critical guardian of democratic accountability. Yet despite this jurisprudential boldness on electoral legality, its engagement on digital-rights matters—such as surveillance oversight, platform governance, data protection, and online-speech cases—has remained surprisingly limited.[146] Few precedents exist on the scope of lawful interception, metadata access, algorithmic harms, or digital-era political expression. This judicial restraint left constitutional rights untested in the digital domain during the elections, allowing executive agencies and regulators like MACRA to define the boundaries of privacy and online freedom

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142 Preliminary Statement: African Union - Common Market For Eastern and Southern Africa Observation Mission To the Republic of Malawi, Lilongwe, 18 September 2025

143 Preliminary Statement: African Union - Common Market For Eastern and Southern Africa Observation Mission To the Republic of Malawi, Lilongwe, 18 September 2025

144 The Conversations: "State surveillance: Kenyans have a right to privacy – does the government respect it?" November 28, 2024

145 The Nation (March 2025). "Civil society push back on state over digital reforms."

146 The Nation (March 2025). "Civil society push back on state over digital reforms."

by default. Strengthening judicial literacy on technology, cybersecurity, and digital privacy would help close this gap and bring Malawi's constitutional protections in line with its technologically evolving electoral landscape.

Parliamentary momentum for a Data Protection Bill repeatedly stalled between 2023 and 2025. PIJ Malawi's investigations attributed this inertia to political self-interest: many legislators feared that stronger privacy rules would curtail their ability to weaponise personal data or intimidate opponents.[147] The pattern reveals how reform efforts often collide with entrenched power incentives rather than mere bureaucratic delay. In response, local NGOs formed cross-border alliances with bodies like Intelwatch NPC and the Southern Africa Digital Rights Coalition to lobby SADC for a regional digital-rights charter.[148] These coalitions represent an evolution from fragmented national activism toward coordinated regional pressure. Their campaigns—ranging from petitions to joint research reports—signal that the fight for digital freedom in Malawi is increasingly embedded in a broader African struggle for accountable technology governance.

The 2025 elections exposed the fault lines of Malawi's legal architecture in the digital age. While constitutional guarantees remain robust on paper, enforcement mechanisms and institutional independence lag behind reality. Observer missions and civil-society voices converged on a single message: without urgent reform, digital spaces will continue to be exploited for control rather than empowerment.[149] Malawi now stands at a crossroads—either to entrench outdated frameworks that facilitate surveillance and censorship, or to undertake bold legal transformation that secures freedom, privacy, and democratic resilience for the digital era.

SURVEILLANCE & SUPPRESSION – THE ROLE OF MACRA

The digitalisation of electoral processes in Malawi unfolded alongside an expanding infrastructure of surveillance and state control over communication channels.

Civil-society groups warned that both lawful and extra-legal monitoring practices were heightening risks to privacy, political participation, and freedom of expression.[150] This dynamic was especially visible in the run-up to the 2025 general elections, where the role of MACRA and emblematic disputes—such as accusations by Dr. Matthews Mtumbuka—became focal points of public concern.[151]

However, The roots of Malawi's surveillance capacity predated this election. In 2011, MACRA procured the Consolidated ICT Regulatory Management System (CIRMS), soon dubbed the "spy machine." Officially promoted as a revenue assurance tool to monitor telecom quality, its ability to access Call Detail Records, intercept calls, and track communications in real time provoked immediate backlash. Consumer advocate

147   PIJ Malawi (2024–2025). "The Stalled Data Protection Bill: Political Resistance and Risks."
148   The Nation (March 2025). "Civil society push back on state over digital reforms."
149   The Nation (March 2025). "Civil society push back on state over digital reforms."
150   Hivos (Sept 2025). *"Clicking for digital democracy: what power do citizens have?"*
151   Hivos (Sept 2025). *"Clicking for digital democracy: what power do citizens have?"*

Alick Kimu sued mobile operators after they issued privacy disclaimers acknowledging the system's reach. In 2017, the Supreme Court of Appeal ruled in MACRA's favour, allowing the system to operate despite objections from TNM and civil-society groups.[152] Although a technical victory for the regulator, the episode dealt a lasting reputational blow. Ahead of and during the 2025 election, public memory of CIRMS as a tool for spying hardened into suspicion—every call-drop or network disruption seemed proof of surveillance.

In 2024, investigative reporting by PIJ Malawi revealed that MACRA had quietly adopted Cellebrite's Universal Forensic Extraction Device (UFED), a powerful suite used worldwide to unlock and extract data from phones and computers. After initial denials, MACRA confirmed that the tool was operated by its MwCERT cybersecurity unit, ostensibly for cybercrime prevention. The Malawi Revenue Authority also acknowledged owning UFED for tax investigations, expanding the number of agencies with access to invasive digital forensics.[153] [154] While such tools have legitimate uses in law enforcement, civil society warned that, in an electoral context, they could be repurposed to target opposition staff or journalists. The lack of transparency on warrants and oversight mechanisms deepened concerns that surveillance could become a political weapon.

Alongside CIRMS and UFED, MACRA introduced the Central Equipment Identity Register (CEIR) in 2023— (a K2 billion (USD 1.15 million) project intended to curb phone theft by cataloguing every device's IMEI number. Telecom giants TNM and Airtel endorsed its anti-fraud purpose but expressed reservations about inadequate control systems. The CEIR database, hosted at the

National Data Centre, effectively centralised device-level visibility under a single authority. Civil-society watchdogs, referencing PIJ Malawi's "Big Brother" investigation, warned that such centralisation could enable the remote blocking of activists' or journalists' devices—an alarming possibility in a fragile democracy.[155]

Although Section 21 of the Constitution guarantees the right to privacy, Malawi's legal framework has struggled to keep pace with technological reality. The Communications Act (2016), the Electronic Transactions and Cybersecurity Act (2016), and the National Registration Act (2010) collectively give the state expansive monitoring powers with minimal judicial oversight. For several years, the long-promised Data Protection Bill, first introduced in 2021, stalled amid political hesitancy and concerns within government over how far a strong privacy law might constrain security agencies and data-driven state programmes.

Following sustained advocacy by media-freedom and digital-rights groups, Parliament finally enacted the Malawi Data Protection Act (MDPA) in 2024.[156] [157] However, as analysts and rights organisations cited in the *Africa–China Reporting Project* briefing note, the new law is a mixed blessing: while it establishes a formal framework for personal-data safeguards, it also contains broad exemptions for state security and leaves key enforcement details—such as the independence, resources, and powers of the supervisory authority—unclear.[158] [159] In practice, systems such as CIRMS, the Central Equipment Identity Register (CEIR), and Cellebrite-based forensic extraction now operate under a nominal data-protection regime, but one whose loopholes and

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152 Times.mw – "Supreme Court clears MACRA's spy machine" (2017).

153 PIJ Malawi – "Big Brother is Watching" Series (2023–2024).

154 Freedom House – Freedom on the Net: Malawi (2024).

155 PIJ Malawi – "Big Brother is Watching" Series (2023–2024).

156 Freedom House – Freedom on the Net: Malawi (2024).

157 Paradigm Initiative – Londa Digital Rights in Africa Report (2024–2025).

158 Freedom House – Freedom on the Net: Malawi (2024).

159 Paradigm Initiative – Londa Digital Rights in Africa Report (2024–2025).

weak implementation mean they remain democratically dubious: technically lawful, yet still vulnerable to overreach in the absence of robust oversight, transparency, and judicial control.[160] [161]

Civil-society organizations including MISA Malawi, the Centre for Human Rights and Rehabilitation (CHRR), Youth and Society (YAS), and the ICT Association of Malawi (ICTAM) have consistently demanded reform. They argue that MACRA's surveillance tools, introduced without strong privacy laws, violate constitutional rights. Digital-rights advocates such as Jimmy Kainja and Bram Fudzulani maintain that unless a comprehensive Data Protection Act is enacted, surveillance will remain open to abuse through mission creep and political misuse.[162]

All these dynamics converged during the 2025 elections amid increased monitoring since the 2019 elections.[163] Journalists and activists reported mobile tracking attempts, selective throttling of internet access, and pressure on operators to release call metadata.[164] By 2024, Paradigm Initiative and Intelwatch had raised alarm about imported surveillance technologies across the region, including Malawi.[165] [166] Even in the absence of a formal national surveillance statute, agencies were reported to have expanded backdoor access to digital infrastructure.[16712]

MACRA, established under the Communications Act (2016) to license and regulate telecoms, radio, and digital platforms, faced persistent scrutiny for perceived political impartiality. Critics—from civil-society groups, media-freedom organisations, digital-rights advocates, and several opposition parties—argued that the regulator had drifted from its statutory mandate of neutrality and had increasingly functioned as *an enabler of state-aligned interference in online spaces*.[168] These critiques centred on three recurring concerns: (i) MACRA's pattern of disproportionately sanctioning critical or independent broadcasters while overlooking breaches by the state-owned MBC, (ii) its opaque handling of network disruptions and takedowns during politically sensitive periods, and (iii) its long-standing history with surveillance infrastructure such as CIRMS, which fuelled public perceptions that the institution was structurally vulnerable to political capture.[169]

The flashpoint came in August 2025 when Dr. Mtumbuka alleged deliberate sabotage after his party's livestream infrastructure failed during an opposition rally, claims he amplified in a widely shared Facebook post that suggested regulatory collusion with ruling-party interests.[170] Civil-society actors and digital-rights observers noted that this allegation aligned with a broader pattern they had documented over the years—instances where unexplained outages, selective enforcement, and communications bottlenecks tended to coincide with opposition activities or critical broadcasts.[171] MACRA denied wrongdoing and attributed the disruption to "network congestion," yet no independent inquiry followed, and

160   Freedom House – Freedom on the Net: Malawi (2024).

161   Paradigm Initiative – Londa Digital Rights in Africa Report (2024–2025).

162   Paradigm Initiative – Londa Digital Rights in Africa Report (2024–2025).

163   Unwanted Witness (June 2025). "Opposition fears unlawful interception under Communications Act."

164   Unwanted Witness (June 2025). "Opposition fears unlawful interception under Communications Act."

165   Paradigm Initiative (2024). *Digital Rights in Africa Report*.

166   Cipesa (2025).*The Surveillance Footprint in Africa Threatens Privacy and Data Protection*

167   Paradigm Initiative (2024).Charting a path forward for Malawian Elections and Digital Rights.

168   Hivos (Sept 2025). *"Clicking for digital democracy: what power do citizens have?"*

169   Hivos (Sept 2025). *"Clicking for digital democracy: what power do citizens have?"*

170   Cipesa (2025).*The Surveillance Footprint in Africa Threatens Privacy and Data Protection*

171   Hivos (Sept 2025). *"Clicking for digital democracy: what power do citizens have?"*

transparency around such disputes remained minimal.[172] For many critics, MACRA's refusal to publish technical logs or submit to an external audit strengthened the perception that the regulator lacked both institutional independence and accountability mechanisms capable of insulating it from political influence.

Reports from journalists and civic groups described a broader pattern in which state agents surveilled WhatsApp groups, Facebook pages, and YouTube broadcasts to intimidate critics.[173]

Opposition figures also reported threats of arrest following coordinated online smears accusing them of "incitement," illustrating how surveillance and propaganda can reinforce each other.[174] The existence of leaked correspondence outlining extra-legal metadata requests gave these accusations added weight, strengthening the perception that Malawi's digital environment in the run-up to the election had become both monitored and manipulable.Freedom House noted a decline in internet freedom as authorities prosecuted online journalists and obtained data-extraction tools, stoking concerns about oversight of government surveillance.[175]

Even unproven surveillance claims generated a climate of fear, particularly among young voters, activists, and independent reporters who increasingly self-censored or withdrew from digital discourse.[176] Without clear legal guardrails, judicial oversight, or independent investigations, continued reliance on digital monitoring threatened to erode public trust in elections and in the institutions that manage them.[177] That trust was further strained by politically motivated arrests in the pre-election period.[178] The EU EOM's preliminary assessment recorded vague national-security justifications for detaining critics, opposition actors, and journalists—what civil-society leaders called a "weaponiasation of the law."[179] [180] In the run up to the elections, *The Nation* documented arrests of Youth and Society (YAS) activists over questions about campaign spending. They were later released without charge, but the deterrent effect lingered.[181]

The Electronic Transactions and Cybersecurity Act (2016) became a tool of selective enforcement.[182] PIJ Malawi reported seizures of laptops and phones from opposition youths accused of "spreading misinformation," even when they were circulating unofficial yet credible tally figures.[183] Meanwhile, ruling-party supporters propagated fabricated allegations on Facebook with apparent impunity, reinforcing perceptions of partisan regulation.[184] Media dynamics amplified the imbalance. MBC devoted disproportionate coverage to the ruling MCP and leveraged its digital channels to circulate favorable narratives, with government-linked content overwhelmingly praising the ruling alliance.[185] Independent outlets such as *Times.mw* and *The Nation* encountered sporadic takedowns

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172   Paradigm Initiative (2024).Charting a path forward for Malawian Elections and Digital Rights.

173   Country Legal Framework Resource (April 2025). *Opposition fears unlawful interception under Communications Act.* And Author interviews

174   Human Rights Watch (July 2025). *Police Look on as Peaceful Protesters Assaulted*

175   Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

176   Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

177   Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

178   Human Rights Watch (July 2025). *Police Look on as Peaceful Protesters Assaulted*

179   EU EOM Malawi (2025). *Press Release: Competitive Elections, Despite Inequity in Campaigning (18 Sept 2025).*

180   Human Rights Watch (July 2025). *Police Look on as Peaceful Protesters Assaulted*

181   Human Rights Watch (July 2025). *Police Look on as Peaceful Protesters Assaulted*

182   Paradigm Initiative (2024).Charting a path forward for Malawian Elections and Digital Rights.

183   Paradigm Initiative (2024).Charting a path forward for Malawian Elections and Digital Rights.

184   Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

185   EU EOM Malawi (2025). *Preliminary Statement: General Elections 16 September 2025.*

and bandwidth slowdowns; journalists described "invisible filters" hampering access to their content.[186]

Disinformation ecosystems deepened the distortion. Proxy outlets—*Malawi Focus Newspaper* (aligned with MCP) and *Malawi Cables Online* (aligned with DPP)—pushed false stories that blurred journalism and propaganda.[187] MISA-Malawi, for example, debunked claims that opposition leaders would boycott the polls, while *Malawi Cables* alleged foreign hacking of Smartmatic servers, undermining confidence in electoral technology.[188] Although Malawi avoided a national shutdown on polling day, civil-society hotlines recorded localised slowdowns in Blantyre and Lilongwe during politically tense moments.[189] SADC observers diplomatically noted "network interruptions" that were not fully explained, urging greater transparency over internet governance in elections.[190] [191]

The cumulative effect—surveillance, disinformation, and uneven enforcement—was palpable public fear.[192] Citizens curtailed political debate on WhatsApp and Facebook, and first-time voters described the elections as "monitored."[193] Even so, civil society mounted countermeasures.[194] MISA-Malawi launched real-time fact-checking and pressed MACRA to publish clear content-moderation protocols, while youth-led initiatives such as

Chisankho Watch built dashboards to expose coordinated inauthentic behavior.[195] These efforts, though valuable, received little state support and occasionally faced harassment.[196]

Observer missions largely corroborated these patterns.[197] The EU EOM cited misuse of public resources, biased state media coverage, and uneven law enforcement as barriers to a level playing field.[198] AU–COMESA noted a peaceful voting day but flagged pre-election intimidation and media imbalance, calling for MACRA reform and stronger MBC independence.[199] Regionally, Malawi's trajectory echoed Uganda's platform blocks, Zambia's cyber-law arrests, and Zimbabwe's throttled opposition livestreams, even as Ghana and South Africa showcased models where constitutional protections bolster digital participation.[200][10] [201] Malawi thus stood at a crossroads between repression and reform.[202]

Reform priorities were clear by late 2025. Stakeholders urged enactment of a data-protection law to regulate surveillance and metadata access; statutory safeguards to ensure MACRA's independence; revisions to Cybersecurity Act provisions enabling arbitrary censorship; and institutionalised judicial oversight of surveillance.[203] These steps were framed not only as constitutional imperatives but as prerequisites for rebuilding confidence in electoral processes.[204]

186 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

187 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

188 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

189 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

190 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

191 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

192 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

193 Freedom House (May 2024). "Connectivity disruptions raise fears of deliberate throttling."

194 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

195 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

196 SADC SEOM (2025). *Preliminary Statement on Malawi Elections.*

197 EU EOM Malawi (2025). *Press Release: Competitive Elections, Despite Inequity in Campaigning (18 Sept 2025).*

198 EU EOM Malawi (2025). *Press Release: Competitive Elections, Despite Inequity in Campaigning (18 Sept 2025).*

199 AU–COMESA (2025). *Joint Observer Mission Communiqué on Malawi Elections.*

200 Paradigm Initiative (2024). *Digital Rights in Africa Report.*

201 Cipesa (2025). *The Surveillance Footprint in Africa Threatens Privacy and Data Protection*

202 Cipesa (2025). *The Surveillance Footprint in Africa Threatens Privacy and Data Protection*

203 Paradigm Initiative (2024). Charting a path forward for Malawian Elections and Digital Rights.

204 Paradigm Initiative (2024). Charting a path forward for Malawian Elections and Digital Rights.

DIGITAL INFORMATION ENVIRONMENT, STATE MEDIA BIAS & ELECTORAL INTEGRITY

In the digital era, elections are no longer confined to the ballot box or the rally ground. They are contested in online spaces where narratives travel faster than official announcements and a single rumour can reach millions before being corrected—if at all. In Malawi's 2025 elections, the internet became both a battlefield and a barometer of public trust.

While the country did not experience a full-scale internet shutdown, fears of one were constant and credible, as civil-society groups, journalists, and ordinary citizens warned that MACRA and aligned state institutions could weaponise connectivity controls to tilt the electoral playing field.[205]

In the months leading up to the polls, whispers of a looming blackout circulated widely, and civil-society organisations such as the Malawi Internet Governance Forum documented unexplained bandwidth throttling during peak political events. The suspicions drew on regional precedents in Zambia and Uganda, where ruling parties had cut connectivity during tense electoral moments to control the narrative. Although MACRA denied the rumours, anecdotal reports of slowed access to WhatsApp and Facebook in urban centres around rallies raised legitimate alarms among voters and observers.[206] At the core of these fears sits the Communications Act of 2016, which grants MACRA sweeping authority to regulate digital infrastructure without requiring judicial or parliamentary approval for service suspension in the name of "national security."[207] The EU Election Observation Mission (EU EOM) flagged this concentration of powers as risky,

noting how it can conflate legitimate security with political censorship; without safeguards, MACRA remains both regulator and enforcer—roles that international observers argue should be separated.[208]

Even when connectivity held, censorship often appeared in quieter forms: selective takedowns of political blogs, activist pages, and independent-media content. Some removals reflected platform rules, yet others coincided suspiciously with revelations about procurement controversies, corruption, and whistle-blower accounts. PIJ Malawi recorded cases where investigative reports shared via Facebook disappeared within hours, typically after coordinated reporting campaigns—an "invisible censorship" enabled by opaque moderation systems that undermined the flow of information at critical moments.[209] Visibility was further shaped by algorithms. Parties with deeper pockets—particularly MCP—used boosted posts and micro-targeted ads to dominate feeds, while EU monitors found state-linked platforms amplifying MCP content disproportionately; MBC Digital alone accounted for 42 percent of monitored online posts, 91 percent of which favoured the MCP, blurring the line between state communication and party propaganda.

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205 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025*.

206 EU EOM Malawi (2025). *Press Release: Competitive Elections, Despite Inequity in Campaigning (18 Sept 2025)*.

207 EU EOM Malawi 2025 – *Social Media Monitoring Findings*.

208 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025*.

209 PIJ Malawi (2025). *Investigations on Digital Censorship*.

This digital imbalance was reinforced by the legal environment. Sections 86 and 87 of the Electronic Transactions and Cybersecurity Act criminalise "offensive communication," and the (now-repealed) Penal Code Section 200 on criminal defamation until recently, served to muzzle dissent; several journalists reported threats of prosecution after posting investigative material online.[210] Vague, broad provisions produced a chilling effect: self-censorship became the price of survival.[211] International observers took note. The EU EOM warned that Malawi's digital sphere remained under-regulated yet prone to state interference—citing, among other things, MACRA's failure to sanction the state broadcaster—and SADC and AU missions echoed concerns that without robust protections for online speech, electoral manipulation would migrate from ballot boxes into fibre cables and algorithms.[212]

Economics compounded these vulnerabilities. Malawi's data costs are among the region's highest, limiting youth and rural access to political discourse; with only 18.4 percent of the population online, digital campaigning remained modest, yet manipulation within this narrow sphere had outsized weight. Those priced out by cost or infrastructure were doubly marginalised—offline and online. Proxy outlets amplified distortions: pro-MCP platforms like Malawi Focus and pro-DPP outlets like Malawi Cables Online pushed skewed narratives, and although EU monitors deemed the overall disinformation volume "limited" by global standards, forged documents and coordinated smear campaigns still eroded public trust. Comparative lessons from Uganda and Zambia illustrate how shutdowns and throttling can decisively shape elections. Malawi avoided outright blackouts, but the mix of algorithmic amplification, selective

takedowns, and high costs created subtler—yet consequential—distortions likely to harden into precedent if unaddressed.[213]

Accountability in this environment proved elusive. When media monitoring revealed state-broadcaster violations, MACRA deferred to a non-binding complaints committee; when asked about potential throttling, ISPs pointed to regulatory directives. This diffusion of responsibility ensured no single actor could be held to account, breeding impunity.[214] The implications extend beyond elections to core civil liberties: if MACRA can suspend access without oversight and online criticism can be criminalised, digital repression becomes a constitutional question about the scope of citizenship in the networked age. Malawian civil society has pushed back. Groups such as CHRR, Youth and Society, and MISA Malawi have called for a Digital Bill of Rights and stronger judicial oversight of MACRA, arguing that without reforms, future elections will be decided as much by code and connectivity as by ballots.[215]

Observer recommendations converged on enforceable change. The EU EOM urged action against state-media abuses, reform of campaign-finance rules, and mandatory transparency in digital campaigning, emphasising that digital fairness is inseparable from electoral fairness.[216] In this spirit, the call for a Digital Bill of Rights has grown louder, seeking to enshrine protections for online expression, prohibit politically motivated shutdowns, and require transparency reports from both ISPs and platforms—now an essential democratic safeguard rather than a luxury. The broader warning is clear: internet shutdowns and invisible censorship constrict democracy itself. Malawi stands at a crossroads; left unchecked, vague laws, unaccountable

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210   EU EOM Malawi 2025 – *Social Media Monitoring Findings.*

211   MISA Malawi (2025). Call for a Digital Bill of Rights

212   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

213   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

214   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

215   MISA Malawi (2025). Call for a Digital Bill of Rights

216   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

regulators, and complicit platforms open the door to digital authoritarianism. Reformed, Malawi could lead in digital-rights protection among young democracies.

The *State of Press Freedom in Southern Africa 2025* report—Malawi chapter, "One Step Forward, Two Steps Backwards"—underscored how, as the 2025 elections approached, restrictions on expression and rights violations intensified through 2024, threatening digital rights and press freedom. Despite constitutional guarantees under Sections 34–37, absent political will rendered these protections hollow, with increasing use of the Electronic Transactions and Cybersecurity Act to arrest journalists, activists, and online users. MISA Malawi recorded seven such cases in 2024. The arrest of activist Boni Kalindo over a voice note concerning the late Vice President Saulos Chilima illustrated how authorities weaponised the law to silence dissent while MACRA pursued a surveillance system ostensibly to combat misinformation—a move civil society condemned as a threat to privacy and expression during the election period. The report also acknowledged progress via the Malawi Data Protection Act (MDPA), enacted in February 2024, though MACRA's leadership conceded that loopholes hinder effective enforcement. It also noted nascent use of AI in Malawian media (translation, transcription, engagement), highlighting the urgent need for ethical and legal frameworks to protect digital freedoms as the 2025 cycle unfolded.[217]

These debates sharpened in early 2025 when CHRR, YAS, and others petitioned President Chakwera to halt MACRA's K2.6 billion procurement of an "integrated system to track misinformation and disinformation," warning that without safeguards it could morph into mass surveillance during a heated election. Their letter stressed that once deployed, such infrastructure tends to expand beyond its mandate, chilling speech even before formal censorship occurs.[218] MACRA publicly insisted the platform "has nothing to do with shutting down the internet" and would not eavesdrop on private conversations—assurances echoed by the Ghanaian vendor, Hashcom—but local digital-rights experts, including University of Malawi's Jimmy Kainja, questioned whether the tool could truly separate trend analysis from surveillance at scale under vague national-security clauses.[219]

As campaign temperatures rose, *Times* editorials warned that fake news was "spreading rapidly" and "causing panic like never before," pointing to the combustible mix of virality and low digital literacy.[220] A mid-July 2025 series mapped how doctored videos and fabricated "leaked memos" cascaded through WhatsApp faster than corrections could catch up—an instance of "invisible censorship by algorithmic overload."[221] CSO coalitions proposed rights-respecting alternatives: abandon dragnet trend trackers and convene a multi-stakeholder rapid-response mechanism (MEC, MACRA, Media Council, MHRC, newsrooms, fact-checkers) pairing swift debunks with civic education in local languages, explicitly citing African Commission norms and urging repeal of criminal defamation in favour of civil remedies to avoid chilling speech.[222]

A subtler risk, described by local political-science voices, was "rigging by narrative": strategic misinformation about procedures (who appears on which register, whether specific centres would open) that exploits patchy voter education to depress turnout as effectively as network interference when

217   MISA Malawi (2025). Call for a Digital Bill of Rights

218   The Nation (Feb 14 2025). *"CSOs write Chakwera on K2.6 bn MACRA IT deal."*

219   The Times Group (Feb 21 2025). *"Ghanaian firm denies privacy breach in information tracker."*

220   The Times Group (Jul 12 2025). *"Truth under siege."*

221   The Times Group (Jul 15 2025). *"Season of madness."*

222   The Times Group (Feb 14 2025). *"CSOs push to block surveillance system."*

official counter-messaging is slow.[223] MEC's release of the voters' register to parties ahead of polling was welcomed as a transparency buffer, yet *Times* noted that access alone cannot neutralise platform dynamics if the system still rewards sensational falsehoods over dry corrections.[224] Structural exclusion compounded the problem: MACRA's own 2024 data indicated only 1 million smartphones among 14 million registered SIMs, sharply limiting who can create, verify, or contest political information in real time; combined with high data costs and rural connectivity gaps, the "digital public square" skewed toward urban, better-resourced actors.[225] [226]

Meanwhile, "weaponised moderation" became a recurring tactic: PIJ Malawi and local newsrooms documented investigative posts vanishing after coordinated reporting drives, exploiting opaque escalation pathways for Chichewa/Tumbuka content so that sensitive material disappeared at peak attention—censorship by process rather than decree, and far harder to audit.[227] The weight of history also mattered. Even without a 2025 shutdown, earlier episodes in which MACRA brandished licensing threats against TV, radio, or ISPs left newsrooms wary that analogue-era leverage could re-emerge in digital form; *Weekend Nation* chronicled how that legacy gave rumours of throttling outsized credibility and nudged journalists toward self-censorship.[228] Beyond elections, the Malawi Human Rights Commission warned in 2024 that disinformation distorted understanding of the refugee-relocation policy—evidence that information disorders persist between cycles and that digital-rights governance is a year-round democratic necessity.[229]

Taken together, Malawi's 2025 experience shows how connectivity control, opaque takedowns, algorithmic bias, punitive speech laws, and economic exclusion can converge to constrict democratic participation. The way forward is equally multi-pronged: narrow MACRA's emergency powers with judicial and parliamentary oversight; require ISP and platform transparency reports; enforce content-neutral rules against state-media abuses; protect online expression through a Digital Bill of Rights; invest in affordable access and local-language civic education; and institutionalize a multi-stakeholder rapid-debunking mechanism.[230] [231] [232] Only by realigning code, cost, and law with constitutional promises can Malawi keep the digital arena from becoming a quiet substitute for electoral manipulation.

223 The Times Group (May 26 2025). *"How elections are rigged."*

224 The Times Group (May 13 2025). *"MEC releases voters' register to parties."*

225 The Nation (Jul 12 2024). *"MACRA reveals smartphone deficit."*

226 The Nation (Jul 30 2024). *"Hello, Malawi's rural majority left behind."*

227 PIJ Malawi (2025). *Investigations on Digital Censorship.*

228 The Nation (Sep 3 2022). *"Enforcement is not clamping down on media."*

229 The Times Group (May 30 2024). *"Information distortion on refugees worries MHRC."*

230 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

231 EU EOM Malawi 2025 – *Social Media Monitoring Findings.*

232 MISA Malawi (2025). *Call for a Digital Bill of Rights.*

SURVEILLANCE INFRASTRUCTURE, SHRINKING CIVIC SPACE, AND THE MTUMBUKA CASE

Malawi's 2025 general elections highlighted the growing tension between digital modernisation and shrinking civic space.

The installation of surveillance systems, MACRA's expanded authority and the increasing dependence on mobile and online communication placed the digital environment under unprecedented scrutiny. Ahead of the elections civil-society organisations warned that the promise of digital participation risked being undermined by censorship, intimidation, and opaque regulatory practices.[233]

A central flashpoint emerged from the accusations by Dr. Matthews Mtumbuka, the technocrat-turned-politician who ran as the UTM's presidential running mate. His claims that MACRA deliberately interfered with his communications became emblematic of broader fears about state surveillance and the erosion of digital rights.[234]

The government defended the installation of Chinese-built surveillance cameras in Lilongwe, Blantyre, and other cities as a crime-prevention measure. These cameras were supplied by Huawei Technologies, the Chinese telecommunications giant whose smart-city and CCTV systems have been deployed in several African capitals. Yet insiders suggested that the system was also used to track political actors, journalists, and civil-society leaders.[235]

Alongside this, the Consolidated ICT Regulatory Management System (CIRMS)—locally known as the "spy machine"—gave MACRA call-interception and traffic-monitoring capabilities. CIRMS was supplied by the US-based firm Agilis International, later acquired by Neustar.[236] Meanwhile, Cellebrite, an Israeli digital-forensics company, provided the forensic extraction devices that enabled police and cybersecurity units to unlock phones, recover deleted data, and access encrypted content.[237] Together, these tools formed a powerful surveillance infrastructure deployed without clear judicial oversight or transparent audits, heightening public suspicion that surveillance was being weaponized to silence opposition and civic voices.

In response, a coalition of digital-rights advocates, media-freedom organizations, and legal think tanks mobilised well before the elections. The Centre for Human Rights and Rehabilitation (CHRR), Youth and Society (YAS), MISA Malawi, and the mHub Innovation Hub launched campaigns to educate voters about digital rights and to monitor state overreach. CHRR's pre-election *Digital Rights Charter* warned of "systemic vulnerabilities" in Malawi's telecom environment, while MISA Malawi documented selective content takedowns and delays in granting broadcasting licenses to independent radio stations.[238]

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233 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*
234 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*
235 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*
236 Asren (2023). *CEO Appointment Announcement.*
237 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*
238 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

The Mtumbuka case crystallised these anxieties. In August 2025, Dr. Mtumbuka alleged that MACRA deliberately dropped his calls during a live radio broadcast as he engaged with citizens. In a Facebook post titled *"I rarely do this,"* he wrote, "MACRA kept dropping my calls. There was nothing malicious or criminal that I said." The post went viral and became a digital rights flashpoint: supporters viewed it as a textbook case of political sabotage, while detractors dismissed it as infrastructural failure or political theatre.[239] The incident reflected national anxieties about digital manipulation in an already polarised electoral climate.

MACRA, empowered by the Communications Act of 2016, holds sweeping authority over Malawi's telecommunications and digital platforms. Critics have long questioned its independence, citing its alignment with ruling-party interests. In this context, MACRA's denial of Mtumbuka's allegations—blaming "network congestion"—did little to quell suspicion. Its credibility weakened further after it admitted in June 2025 that Malawi's telecom networks had suffered "deliberate and coordinated sabotage."[240] Although the admission was not directly linked to Mtumbuka's case, it lent plausibility to opposition claims of manipulation and underscored the regulator's lack of transparency and accountability.

What made the episode particularly resonant was the accuser himself.[241] Dr. Mtumbuka, a Rhodes Scholar with a PhD in Engineering Science (Communications Systems) from Oxford, had decades of professional experience in telecommunications.[242 243 244] He previously served as Director of IT at Airtel Malawi and Airtel Rwanda, managed regional operations at Airtel Africa, and later became CEO of the UbuntuNet Alliance, overseeing research and education internet backbones across sub-Saharan Africa.[245] As a board member of NBS Bank, NICO Technologies, and the Malawi University of Science and Technology, he bridged technical and civic spheres.[246] Thus, his allegation was viewed less as a partisan complaint and more as a technocratic whistleblowing moment—an expert warning about the shrinking of civic space through invisible technical mechanisms.[247]

Mtumbuka's background meant he understood better than most how call routing, signal jamming, or switching interference could occur.[248] His claim carried a credibility that no layperson's could, connecting directly to the chapter's central theme: how surveillance infrastructure and regulatory authority can be misused to shape civic participation.

Despite his expertise, neither Mtumbuka nor the UTM filed a formal complaint with the Human Rights Commission or electoral tribunals. This omission reflected both the climate of intimidation faced by opposition actors and the absence of effective mechanisms for digital grievance redress. The confrontation therefore played out in the public sphere—on Facebook, YouTube, and radio—where "dropped calls" became shorthand for the fragility of digital democracy.[2] The controversy ignited a court of public opinion in which memes, commentary, and citizen skepticism filled the vacuum left by institutional silence.[249]

239 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

240 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

241 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

242 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

243 Asren (2023). *CEO Appointment Announcement.*

244 MarketScreener. *Corporate Directorships: Dr. Matthews Mtumbuka.*

245 Asren (2023). *CEO Appointment Announcement.*

246 MarketScreener. *Corporate Directorships: Dr. Matthews Mtumbuka.*

247 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

248 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

249 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

MACRA's reputation for political pliancy intensified scrutiny. Its sweeping control over licensing and spectrum allocation allows it to shape the digital environment in ways that can advantage incumbents. In June 2025, only weeks before Mtumbuka's claims, MACRA had warned of "network sabotage" by "unknown actors." Though unrelated, the admission underscored how interference in Malawi's networks was both technically possible and politically charged.[250] Activists and opposition candidates soon reported livestream failures, throttled Facebook access during rallies, and glitches in mobile-money systems used for campaign fundraising. PIJ Malawi and *Times. mw* recorded spikes in digital disruptions coinciding with opposition events—none of which were investigated independently.[251]

By selecting Mtumbuka, a telecommunications expert, as his running mate, UTM's presidential candidate Dalitso Kabambe aimed to appeal to urban youth and digital professionals.[252] Although the ticket eventually finished third with about 4% of the vote, Mtumbuka's allegations became central to UTM's broader narrative of civic suppression. His complaints symbolised the struggle over who controls the digital sphere—and by extension, democratic participation.[253]

Civil-society groups quickly rallied around the controversy. MISA Malawi and CHRR called for telecom audits, while digital rights hubs tracked call drops and bandwidth slowdowns. The EU Election Observation Mission (EU EOM) referenced digital interference concerns in its preliminary report, warning that selective disruptions undermined voter confidence. The SADC and AU observer missions echoed these concerns, urging Malawi to strengthen oversight and require transparent reporting by MACRA.[254]

Even without conclusive proof, the perception of interference had serious consequences. For younger voters, the idea that an opposition leader's calls could be cut mid-sentence symbolised the fragility of their digital rights. In an election already clouded by disinformation and Smartmatic's opaque EMD procurement, the Mtumbuka episode deepened fears that digital systems themselves had become instruments of control.[255] Zodiak Broadcasting Station's exclusive interview with Mtumbuka brought the story to mainstream audiences, while *The Nation* and *Times* editorials demanded that MACRA release call-drop statistics from the campaign period.[256] PIJ Malawi tied the controversy to a wider trend of shrinking civic space, citing selective licensing delays for independent outlets.[257]

Technical experts interviewed anonymously affirmed that selective call-dropping or throttling is feasible through routing manipulation or localised jamming. However, proving it requires access to telecom logs and base-station data—records controlled by MACRA and service providers. Without independent audits, allegations remain suspended between conspiracy and reality. International observers did not mention the case by name but spoke broadly of "concerns with access to information and freedom of expression." Activists argued that this omission revealed a blind spot in traditional monitoring: digital interference is difficult to detect using conventional observation methods.[258]

250 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

251 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

252 TRT Afrika (2025). *Malawi 2025 Election Results Summary.*

253 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

254 EU Election Observation Mission Malawi 2025. *Observer Report & Statements.*

255 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

256 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

257 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

258 EU Election Observation Mission Malawi 2025. *Observer Report & Statements.*

Whether or not sabotage occurred, the perception of regulatory interference alone undermines democratic trust.[259] When someone with Mtumbuka's credentials raises alarms, it validates citizens' fears of an encroaching surveillance state and amplifies the chilling effect on journalists, activists, and ordinary users. The episode demonstrates how control of infrastructure can translate into control of speech—and how technical expertise can illuminate the invisible boundaries of civic space.[260]

The Mtumbuka controversy underscores that telecom integrity is now as vital to democracy as ballot security. Without independent audits, judicial oversight of MACRA, and transparency over network interference, every dropped call risks becoming a political crisis.[261] His allegations did not occur in isolation but at the intersection of expanding surveillance infrastructure, weak legal oversight, and a narrowing civic sphere. Mtumbuka's technical authority transformed what might have been dismissed as routine malfunction into a national parable about digital repression. Ultimately, the controversy illustrated that in a digital democracy, the credibility of elections depends not only on the votes cast but also on the integrity of the networks through which voices are transmitted.[262]

PLATFORM ACCOUNTABILITY AND THE ROLE OF BIG TECH IN MALAWI'S ELECTORAL INTEGRITY

The 2025 general elections in Malawi underscored a reality increasingly evident across Africa: democratic legitimacy is no longer determined solely by ballot papers and polling stations, but by the digital platforms through which information flows.

Meta's Facebook and WhatsApp, TikTok, YouTube, and X each shaped narratives, amplified voices, and, in some cases, distorted the electoral space. While these platforms claim neutrality, their design, business models, and lack of local responsiveness positioned them as silent arbiters of Malawi's electoral climate.[263]

Meta products dominated Malawi's online campaign ecosystem. Facebook and WhatsApp became the primary venues for civic engagement, mobilisation, and, simultaneously, for the spread of disinformation. The EU Election Observation Mission (EU EOM) noted that while digital campaigning remained "secondary to traditional outreach," Malawi's compact and highly networked online audience meant a single viral falsehood could reverberate nationwide. The Mission also found little evidence of context-specific safeguards—no transparent ad libraries, limited content labelling, and a general absence of country-tailored moderation tools.[264]

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259 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

260 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

261 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

262 MIJ Online (2025). *"Mtumbuka Shines in Running Mate Poll."*

263 EU Election Observation Mission Malawi 2025. *Preliminary Statement / Press Release, 18 Sept 2025.**

264 EU Election Observation Mission Malawi 2025. *Preliminary Statement / Press Release, 18 Sept 2025.**

Encrypted WhatsApp groups proved invaluable for mobilisation and verified civic education but also became incubators of untraceable falsehoods. During voter registration and the final campaign stretch, voice notes circulated widely in district and church groups, warning that biometric data would be used to track and punish dissenters after the vote—an intimidation narrative that local reporters flagged repeatedly as depressing turnout in some rural areas.[265] [266]

TikTok's rise added a new layer of complexity. Its short-form, fast-paced videos generated millions of impressions through political satire, partisan skits, and remix culture. Without a local moderation office, doctored clips and deep-faked candidate audios spread unchecked. MISA Malawi's pre-election TikTok journalism training for reporters was one of the few domestic initiatives attempting to professionalise coverage on a platform that otherwise flew below traditional regulatory and observer radars.[267]

Google's ecosystem also played a quiet but significant role. YouTube hosted longer-form conspiracies uploaded just weeks before polling, while Google Search saw spikes for questions like "Are drones watching polling stations?"—echoing rumours already circulating on WhatsApp and Facebook. Local editors warned that corrective pieces on legacy media sites simply could not match the algorithmic momentum of sensational videos.[268] [2]

Observers also noted that state-affiliated Facebook pages and the online arms of the public broadcaster disproportionately amplified ruling-party narratives. This state-platform synergy, operating without ad disclosure or audience labelling, blurred the distinction between public information and partisan propaganda—further tilting the digital field toward incumbents.[269] [1]

Repeated appeals from MISA Malawi and other civic groups for pre-election escalation channels, local-language moderation, and a Malawi-specific ad library received no meaningful response from Big Tech. Letters urging basic election-integrity measures— such as the disclosure of political advertisers, rapid response to impersonation, and cooperation with fact-checkers—went unanswered.[270]

The MEC itself issued early warnings that falsehoods were depressing registration and fuelling mistrust. When misleading content resurged in May and June 2025, MEC publicly lamented the erosion of confidence that disinformation had caused, warning that unchecked rumours could suppress turnout or trigger post-election instability.[271] [272] *Times* editorials chronicled the same trend, tracing the evolution from registration-era claims that "the election was already rigged" to a flood of fabricated "official statements," doctored endorsements, and scare stories about polling-station security. By election week, social media was "awash with falsehoods," a phrase *Times* used to describe deliberate attempts by political actors who "thrive on misinformation and manipulation."[273] [274]

Women candidates bore the brunt of this toxicity. Manipulated photos and gendered narratives spread across Facebook and WhatsApp with slower takedowns for content in Chichewa and Tumbuka. Local-language

265 Times.mw (20 Sept 2025). *"Posting ourselves into chaos."*

266 Times.mw (26 May 2025). *"Elections, lies and lost votes."*

267 MISA Malawi (20 Jul 2025). *"MISA Malawi set for TikTok journalism, elections training."*

268 Times.mw (20 Sept 2025). *"Posting ourselves into chaos."*

269 EU Election Observation Mission Malawi 2025. *Preliminary Statement / Press Release,* 18 Sept 2025.*

270 MISA Malawi (19 Sept 2025). *Public call to media/influencers during election period (via Mikozi).*

271 Nation Online (21 May 2025). *"MEC regrets mistrust, condemns misinformation."*

272 Nation Online (5 Jun 2025). *"MEC decries misinformation."*

273 Times.mw (20 Sept 2025). *"Posting ourselves into chaos."*

274 Times.mw (11 Jul 2025). *"Parties face fake news headache."*

blind spots and the absence of escalation pathways for domestic watchdogs meant that gendered disinformation persisted far longer than its English-language equivalents.[275]

At the same time, MACRA publicly warned of "deliberate and coordinated sabotage" of fibre infrastructure but offered no data on outage footprints or causal analysis. Without access to platform metrics or an independent telecom audit, the public could not distinguish between ordinary vandalism and politically motivated disruptions.[276]

Investigations by PIJ Malawi into MEC's procurement of Smartmatic's Election Management Devices (EMDs) highlighted a wider systemic issue: opaque technological systems coinciding with unaccountable social platforms. When rumours about devices, tallying, or transmission surged online, officials lacked both the data and the public trust needed to respond effectively.[277] Regional studies reinforced these findings, especially the *Londa 2024* and Paradigm Initiative reports, which place Malawi's experience within a broader African pattern of digital vulnerability. Across more than 20 African countries, the Londa report documented recurring structural weaknesses—weak data-protection enforcement, expansive discretionary powers for regulators, opaque digital-surveillance ecosystems, and under-resourced civic defences. In Malawi, these same fault lines were visible: no comprehensive data-protection law, broad interception powers under existing ICT statutes, low digital literacy, and limited safeguards against platform manipulation.

By situating Malawi within this continental pattern, Londa underscored that the challenges seen during the 2025 elections were not isolated incidents but part of a wider governance gap across Africa's fast-digitising

democracies. The report called for legally binding transparency duties for tech platforms, judicial oversight of shutdown or throttling orders, and sustainable funding for local-language moderation and fact-checking initiatives—reforms that Malawi has yet to institutionalise.[278] [279]

Recognising the influence of online personalities, MACRA issued an appeal on 31 August 2025 urging social-media influencers to "guard the credibility of the election" by avoiding rumour amplification.[280] The directive implicitly acknowledged that influencers—not official government or party accounts—had become the real opinion shapers among urban youth and undecided voters. During the 2025 campaign, influencers were extraordinarily active: they hosted X Spaces and Facebook livestreams, created TikTok explainers (and distortions), moderated partisan WhatsApp groups, and shaped political narratives through humour, memes, and short viral clips.

While Malawi did not experience the highly commercialised influencer-for-hire ecosystem seen in Zimbabwe—where parties openly paid influencers to appear at rallies or coordinate online campaigns— each major political party nonetheless operated its own in-house network of digital promoters, sometimes coordinated with surprising discipline. The partisan digital cadres are widely known in local political slang as *"Ojiya"*—online loyalists tasked with defending their candidate, attacking opponents, and steering online sentiment in favour of their party.

Although formal evidence of paid influencer contracts is scarce, several political strategists, youth coordinators, and party mobilisers confirmed that the MCP, UTM, DPP, and UDF all relied on organised teams of social-media

275 EU Election Observation Mission Malawi 2025. *Preliminary Statement / Press Release,* 18 Sept 2025.*

276 Malawi24 (27 Jun 2025). *"MACRA rallies nation as network sabotage threatens Malawi's lifeline."*

277 PIJ Malawi (10 Oct 2024). *"MEC's controversial IT partner."*

278 Paradigm Initiative (2025). *Londa 2024 – Digital Rights and Inclusion in Africa.*

279 Paradigm Initiative (2024). *Malawi Country Report (2023/24).*

280 Nation Online (31 Aug 2025). *"MACRA urges influencers to protect election credibility."*

warriors, especially for rapid-response messaging and agenda setting. These groups were often provided with data bundles, transportation to events, and strategic talking points rather than cash payments—creating a soft patronage ecosystem that rewarded loyalty without leaving financial footprints. Their persistent presence meant that partisan framing could dominate the online sphere long before fact-checkers or official clarifications caught up.

The heightened activity of these influencer networks made them a decisive electoral factor. Where platforms chose to elevate credible voices, political discourse stabilised. Where engagement-driven algorithms favoured sensationalism, influencers—especially the Ojiya networks—amplified rumour, speculation, and disinformation at scale, shaping voter perception in ways that formal institutions struggled to counter. During election week, impersonation pages of journalists and CSO leaders proliferated, seeding confusion about results while coordinated hashtag campaigns on X manufactured the illusion of popular momentum. *Times Television* and other outlets intervened publicly, distinguishing dashboards and projections from official MEC tallies—a form of media literacy that social platforms could have reinforced with friction labels or authenticity prompts.[281][14]

Ultimately, Malawi's 2025 elections revealed that platform accountability is now part of electoral infrastructure itself. Without it, even well-administered polling can be eclipsed by information disorder that corrodes participation and legitimacy. Big Tech must stop treating smaller democracies as "low-priority markets." The cost of inaction is borne not by platforms but by citizens whose consent to be governed is mediated—often invisibly—by engagement engines optimized for profit, not for truth.[282] [283]

THE DISINFORMATION ECOSYSTEM

Disinformation emerged as a defining fault line of Malawi's 2025 election cycle. It did not look like the brazen ballot-stuffing of older eras; it looked like a doctored voice note on WhatsApp, a deep-faked video on TikTok, a forged Afrobarometer chart on Facebook, and a choreographed hashtag surge on X.

In an information market where trust is thin and connectivity uneven, a single viral lie could outrun an official rebuttal—and do more damage. International observers praised the calm of election day but warned that the wider information environment was polluted by falsehoods and manipulation that risked corroding public confidence.

In August and September, fabricated "polls" bearing the Afrobarometer brand (and at times the seal of a local university) circulated widely, each purporting to prove a different inevitability. Screenshots hopped across Facebook pages and district WhatsApp groups, and by the time newsrooms debunked them the damage was already done. Editors traced the same telltales—impossible sample sizes, missing methodology, and recycled graphics with swapped logos—while the EU EOM flagged a broader pattern of doctored materials in the campaign's final stretch.

281 Reuters (23 Sept 2025). *"Malawi broadcaster projects ex-leader Mutharika has won election."*
282 EU Election Observation Mission Malawi 2025. *Preliminary Statement / Press Release*, 18 Sept 2025.*
283 Times.mw (20 Sept 2025). *"Posting ourselves into chaos."*

This was also Malawi's first encounter with industrial-scale AI manipulation. The EU Election Observation Mission (EU EOM) documented that "AI-generated images, videos and audio circulated on TikTok, Facebook and WhatsApp," some of which impersonated candidates or fabricated statements in their names. For example, the Mission cites a *deepfake audio clip* that falsely portrayed a presidential candidate conceding defeat before polls closed — a recording that observers confirmed was synthetic after parties publicly disowned it.[284]

MISA Malawi's 2025 Elections Situation Room also reported multiple AI-generated images that portrayed fictitious endorsements by senior religious leaders and traditional authorities — including a fabricated image showing a well-known bishop allegedly backing a candidate.[285] These manipulated visuals spread rapidly on Facebook and WhatsApp before being debunked, with MISA warning that AI-assisted propaganda "significantly increased in sophistication."

The Malawi Fact-Checking Consortium confirmed that at least three widely circulated AI-generated audios were not genuine. One claimed to capture a private "strategy meeting" within an opposition party; another mimicked the voice of a ruling-party official "admitting vote manipulation"; a third purported to relay insider information from MEC staff.[286] Forensic analysis cited by the Consortium showed mismatched acoustic patterns and missing metadata — markers of synthetic generation.

The combined effect of these AI-driven manipulations was damaging. The EU EOM concluded that the spread of deepfakes and AI-generated content "undermined trust in the electoral process," and noted that first-time urban voters were among the most susceptible because of high social-media exposure. Fact-checkers managed to debunk most of the prominent pieces, but delays between publication and correction left lingering doubts — an information vacuum observers described as "corrosive to public confidence."[287] [288]

Women politicians faced the sharpest edge of this ecosystem. Co-ordinated Facebook pages and WhatsApp groups circulated doctored images and insinuations about women's morals, marriages, and bodies. Because automated moderation for Chichewa and Tumbuka is weak, harmful posts lingered for days before removal.

The EU Election Observation Mission recorded multiple cases of manipulated photos and gendered insults targeting women candidates, noting that such attacks "were rarely removed promptly when posted in local languages."[289] MISA Malawi's Gender Media Monitoring Unit documented specific examples, including a widely shared Chichewa-language meme portraying a female parliamentary candidate as "unfit to lead because she 'cannot control her home'."[290] Another case highlighted by the Centre for Human Rights and Rehabilitation (CHRR) involved a fake image circulating on Facebook showing a woman aspirant

284 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

285 Nation Online (8 Jun 2025). "MEC assures electorate on use of manual voting."

286 Nation Online (16 Sep 2025). "MEC cautions parties against victory claims."

287 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

288 Nation Online (8 Jun 2025). "MEC assures electorate on use of manual voting."

289 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

290 Nation Online (8 Jun 2025). "MEC assures electorate on use of manual voting."

allegedly in a compromising situation — an image CHRR confirmed was digitally altered.[291]

Female candidates interviewed by NGOs such as Women Lawyers Association and NICE Trust also reported anonymous pages accusing them of witchcraft, promiscuity, or being "sponsored by foreigners", narratives that played heavily on gender stereotypes and spread primarily in Chichewa and Tumbuka communities.[292] [293] Local advocates and observers linked this online hostility to reduced visibility of women candidates in offline events during the campaign's final week, noting that several women scaled back appearances due to fear of harassment or reputational damage.[294] [295]

Encrypted, ubiquitous, and socially intimate, WhatsApp was the engine room of the election—for good and ill. Civic educators circulated verified infographics and debunks, yet the same networks pushed voice notes warning that biometric data would be used to track dissenters after the vote or that "drones" would monitor ballot secrecy— claims the MEC publicly refuted. In rural areas where radio, church groups, and WhatsApp converge, these intimidation tropes depressed enthusiasm and muddied expectations. [296] [297]

At the same time, observer monitoring showed state-linked Facebook pages and public-broadcaster accounts amplifying ruling-party narratives at scale, blurring the line between government messaging and partisan campaigning. With no Malawi-specific political-ad library or provenance labels, audiences could not easily distinguish official announcements from partisan content packaged as "public service," producing a cumulative tilt in visibility rather than a single offending post. Because Malawi has no explicit law compelling platforms or local ISPs to maintain a public, searchable ad library with provenance labels while access-to-information statutes do not bind third-party platforms in the way such a regime would require—the transparency gap persisted through the campaign. [298]

The MEC tried to fight rumours in real time, reiterating that voting was manual, that EMDs were for verification and transmission only, and cautioning parties against premature "victory" claims. The Chair appealed repeatedly for fact-based communication, but platform latency worked against the Commission: a false voice note can reach a million ears before a PDF clarification lands. Local coverage captured the tension—earnest institutional messaging on one side, the virality of catchy, anonymised claims on the other. [299] [300] [301]

Civil society fought back, though with limited reach. MISA Malawi, Youth & Society, and newsroom fact-check units ran nonstop debunks and radio explainers for low-data audiences. Investigative desks traced clusters pushing forged MEC statements and fake endorsements, but the multi-platform

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291 Nation Online (16 Sep 2025). "MEC cautions parties against victory claims."

292 Nation Online (8 Jun 2025). "MEC assures electorate on use of manual voting."

293 Nation Online (16 Sep 2025). "MEC cautions parties against victory claims."

294 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

295 Nation Online (8 Jun 2025). "MEC assures electorate on use of manual voting."

296 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

297 Nation Online (16 Sep 2025). "MEC cautions parties against victory claims."

298 Nation Online (20 Sep 2025). "Peace is more important than politics, says Undule."

299 Nation Online (5 Jun 2025). "MEC decries misinformation." and Nation Online (21 May 2025). "MEC regrets mistrust, condemns misinformation."

300 Nation Online (16 Sep 2025). "MEC cautions parties against victory claims."

301 Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

reposting velocity outpaced corrections, especially outside major cities. Repeated CSO calls for election-time moderation contacts and escalation channels at platforms were met with slow or generic replies. [302] [303]

Into this mix, rumours about Smartmatic and EMDs found easy traction. Separate from genuine operational questions, narratives flourished that software would "auto-adjust" tallies or that devices would silently reject opposition fingerprints. PIJ Malawi's pre-election work on procurement opacity primed audiences to expect the worst when glitches surfaced; even where manual fallback worked, routine hiccups were framed online as proof of a rigged digital core—an impression MEC struggled to dislodge. [304]

Newsrooms described an "arms race" with the rumour mill: debunks appeared, and fresh fakes arrived—sometimes impersonating the very outlets doing the fact-checking. Nation Online urged patience with official results only, while CSOs echoed a simple rule: do not trust numbers without provenance. These were not abstract pleas but risk-reduction tactics to prevent panic and self-fulfilling narratives of chaos. [305] [306]

Monitors also documented synchronised posting patterns—identical graphics, captions, and timestamps across networks of Facebook pages and X accounts—designed to simulate consensus. Without a Malawi-specific Elections Integrity Hub or ad-transparency tools, attribution remained elusive even as the behaviour was legible to reporters and voters. [307] Meanwhile, platform responses to MISA Malawi and partner groups—seeking escalation lanes, local-language moderators, and a searchable ad library—were slow or generic. Companies privately cited "small market" economics; activists countered that democracy protection should not be paywalled by market size. The gap was not theoretical but operational. [308] [309] [310]

Infrastructure stories further accelerated disinformation. Reports of network outages and call drops—sometimes coinciding with major campaign broadcasts—fed online conspiracy loops. MACRA warned publicly of "deliberate and co-ordinated sabotage" in June but provided no detailed outage maps or root-cause analyses; without independent telecom audits and structured data-sharing, citizens were left to pick their own facts. [311]

Beneath these immediate symptoms lay structural vulnerabilities that Paradigm Initiative's Londa 2024 and Malawi reporting described clearly: permissive tools for content control, thin data-protection guarantees, low-resource civic defenses, and limited platform accountability. Their 2025 briefs repeated the prescription—binding transparency duties for platforms, judicial oversight for any restriction orders, and funded local-language moderation. [312] The consequences were visible by close of polls: observers could fairly judge the vote calm and generally well-administered, while many citizens could—also fairly—say they felt misled, pressured, or confused by online falsehoods. Closing that integrity-perception gap will require more than a press conference; it will require new rules of the game. [313]

302   Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

303   PIJ Malawi (10 Oct 2024). "MEC's controversial IT partner."

304   PIJ Malawi (10 Oct 2024). "MEC's controversial IT partner."

305   Nation Online (20 Sep 2025). "Peace is more important than politics, says Undule."

306   Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

307   Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

308   Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

309   PIJ Malawi (10 Oct 2024). "MEC's controversial IT partner."

310   Paradigm Initiative (2025). Londa 2024 – Digital Rights & Inclusion in Africa. Apr 2025 (PDF).

311   Malawi24 (27 Jun 2025). "MACRA rallies nation as network sabotage threatens Malawi's lifeline."

312   Paradigm Initiative (2025). Londa 2024 – Digital Rights & Inclusion in Africa. Apr 2025 (PDF).

313   Paradigm Initiative (2025). Election Briefs & Calls (Sept 2025).

Four practical fixes follow directly from this experience: country-level ad libraries (English/Chichewa) with spend, targeting, and verified sponsors; trusted-flagger status and hotline escalation for MEC, accredited observers, and CSO fact-checkers; local-language moderation with election-window staffing and provenance labels for fast-spreading audio/video; and independent post-election transparency reports from platforms and telecoms documenting takedowns, reach, and outage data. The goal is not to censor politics—it is to verify it. [314] [315] [316] [317]

DIGITAL LITERACY, PUBLIC TRUST, AND THE LIVED EXPERIENCE OF VOTERS

While national debates often focus on technology, legislation, and institutions, it is ultimately ordinary citizens—voters in cities, towns, villages, and border regions—who determine whether a democracy is trusted or doubted.

As Malawi entered the digital age of elections in 2025, the experiences, understanding, and digital fluency of its citizens played a decisive role in shaping perceptions of legitimacy and confidence in the process.[3182]

The realities on the ground revealed a stark divide between innovation and understanding. According to the Malawi National ICT Strategy, fewer than 25 percent of Malawians are digitally literate, and the numbers are even lower in rural areas where access to smartphones, stable electricity, and reliable internet remains limited.[319] [320] Many voters encountered digital election systems—such as Election Management Devices (EMDs)—for the first time during the 2025 elections. Even among urban dwellers, literacy was uneven. A 2024 National Statistical Office study showed that while 58 percent of city residents used social media regularly, fewer than 12 percent could recognise fake news or perform a basic fact-check.[321] This gap left citizens both vulnerable to manipulation and alienated from electoral systems they did not fully understand.

The MEC partnered with NGOs to conduct civic education campaigns, yet most remained analogue—pamphlets, posters, and community meetings—reaching too few people in remote districts. Few programs focused on digital literacy or how to navigate social media safely.[322]

Digital exclusion was also gendered. Women and girls in Malawi are 45 percent less likely than men to own a smartphone, limiting their access to official election information.[323] Age compounded the divide. Older citizens, often community leaders, felt alienated by new technologies and mistrusted digital systems.

314   Nation Online (20 Sep 2025). "Peace is more important than politics, says Undule."

315   Nation Online (22 Sep 2025). "CSOs back calls against premature declarations."

316   Paradigm Initiative (2025). Election Briefs & Calls (Sept 2025).

317   Malawi24 (27 Jun 2025). "MACRA rallies nation as network sabotage threatens Malawi's lifeline."

318   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

319   Paradigm Initiative (PIN) — *Londa Digital Rights Report 2024–2025* (incl. Malawi)

320   Freedom House — *Malawi Country – Freedom on the Net/Election Watch 2025 snapshot.*

321   Paradigm Initiative (PIN) — *Londa Digital Rights Report 2024–2025* (incl. Malawi)

322   EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

323   Freedom House — *Malawi Country – Freedom on the Net/Election Watch 2025 snapshot.*

From August to September 2025, investigative outlets and mainstream media repeatedly reported citizen anxieties about connectivity, tally transparency, and digital communication. At the final National Elections Consultative Forum, stakeholders pressed MEC to explain how intermittent internet connectivity might affect EMD verification and result transmission.[324] The EU Election Observation Mission later noted that low internet and social-media penetration—under 20 and 8 percent respectively—intensified the spread of rumours, as small bursts of misinformation were amplified through offline word-of-mouth.[325]

These concerns intersected with long-standing surveillance fears. Public discourse revived memories of CIRMS—the "spy machine"—which the Supreme Court cleared for use in 2017.[326] [327] [328] Investigative stories by the Platform for Investigative Journalism (PIJ) deepened the unease. Its "Big Brother Is Watching" exposé detailed how the Central Equipment Identity Register (CEIR) and the National Data Centre (NDC) were architected in ways that could permit extensive device tracking.[329] A follow-up report revealed government adoption of Cellebrite forensic tools capable of extracting data from phones and computers, raising fears that activists and journalists could be monitored without due process.[330]

Regional and international observer missions from SADC, the AU, and COMESA commended Malawi's peaceful polls but urged modernisation of digital safeguards and stronger information practices.[331] [332] Paradigm Initiative's *Londa Reports* framed Malawi as a cautionary example for Africa: countries digitizing elections must simultaneously strengthen data-protection laws, enforce platform accountability, and promote digital inclusion.[333] Freedom House's *Election Watch* rated Malawi's defences against digital interference as mid-range—an assessment that underscored how citizen trust was only as strong as the weakest link in the chain of technology, communication, and governance.[334]

Local newspapers also highlighted how limited digital literacy distorted public narratives. When police arrested eight data clerks in Lilongwe Rural for alleged manipulation, sensational and inaccurate social media posts outpaced verified reports, dividing communities before facts were confirmed.[335] Connectivity issues, surveillance debates, and revelations about CEIR and Cellebrite combined with low digital literacy to produce the same conclusion across focus groups: the election felt modern but poorly explained; secure in principle, yet opaque in execution. Citizens consistently said that the solution was not to abandon technology but to demystify it—publish plain-language data-handling rules and explain the purpose of every device at the polling place.[336]

In recent years, the Public Affairs Committee (PAC) has convened national stakeholder consultations aimed at strengthening electoral transparency and public trust, emphasising the need for clearer

324 Nation Online — *MEC queried on connectivity, security* (Aug/Sep 2025).

325 EU Election Observation Mission Malawi 2025 – *Preliminary Statement, 18 September 2025.*

326 Nation Online — *Nine years of a 'Spy Machine'* (2020).

327 Nation Online — *Macra speaks on Cirms* (July 2020).

328 PIJ Malawi — *Big Brother Is Watching – Part One* (2024/25).

329 PIJ Malawi — *Big Brother Is Watching – Part Two* (2025).

330 -SADC Election Observation Mission — *Preliminary Report* (Sept 2025).

331 -AU–COMESA Observer Mission — *Preliminary Statement* (Sept 2025).

332 -Paradigm Initiative (PIN) — *Londa Digital Rights Report 2024–2025* (incl. Malawi)

333 -Freedom House — *Malawi Country – Freedom on the Net/Election Watch 2025 snapshot.*

334 -Anadolu Agency — *Malawi police arrest election officials for alleged data manipulation* (Sept 2025).

335 -Additional Malawi media reports (Interviews) — Post-election civic feedback and focus groups (Sept 2025).

336 -Paradigm Initiative (PIN) — *Londa Digital Rights Report 2024–2025* (incl. Malawi)

communication and accountable processes in Malawi's political environment.[337] MISA Malawi has similarly highlighted citizen concerns around access to information, media freedom, and digital safety during electoral cycles, particularly urging authorities to ensure responsible use of technologies such as artificial intelligence and social-media monitoring tools.[338] Complementing these civic interventions, digital-rights organisations—including Paradigm Initiative—have documented widespread public anxiety over online surveillance, misinformation, and the potential abuse of regulatory powers by state institutions.[339] Together, these findings underline that citizens increasingly expect transparent governance, accessible public communication, and stronger protections from online harms as Malawi transitions further into digitally mediated elections. To meet these expectations, stakeholders proposed several pathways forward:

nationwide digital civic-education campaigns combining radio, community theatre, and social media; the recruitment of local "Digital Democracy Ambassadors" to assist communities; vernacular-language guides in Chichewa, Tumbuka, Yao, Lhomwe, and Sena; targeted digital inclusion programs for women; and an MEC-managed Citizen Engagement Portal that allows two-way SMS and online feedback.

If Malawi is to embrace digital democracy, its citizens must be active participants rather than passive recipients of technological change. The 2025 elections exposed fractures in understanding, trust, and inclusion—but also revealed curiosity and resilience. With investment in education, transparency, and inclusion, Malawi's voters can evolve from mere users of election technology to guardians of its integrity. As one young voter in Dedza put it, "Give us knowledge, and we will give you democracy."

BEYOND 2025 – SAFEGUARDING MALAWI'S DIGITAL DEMOCRACY FUTURE

The conclusion of Malawi's 2025 general elections brought both relief and reckoning. The polls were competitive and largely peaceful, but their digital dimensions exposed deeper structural weaknesses: the absence of a comprehensive data-protection regime, the lack of independent technological audits, uneven regulatory oversight, and widespread gaps in digital literacy.

These deficiencies did not merely complicate election logistics; they strained public trust at the precise moment democratic legitimacy was being tested. International observers noted that transparency and access to information were inconsistent, particularly concerning technology and tally procedures.[340]

The elections accelerated Malawi's digitization. Biometric voter registration, Election Management Devices (EMDs) for verification and transmission, and campaign communications routed through platforms such as Facebook, WhatsApp, TikTok, and YouTube transformed the electoral process. Yet, the European Union Election Observation Mission

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337 -PAC Malawi "PAC on transparency & electoral governance." "May 25, 2025)

338 -MISA Malawi : "MISA Malawi on digital safety & elections"(3 May 2025)

339 -Paradigm Initiative "Digital rights & citizen fears of online harm." (16 Sept 2025)

340 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

(EU EOM) identified a critical weakness—there was no independent audit of the vendor's systems.[341] Without such scrutiny, opacity around procurement and backend operations threatened to undermine confidence in otherwise well-administered polls.

Cybersecurity was handled tactically rather than strategically—treated as a short-term problem to be managed during the election rather than as a national priority requiring continuous preparation. Observer statements urged Malawi to establish a formal digital-incident protocol and to integrate third-party audits of core election technologies long before polling day. The AU–COMESA mission's preliminary note, though diplomatic, set a clear expectation for technical assurance and risk mitigation that should now be institutionalized as standard practice.[342][343]

One of the most damaging perceptions of 2025 was that tally procedures and backend dashboards remained concealed from public scrutiny. The EU EOM's preliminary report highlighted that tally-centre procedures were unpublished and observer access to digital environments was restricted.[344] Such mistrust could be addressed through straightforward reforms: publishing procedural manuals, allowing structured observer walkthroughs, and creating public-facing dashboards to visualize results in real time.

Social media played a dual role—an amplifier of civic engagement but also an accelerant of misinformation. WhatsApp groups circulated false notices of polling station changes; Facebook carried deepfake audios; TikTok's algorithm rewarded sensationalism over substance. Because only a minority of Malawians are online, misinformation spread within semi-closed groups where fact-checking was scarce, and corrections arrived too late. Observers concluded that while Malawi's online ecosystem is small, its influence on public perception is disproportionately high. They recommended clear coordination channels between electoral authorities, fact-checkers, and digital platforms to prevent future disinformation cascades.[345]

Across the SADC and AU regions, countries are slowly converging on frameworks for data protection and cross-border digital norms. Malawi has lagged behind. Earlier assessments already noted the lack of a comprehensive data-protection law, even as biometric registration expanded across government services and elections. New digital-rights commentaries in 2025 reiterated the urgency of adopting such legislation to align with continental standards and grant citizens enforceable rights over their data.[346][347]

Concerns about digital surveillance did not originate in 2025; they are rooted in the legacy of the CIRMS "spy machine" saga. Procured to monitor telecom quality and Call Detail Records, CIRMS was cleared for operation by the Supreme Court in 2017 after years

341 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

342 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

343 AU–COMESA Election Observation Mission — Arrival Statement (16 Sept 2025). African Union Peace & Security.

344 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

345 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

346 Paradigm Initiative (PIN) — *Londa: Digital Rights & Inclusion in Africa* (overview & Malawi entries).

347 Kainja, J. — *Privacy and Personal Data Protection: Challenges and Trends in Malawi.* CIPESA / State of Internet Freedom in Africa (2018).

of litigation.[348] [349] [350] Although authorities promised that private content would not be intercepted, the symbolism of centralized telecom oversight without civilian checks cast a long privacy shadow that continues to shape perceptions of state power.

Despite these anxieties, 2025 also delivered important reforms. In July, the judiciary's decision to abolish criminal defamation marked a breakthrough for online freedom of expression—a long-standing demand of digital-rights advocates.[351] The ruling removed a legal weapon historically used to silence dissent and set a precedent for protecting civic speech, particularly in electoral contexts where open debate is vital.

Observers and civil-society organizations agreed that Malawi's civic education efforts must evolve to match its digital transformation. Traditional leaflets and posters could not prepare voters to interpret dashboard screenshots, understand EMD verification, or identify deepfakes.[352] [353] A new model of digital civic education is needed—vernacular explainer videos, radio call-ins linked to WhatsApp chatbots, school-based media-literacy modules, and trained community "digital stewards" who can dispel misinformation in real time.

To prevent another cycle of suspicion, future election-technology procurements must be open by default. Contract documentation should be published end-to-end, source code escrowed for vetted auditors, and red-team penetration tests scheduled months before deployment.[354] The EU EOM stressed that withholding third-party access—whatever the proprietary constraints—carries reputational costs that can overshadow any technical gains from digitization.

Platform accountability also requires a Malawi-specific approach. Engagements with Meta, TikTok, X, and Google should establish rapid-response queues for election-related content, public ad libraries disclosing sponsors, clear labels for synthetic media, and local-language moderation capacity. Civil society's *Londa* reports have documented how generic "pan-African" content policies fail to capture the nuances of Malawi's linguistic and political environment.[355] Memoranda of understanding between MEC, MACRA, and these companies should therefore codify obligations tailored to the Malawian context.

Aligning with AU and SADC digital norms is equally critical. Ratifying the AU's Malabo Convention and collaborating on a regional playbook for digital elections would help Malawi combat cross-border disinformation networks, foreign interference, and platform loopholes.[356] As 2025 demonstrated, even small volumes of manipulative content can have outsized impact when institutional trust is brittle.

Malawi should also establish a permanent Digital Elections Security Taskforce co-led by MEC and MACRA, incorporating independent cyber experts, academia, faith-based

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348 The Times (Malawi) — *Court clears Macra on CIRMS machine* (15 Jun 2017)

349 The Nation (Malawi) — *Nine years of a 'Spy Machine'* (2020).

350 The Nation (Malawi) — *Macra speaks on Cirms* (27 Jul 2020).

351 Paradigm Initiative (PIN) — *Press Release: Outlawing criminal defamation in Malawi* (24 Jul 2025).

352 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

353 Paradigm Initiative (PIN) — *Londa: Digital Rights & Inclusion in Africa* (overview & Malawi entries).

354 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

355 Paradigm Initiative (PIN) — *Londa: Digital Rights & Inclusion in Africa* (overview & Malawi entries).

356 AU–COMESA Election Observation Mission — Arrival Statement (16 Sept 2025). African Union Peace & Security.

organizations, and media representatives.[357] [358] Its mandate would include pre-election penetration testing, simulated crisis exercises, and a public after-action report documenting failures, successes, and lessons learned before the 2030 cycle.

Ultimately, trust must be built through radical transparency. Publishing performance logs of EMDs, error codes, internet uptime statistics, and anonymized audit trails from tally servers would demystify the electoral process and counter speculation. Malawi's own history with surveillance controversies demonstrates that withholding technical details breeds suspicion; sunlight, not secrecy, is the antidote.

The 2025 elections should therefore be remembered not merely as an event successfully managed, but as a catalyst for a new, rights-centred digital architecture. If Malawi couples legal reform—covering data protection, platform transparency, and technology audits—with investments in civic digital literacy and open governance, it can set a regional benchmark by 2030. Without these reforms, the same structural weaknesses—privacy anxieties, opaque procurement, and ad-hoc incident response—will continue to erode confidence in elections that otherwise appear peaceful on the surface.

CONCLUSION – TOWARDS A SECURE AND ACCOUNTABLE DIGITAL DEMOCRACY

Malawi's 2025 general elections marked a pivotal moment in the evolution of its democratic architecture. For the first time since the country transitioned to multiparty rule in 1994, the electoral process was deeply shaped by digital systems—biometric verification, Election Management Devices (EMDs), online campaigning, platform-driven communication, and real-time digital information flows.

These innovations promised efficiency, transparency, and modernisation. Yet they also exposed systemic governance weaknesses that had long been embedded in Malawi's political and institutional landscape.

The elections demonstrated that technology alone cannot fix underlying structural deficits. Rather, digitisation magnifies gaps in procurement integrity, regulatory independence, data protection, citizen digital literacy, and institutional transparency. The controversies surrounding Smartmatic's

procurement, MEC's refusal to permit independent audits, uneven training of polling staff, limited public communication on technology, and the absence of clear cybersecurity protocols all reflected deeper institutional fragilities. These gaps weakened confidence even in areas where the technical performance of the EMDs was objectively adequate.

Across the electoral cycle, observer missions—including the EU Election Observation Mission, SADC SEOM, and

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357 EU Election Observation Mission to Malawi 2025 — Preliminary Statement / Press Release (18 Sept 2025). European External Action Service

358 Paradigm Initiative (PIN) — *Press Release: Outlawing criminal defamation in Malawi (24 Jul 2025).*

the AU–COMESA mission—converged on the same conclusion: while the polls were peaceful and competitive, Malawi's digital governance framework remains incomplete. Procurement processes lacked clarity and inclusiveness. Technology governance was opaque. Citizen understanding of digital procedures was low. Platform accountability was insufficient. And the regulatory environment—especially MACRA's role—did not convincingly demonstrate independence or neutrality.

The 2025 information environment also illustrated how disinformation, selective surveillance, and online intimidation can shape public perceptions. PIJ Malawi's investigations into CEIR, the National Data Centre, and forensic-extraction tools raised legitimate concerns about the lack of privacy safeguards. Digital-rights organisations such as Paradigm Initiative and Intelwatch documented the ways mistrust flourished in the absence of clear legal and institutional oversight. MISA Malawi's monitoring further revealed how uneven enforcement and partisan information flows online distorted citizen access to impartial information. The elections also revealed a remarkable

resilience among Malawian citizens. Despite limited digital literacy, voters were eager to understand new systems. Youth-led fact-checking initiatives challenged misinformation. Civil society mobilised to demand transparency in procurement and digital governance. Observers praised Malawi's commitment to peaceful participation even amidst a tense political and economic environment.

To move forward, Malawi must prioritise radical transparency, citizen-centred digital literacy, reform of regulatory institutions, independent audits for all electoral technologies, and robust data-protection mechanisms capable of shielding citizens from abuse. If implemented, the reforms can build a future in which digital systems strengthen—not weaken—electoral integrity. Malawi stands at a historic juncture. It can institutionalise accountability and create a model for secure digital elections in the region, or it can allow opaque systems and weak oversight to continue eroding public trust. The choice will determine whether digital modernisation becomes a tool of empowerment or a source of democratic vulnerability.

RECOMMENDATIONS AND POLICY OPTIONS FOR SAFEGUARDING MALAWI'S DIGITAL DEMOCRACY

Malawi's 2025 general elections marked a historic turning point—the country's first fully digitised electoral cycle and its first major confrontation with the democratic risks and opportunities of digital transformation.

While the elections were competitive and largely peaceful, the transition to digital systems revealed enduring fault lines: opaque procurement processes, weak data-protection frameworks, limited auditability of election technology, uneven digital literacy, and inconsistent regulatory oversight. This section consolidates cross-cutting recommendations drawn from field interviews, observer-mission findings, comparative regional analyses, and the report's broader diagnostic framework. The goal is to outline actionable, politically realistic pathways that can strengthen Malawi's future digital elections through;

STRENGTHENING ELECTORAL TECHNOLOGY GOVERNANCE

1. Mandate Independent Cryptographic Audits:

Parliament should pass legislation requiring MEC to institute mandatory, independent cryptographic audits of all electoral technologies (EMDs, EMS software, and transmission systems). The audits must be conducted by qualified, politically neutral cybersecurity bodies before deployment. MEC must proactively publish non-proprietary summaries of the audit findings, error codes, and technical telemetry (such as transmission timestamps and server uptime reports) to ensure public verification.

2. Enforce Procurement Transparency and Vendor Accountability:

The Public Procurement and Disposal of Assets Authority (PPDA) and MEC must publish all procurement documentation for election technology, including detailed bid evaluation reports and technical assessments, before a contract is finalized. Parliament should institute a formal multi-stakeholder oversight committee, including CSOs and technical experts, to scrutinise contracts and prevent any single vendor (e.g., Smartmatic) from acquiring excessive, end-to-end control over the digital backbone of the election.

3. Establish National Election-Technology Standards:

Parliament should codify legally binding standards governing device certification, encryption requirements, redundancy protocols, and mandatory penetration testing for all electoral technology. This framework will professionalise the ecosystem, reduce reliance on vendor claims, and strengthen institutional capacity.

Legal and Regulatory Reform (Parliament, Judiciary, MACRA)

4. Enact and Operationalize a Comprehensive Data Protection Framework:

Malawi should fully enact and resource the recently passed Data Protection Act, ensuring it includes clear mechanisms to regulate the handling and storage of sensitive biometric data, restricts vendor access, and mandates judicial oversight for all data requests or breaches. An independent Data Protection Authority must be established with sufficient resources and legal mandate to oversee electoral data governance.

Ensure MACRA's Statutory and Operational Independence:

Parliament must revise the Communications Act and other relevant statutes to guarantee MACRA's independence from political influence. This includes requiring MACRA to apply uniform rules across all media outlets (including MBC) and implementing oversight by an independent board rather than direct executive control MACRA should also be required to publish clear public-communication protocols and technical logs explaining any network interruptions during politically sensitive periods.

5. Strengthen Judicial Capacity for Digital Disputes:

The Judicial Training Committee should institute specialised, mandatory training for judges and magistrates on evaluating digital evidence, including the interpretation of device logs, metadata, and cyber-forensic reports. Dedicated electoral tribunal units should be established to efficiently resolve technology-related disputes

Addressing Digital Information Disorder and Literacy

6. Modernise Civic Education with Digital Literacy:

Civic education should beshifted beyond analogue materials (pamphlets, posters) to focus on digital literacy. This includes launching nationwide campaigns using vernacular explainer videos and community engagement to teach voters how to safely navigate online political information, understand EMD verification steps, and recognise deepfakes or misinformation.

7. Codify Platform Accountability Requirements

MEC and MACRA must move beyond informal appeals by entering into formal Memoranda of Understanding (MOU) with major platforms. These agreements should mandate platforms to: establish a public, searchable ad library for political advertising in both English and vernacular languages; provide trusted-flagger status and a rapid-response hotline for accredited fact-checkers and MEC officials to quickly escalate and remove harmful content, especially gendered disinformation and ensure local-language moderation capacity is adequately staffed, especially during the election window.

8. Institutionalise a Digital Elections Security Taskforce

Establish a permanent Digital Elections Security Taskforce co-led by MEC and MACRA, incorporating independent cyber experts, media representatives and civil society. This taskforce should be responsible for pre-election penetration testing, simulated crisis exercises, and publishing a comprehensive, publicly accessible after-action report documenting all digital incidents and lessons learned

9. Election observation must evolve to match digital realities.

Observer missions should embed digital-forensics and cyber-monitoring teams capable of reviewing device logs, transmission chains, server anomalies, and platform behaviour in real time. Traditional observation methods—monitoring queues, polling procedures, and tally sheets—are insufficient in a digitised environment.