



UPR Pre-session on Malawi

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MALAWI CSOs JOINT STATEMENT ON CHILDREN'S RIGHTS SITUATION

1. PRESENTATION OF NGO CCR

This statement is delivered on behalf of NGO Coalition on Child Rights (NGO CCR) - a national Coalition of Civil Society Organisations and Networks whose goal is to coordinate child rights programming and governance in development processes in Malawi anchored under the four fundamental principles of the rights of the Child. The NGO CCR provided leadership of the CSO/NGOs in Malawi in preparation and submission of the Shadow Report, and such has been the case since the UPR 2nd Cycle Submission in 2014.

2. PROCESSES UNDERTAKEN IN DRAFTING THE CHILD RIGHTS SHADOW REPORT

National consultations were conducted through regional meetings and workshops in Mzuzu, Blantyre and Zomba. A total of 134 representatives of CSOs/NGOS and Children participated. A drafting team was set up from member organisations of the Coalition.

3. PLAN OF THE STATEMENT

This statement highlights four Child Rights Issues: (1) Legal and Policy Frameworks; (2) Equitable access to Education; (3) Resourcing for Children;

4. ISSUE I: LEGAL AND POLICY FRAMEWORKS

A. Follow-up to the second review: As per recommendations from Slovakia, Egypt, Iceland, Chile, Mexico, The Holy See, Sri Lanka, Cape Verde, Costa Rica, Algeria, Netherlands, and Togo, the State Party amended section 23 of the Constitution of the Republic of Malawi in 2017 to define a child as any persons below the age of 18 years. The National Children's Commission (NCC) Act 2019 is latest law.

B. Remaining gaps: However, the Marriage Divorce and Family Relations Act falls short of relating to the Penal Code so that marriage of any persons being a child attracts stipulated penalties, and directs rehabilitation of the child. In addition, Sexual abuse cases are not yet statutory offences and the Penal Code does not recognise them as punishable criminal offences.

C. Recommendations:

- i. Ministry of Justice to expedite harmonisation of children and women related laws and policies by June 2021.
- ii. Malawi Parliament to amend the Penal Code to criminalise child marriages, Child abuse and child neglect by 2023 in order to allow rehabilitation of victims or surviving abused children, particularly girls who are the worst victims.

5. ISSUE 2: EQUITABLE ACCESS TO EDUCATION

- A. Follow-up to the second review:** A couple of countries like United States of America, Congo, and South Africa made recommendations on equitable access to Education. Progressively Malawi Government continued implementing a Free Primary education Policy, and Community Day Secondary Schools.
- B. Remaining gaps:** Introduction of free primary school minus enforcement mechanisms of compulsory education has compromised accessibility and quality of education in Malawi. Children in primary school are being asked to pay what is called USER-FEES in categories of Registration Fee, Examination Fee, Development Fee, and many others costs charged as it pleases authorities of a school. As a result thousands of children fail to attend examinations at the end of a school year so that they may transit to the next class.
- C. Recommendation:**
- i. Ministry of Education to facilitate formulation and implementation of Compulsory free Primary Education Policy by 2022
 - ii. Ministry of Education to abolish user fees in Primary and Secondary Schools by 2023

6. ISSUE 3: RESOURCING FOR CHILDREN

- A. Follow-up to the second review::** Countries like Morocco, Luxembourg, Nicaragua, Canada, China and Cuba recommended for resourcing for implementation of the National Plan of Action for Orphans and Vulnerable Children and the National Action Plan on Gender Based Violence. budget.
- B. Remaining gaps:** Public budget allocation in child-focused sectoral ministries such as education, health and local government has been inadequate. Studies show that we there 800 community based Child Protection Workers in Malawi. Only 300 out of the 800 Child Protection Workers are on government pay roll and the rest work as volunteers without any remuneration or motivation.
- C. Recommendations:**
- i. The National Local Government Finance Committee should increase budget allocations to Programme 99 (Primary Child Protection Services) of 28 District Councils and 4 City Assemblies to cater for emoluments of the 500 currently child protection volunteer workers, Children Corners and children play spaces by 2022.
 - ii. Establish child rehabilitation centres or safety homes and shelters for victims of violence against Children and women; and transit homes for victims of trafficking in all the 28 districts and 4 cities and ensure availability of the required services for rehabilitation such as psycho-social support services. By 2023.

Thank you all for your attention