



**STATEMENT TO BE PRESENTED AT THE UNIVERSAL PERIODIC REVIEW
(UPR)**

ON BEHALF OF PLAN INTERNATIONAL MALAWI (PIM)

AT THE HUMAN RIGHTS CENTRE: UPR PRE SESSION

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INTRODUCTION

Plan International Malawi (PIM) is a child centred organisation which continues to uplift the rights of children in Malawi with a particular focus on the girl child. The goal is to reach 3.2 million girls in the 15 districts out of 28 impact areas where PIM operates so that they are able to lead, learn, make informed decisions and thrive. In line with that PIM is a member of the child rights coalition and network and the Non-Governmental Organization Gender Coordination Network (NGOGCN); and the Girls not Brides networks. The NGOGCN formation was facilitated by the Ministry of Gender, Children, Disability and Social Welfare taking on board all NGOs working on gender, child protection and human rights. The Girls not Brides Network was formed by NGOs working on ending child marriages in Malawi. In all the networks PIM shares best practices, supports and participates in joint advocacy and programming on topical issues for implementation. PIM has a robust gender and child protection influencing portfolio where relevant line ministries are engaged on policy and legal frameworks that relate to its work in Malawi and is a member of various technical working groups to garner support and influence national policies, legislation and programming.

NATIONAL UPR CONSULTATION

PIM has actively supported the Government of Malawi through the Ministry of Justice and Constitutional Affairs in the UPR processes such as report compilation, provision of logistical and technical support during report development processes, and data collection. Each CSO was requested to make a submission on the areas of concern in accordance to the UPR sections and requirements. The contributions were vetted and incorporated into the report. The areas which needed further pointers were agreed upon and the CSOs were given a go ahead to submit them to the UPR. PIM further contributed to the 2015 midyear progress report, which was jointly submitted with the Malawi Human Rights Commission cognisant of the objective; and the situation on the ground.

CHILDREN'S RIGHTS, PROTECTION, EARLY AND FORCED CHILD MARRIAGES

PIM presented to the Government of Malawi its concern on the minimal progress made to end child marriages which violets their rights to growth and development and it is in line with its core programming. Further, PIM noted that in October 2014 Malawi signed a commitment to end child marriages by 2020 which is SDG target 5.3. The 2020 is here and child marriages are still at 42% in Malawi having gone down from 49%. PIM notes that the Government of Malawi has developed children's policy which is anchored by the Child Care, Protection and Justice Act; Gender Policy anchored by the Gender Equality Act; PIM facilitated the review of the Constitution to change the age of marriage from 16 to 18 years which was passed into Act in February 2017; coupled with the development and adoption of ending child marriage strategy and the creation of Children's Commission.

GENDER EQUALITY

Gender Transformation, influencing and inclusion being a central piece to PIM's work, it is in its interest to ensure that children marriages end if Malawi has to achieve SDG 5 on Gender Equality and transform the girl child's life. Despite the availability of the conducive policy and legal instruments, there are gap. For instance, the various pieces of legislation are not harmonised rendering the implementation of the Child, Care, Protection and

Justice Act of 2010 and promoting child safeguarding principals to prevent child trafficking, child marriage and violence towards children difficult. The penal code for example was not reviewed together with the Constitution and it still has age of consent to marriage as 16 and the Magistrates and Judges who are not conversant with the reviewed Constitution, passing sentences based on the old provisions thus being retrogressive.

The prevailing structural economic and social cultural circumstances, predispose the girl child to early and forced marriages; the existing norms, agency, support for boys and young men to support positive masculinity, diversity, improve the conditions and foster the enabling environment which are the stepping stones for gender transformation have not been adequately harnessed to change the situation of girls and young women. Consequently, gender inequalities still exist which exacerbate the child trafficking, early and forced marriages, violence against children and young women and disempowerment of girls and young women.

Despite forming the children's commission, it is not operational and the ministry responsible for Gender and Children Affairs are poorly resourced. For example, according to the commitment 1% of the total budget is supposed to be allocated to Gender and Children and the national budget is supposed to be engendered. But by 2005 only 0.003% was allocated to the Ministry and in 2017 the allocation rose to 0.7 after a lot of advocacy and lobbying. It is therefore not surprising that the Children's Commission is not resourced.

LEGAL AND POLICY

PIM has worked with national level ministries to harmonize the age of marriage and the various pieces of registration while supporting popularization and implementation of laws and policies. At district and community levels, PIM facilitates the provision of mobile and pro-bono legal services while working with traditional leaders to prevent and nullify forced and early child marriages. PIM promotes access to Youth Friendly Sexual and Reproductive Health (YFSRHS) to prevent early pregnancy and the provision of SRHR services to school going children.

PIM facilitated the translation and printing of the laws that promote gender equality and children's rights namely: the Gender Equality Act 2013; the Child Care, Protection and Justice Act 2010; Marriage Divorce and Family relations Act 2015; the Prevention of Domestic Violence Act 2009 and Wills and Inheritance Act.

RECOMMENDATIONS MALAWI

There is need to urgently:

- Harmonise child related laws and the penal code to align them to the amended constitution if Malawi is to effectively fight child and force marriages and improve the delivery of legal services.
- Fast track the production of the charge sheet to speed up the prosecution of child marriage and violence against children, girls and women cases.

- Improve the accessibility of legal services for women and girls by instituting smooth evidence proof processes and bringing the services close to the survivors.
- When girls are being withdrawn from marriage Government should put in place adequate support for education, economic empowerment, child minding, welfare, self-esteem and confidence building.
- The Children's Commission should be well resourced and operationalized to oversee children affairs issues at all the levels while ensuring that the policies and strategies are comprehensively implemented.

CONCLUSION

PIM urges the Government of Malawi to implement the recommendations urgently and is willing to support the efforts.