



NGO COALITION ON CHILD RIGHTS

Malawi Joint CSO Shadow Universal Periodic Review Report 2019

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Table of Contents

i. List of Acronyms.....	2
ii. PREFACE	3
iii. ACKNOWLEDGEMENTS.....	4
iv. LIST OF CSOs/NGOs THAT CONTRIBUTED TO MALAWI JOINT UPR REPORT	5
CHAPTER 1: LEGAL AND POLICY FRAMEWORKS	6
CHAPTER 2: EQUITABLE ACCESS TO EDUCATION	7
CHAPTER 3: ACCESS TO HEALTH	9
CHAPTER 4: CHILD PROTECTION.....	10
CHAPTER 5: RESOURCING FOR CHILDREN	11
CHAPTER 6: SOCIAL INEQUALITIES AND POVERTY	12_Toc29363958
CHAPTER 7: SEXUAL, REPRODUCTIVE HEALTH AND RIGHTS	13
CHAPTER 8: PROHIBITING CORPORAL PUNISHMENT	15
CHAPTER 9: EMERGING ISSUES.....	16

i. List of Acronyms

ACB	: Anti-Corruption Bureau
CCPJA	: Child Care Protection and Justice Act
CIA	: Central Intelligence Agency (World Bank)
CSEC	: Civil Society Education Coalition
CSOs	: Civil Society Organizations
EFA	: Education for All
FPAM	: Family Planning Association of Malawi
GoM	: Government of Malawi
HIV/AIDS	: Human Immune Virus/ Acquired Immuno-Deficiency Syndromme
MHRN	: Malawi Health Equity Network
MEJN	: Malawi Economic Justice Network
MoGDSCSW	: Ministry of Gender Disability Children and Social Welfare
NGO CCR	: Non-Governmental Organizations Coalition on Child Rights
NGO GCN	: Non-Governmental Organizations Gender Coordination Network
NORAD	: Norwegian Aid for Development
NCC	: National Children's Commission
SAPST	: Southern Africa Support Trust
TIP	: Trafficking In Persons Act
UN	: United Nations
UNCRC	: United Nations Convention on the Right of the Child
UNICEF	: United Nations Children's fund
UPR	: Universal Periodic Review
WASH	: Water and Sanitation Health
CDSS	: Community Day Secondary Schools

ii. **PREFACE**

The significance of Shadow Universal Periodic Report cannot be overemphasized. Throughout the development and writing of this report, all drafters were consistently reminded of requirement to exercise due caution in respect of content and style. NGO CCR is therefore please with submission of this report considering that it represents yield of consistent and systematic capacity building of all stakeholders to embrace full respect of all fundamentals of child rights and application of Legal and Policy Framework governing the same.

Submission of this report is further a solid testimony that NGO CCR has successfully eliminated that prevents different players in child rights working in silos. In the intervening period, the Coalition has seen formation of harmonious working relationships between International NGO and local NGO working together to anchor progressive realization of rights of children.

Of particular mention, the Coalition would like to express profound gratitude for the manner with which stakeholders collaborated for enactment of newly National Child Commission Act, establishment of the Human Rights Section under the Ministry of Justice and Constitutional Affairs, Human Rights Coordinating Forum under the quasi-judicial Malawi Human Rights Commission.

Cognizant of fact to establish functional systems for credible information, NGO CCR is grateful to the cooperation that exist amongst the right members at different levels. The Coalition believes in transacting business not from a place of knowing everything, rather from a place of believing that each voice is contributory to progressive realization of social rights for children.

This UPR is an account of investments that have been made from last assessment, narrative of issues seeking your interventions and recommendation going forward.



Desmond Mhango

Chairperson of the Coalition and Team Leader

iii. ACKNOWLEDGEMENTS

NGO CCR acknowledge Save the Children International – SCI for appreciating the paramount importance of the Universal Periodic Report – UPR and supporting the process of developing this report from proceeds of NORAD funded project known as SCREP.

NGO further acknowledges strategic partnership that exists with UNICEF of particular mention, the Chief of Social Policy and Head of Social Policy, Ms. Beatrice Targha and Mr. Robert Muchibaiwa for their valuable and varied contributions.

Drafting Team consisting of a Mr. Desmond Mhango, Leon Matanda, Henry Mchemba, Robert Mkwesalamba, Ronnie Konyani, Mike Mervin Banda, Hanna Dzongo, Benedict Kondowe, Lucky Mbewe and Bettie Namale worked so selflessly for long hours collecting data from all the three regions, sometimes from impossible sources and triangulated information to emerge with this Universal Period Report.

Profound gratitude to Mr. Donald Makwakwa, Executive Director and Director of Programs for Planning Association of Malawi – FPAM, and Mrs Tazirwa Chipeta, Director of Programs, for accepting to join hands and resources to conduct joint data collection, consultations and the actual reporting

iv. LIST OF CSOs/NGOs THAT CONTRIBUTED TO MALAWI JOINT UPR REPORT

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CHAPTER I: LEGAL AND POLICY FRAMEWORKS

The legal and policy frameworks are a component on the UPR State Party Report in 2015 Review. Several countries spoke to recommend on the need to review laws and policies in support of the promotion and protection of the rights of children. The countries were such as Slovakia, Egypt, Iceland, Chile, Mexico, The Holy See, Sri Lanka, Cape Verde, Costa Rica, Algeria, Netherlands, and Togo.

As regards progress, amendment of the Constitution of the Republic of Malawi to define a child as any persons below the age of 18 years but what remains is the need to harmonise with all child related laws including the Penal Code. In addition, a number of subsidiary legislations have been enacted by Parliament and are enforceable. The Marriage Divorce and Family Relations Act defining all persons below 18 years of age as children in line with the UN Convention on the rights of Child (UNCRC). Section 14 of the Act makes direct reference a marriage close in section 22 of the Constitution of the Republic of Malawi.

The state party has concluded policies and programmatic strategies that include; the National of Action for Vulnerable Children, Ending child Marriage Strategy, the National Children's Policy, has enacted a legislation to help with coordination in the child rights/child social development sector known as National Children's Commission (NCC) Act 2019, with advocacy launched by NGO Coalition on Child Rights (NGO CCR) supported by Southern Africa Support Trust (SAPST) and Save the Children International (SCI) Malawi, and cooperated by UNICEF Malawi who provided financial and technical support to the advocacy.

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. Section 58 of the Marriage Divorce and Family Relations Act provides for penalties to any marriage involving persons below 18 years of age. In addition, Sexual abuse cases are not yet statutory offences and the Penal Code does not recognise them as punishable criminal offences. In addition, enforcement of the legislation on child with child rights lenses is very weak in so much as is the weak knowledge of child rights among children and duty bearers. The child related laws conflict against each other therefore applied by law enforcers and judicial staff inconsistently.

RECOMMENDATIONS:

- **The State should ensure that child related policies and laws are synchronized and harmonised for ease of referencing.**
- **The State should increase awareness and knowledge on the rights of the child across all sectors of development**
- **The Penal Code should be reviewed in this case and or that specific acts should be amended so as to provide penalties. Given resources (human, financial, material), child abuse and neglect cases should be tried as both criminal and civil offences in order to allow rehabilitation of victims or surviving abused children, particularly girls who are the worst victims.**

CHAPTER 2: EQUITABLE ACCESS TO EDUCATION

Equitable access to education presents progress towards realisation of the recommendations made towards getting desirable education as provided for in the UNCRC. A couple of countries made recommendations in this regard. The countries were; United States of America, Congo, and South Africa. At that time (2015), the state party was already implementing a Free Primary Education Policy which according to the Constitution of the Republic of Malawi 1995, purports that primary education should be compulsory and free. The state party has retained free primary education but not the “compulsory”.

In 2016, Malawi government removed Examinations for Form Two in secondary school so that secondary education provides examinations in fourth year only and the first cohorts to go through the changed system has just had their results in 2019 of whom only 50% have managed to pass and earn a certificate.

Government continues to manage Community Day Secondary Schools with the aim that the secondary education is accessible to all school going children. Despite the initiatives, access to education remains a challenge to the state party. In a country of 17.5 million people of whom 51% are persons below 18 years of age whom the majority must be in primary school, as 84% live in the rural areas. The larger population in living in rural areas unlike in urban areas is a call for special consideration of rural population in accordance with the Constitutional provision in section 13 ‘to enhance the quality of life in rural communities and to recognise rural standards of living as a key indicator of success of government policies.

However, access to education remains a challenge. Primary schools are still between 5km and 10km apart which makes it difficult for children to start primary education at the recommended age of 6 years old. Malawi Primary education is 8 years, therefore, on average 17 year old rural community resident girl will still be doing standard seven or eight (primary school). This result in some districts’ literacy rate becoming as low as 36% against the national literacy rate of 73%.

Introduction of free primary school minus 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 of these User-fees, thousands of children fail to attend examinations at the end of a school year so that they may move on to the next class. Thousands of children fail to register to start standard one because their parents failed to pay registration fees. The cases Nankumba II Primary School in Mangochi this was the case which led to children withdrawing from school, changing schools to walk 12km away. When confronted by organised communities, teachers boycotted teaching.

The education system in Malawi bears implied selection system for children moving into secondary school as it has been the case with children selected into tertiary education. The system known as Quota System of Selecting children has been claimed to be discriminatory of a people of origin who feel government being dominated by political leadership from one Region targets to impinge on children from the Northern Region who are also associated with a tribe of originality. As such, a learner with 12 aggregated credit points, when the best scores are 6 points, would fail to get selected to public university due to space attributed to district of origin should their district’s quota be full.

Recommendations

- **A national conference should be held to discuss accessible and quality education attainment strategies in Malawi and that government will meaningfully engage those aggrieved by the selection criteria based on quota and originality of children into secondary and tertiary education.**
- **The state party should unreservedly rollout a compulsory ad free primary education without conditioning the system to any user-fees instead government should take an investment approach which is both need based and rights based.**
- **The current User-fees should be stopped immediately because these are not sanctioned by any laws or policies therefore have become sources of abuse of the funds collected from poor parents. Further the State needs to link the existing Social Cash Transfer Programme which currently exists in isolation and does not adequate money to meet the current fees demands.**

CHAPTER 3: ACCESS TO HEALTH

Countries such as Holy See, Sierra Leone, Togo, and Honduras recommended to continue improving health care services delivery touching on child maternal and mortality, HIV and AIDS, girls and adolescent reproductive health, and teenage pregnancies.

Progressively, the state party has continued to provide free Antiretroviral Treatment (ART) to children infected with HIV and AIDS. The state party is implementing a 90:90:90 health campaigns in HIV and AIDS treatment to ensure universal access to treatment. The Integrated Household Survey 2016/2017 reveals chronic illnesses in Malawi and these are such as Asthma, (21%), and HIV and AIDS (19%) with its prevalence at 6 percent. Around 110,000 children live with HIV and AIDS.

Early Child bearing is a health concern. According to UNICEF Malawi, 152 out of 1000 women of age between 15 and 19 years have a child and that 46% of girls are married before attaining 18 years, and 9% of them even before attaining age 15 years. Maternal mortality ratio at 439 deaths for every 1000 women remains so high and is a concern that 29% of adolescents 15 – 19 years have begun child bearing. Under-nutrition causes 23% of child related deaths while stunting affects 37%of children. Neonatal health services are provided at every state health centre and at almost every Christian Health Centre as they are aided by the state.

Health service points remain far apart posing serious challenges to expectant mothers's timeliness to delivery. Neonatal services are affected by the charging of what has come to be known as User-fees despite not being sanctioned under any laws or policies. Women attending under-five clinic (0 – 5 years) are asked to pay a certain amount of money in cash each day they attend the services that are due every month failing which their children are not attended to should they fall sick.

Current legislation restricts safe abortion services to determination of a professional health service provider. Consequently, girls and women resort to unsafe abortion risking legal penalties of between 7years and 14 years imprisonment with hard labour.

RECOMMENDATIONS:

- **The state party should seriously ensure that it services fully all the poor percentage of Malawians (68%) who struggle to access health care services due to user-fees as so doing would be treating Malawian children with equal dignity and fairness.**
- **Child marriage should be recognised as a health problem and not only as a child protection concern therefore it requires special policy direction and resourcing for which a recently enacted legislation establishing a national ordination structure for child affairs in Malawi known as National Children's Commission (NCC) should be strategic enough to ensure public financing for children, gender responsive budgeting for children, private investment in children and therefore transparency and accountability by all service providers.**
- **The draft 'Termination of Pregnancy Bill' should immediately be presented and discussed in National Parliament and enacted into law as means of creating conducive environment for accessible health pre-cautions and response in order to mitigate teenage and child pregnancy and child marriages therefore risks of pregnancy related child deaths and other health complications for example, the now common fistula.**

CHAPTER 4: CHILD PROTECTION

The State and relevant key stakeholders in the country continue to be applauded by neighboring countries and beyond for ably adopting the constitutional amendment as it were that sought to define a child as any person below the age of eighteen – 18 years old. This amendment was imperative bearing in mind those in separate provisions of the same constitution, children aged 15 could be allowed to enter marriage with parental consent.

According to Human Rights Watch, in 2015 before amendment, Malawi was associated with a shocking 9th highest prevalence of child marriage across the world. Even though no empirical study has been carried out on present prevalence, it is evident that statistics have comparatively drastically dived down.

Since the amendment, different players mostly led by their traditional leaders embarked on rigorous annulment of child marriage, often mentioned are Dedza and Salima Districts. By virtue of this progress the State inadvertently prevented different forms of violence commonly in child marriage to be perpetrated against children.

Further, the adoption of the constitutional amendment called for a detailed audit of existing child related laws to test if certain expressive legal provisions or different types of legislation were still consistent with the Constitution as it were. Consequently, as Amernia observed, uniformity in terms of definition of the child, and consistency with the supreme law, has excited child protection spaces to establish Case Management Committees consisting of the Frontline Child Protection Workers, the Prosecution Agencies, the Judiciary, and District Social Welfare Officers.

All Child Rights participating stakeholders at different levels are constantly invited to post correct and verifiable information onto Child Protection Information Database for information gathering. As Zimbabwe observes, a credible Child Protection Information Database would serve as a durable hub exacting guarantee that data sources informing development of State Party reports to either United Nations or the Africa Union are solid and credible.

The State through quasi judicial Human Rights Commission periodically hold Public Inquiry of all reported cases of violence against children presided over by a Judge of the High Court. The essence is to provide the victims of child violence the opportunity to narrate the circumstance of child violence without prejudice. During the Public Inquiry, focal persons from Ministry of Justice and Constitutional Affairs, Ministry of Health and Population, Ministry of Education and other key stakeholders to a particular case are invited to ensure that they have taken note of correct course of action.

RECOMMENDATIONS

- **Capacity building of all participating structures is imperative in order to improve efficiency and effectiveness preventing violence against children. Professional handling of a reported matters ensuring that evidence is not lost while preserving the rights of an affected on one hand, while on the other hand making sure witnesses to the cases are well secured.**
- **The State should adequately resource all levels of child protection structures through the District Councils and ensures that all incidental costs incurred during withdrawal of a victim, rehabilitation and integration of a child are provided.**
- **The State should establish public shelters for victims of violence and transit homes for victims of trafficking on one hand, while making sure that all required services for rehabilitation such as psycho-social support services are available everywhere across the country**
- **The State should commence sensitization of all public officers and all relevant stakeholders in child protection the Information Management System.**

CHAPTER 5: RESOURCING FOR CHILDREN

As observed by other countries like Morocco, Luxembourg, Nicaragua, Canada, China and Cuba the National Plan of Action for Orphans and Vulnerable Children and the National Action Plan on Gender Based Violence have not been fully implemented. Malawi government has key policy frameworks that guide resourcing for children and these are; the Malawi Growth and Development Strategy III, and the National Budget. The policy frameworks enable the state party to comply with Article 4 of the United Nations Convention on the Rights of the Child (UNCRC) and General Comment 19 of the UNCRC. Progressively, domestic resources for children have increased; for instance budgetary allocation for Early Childhood Development (ECD) increased six times from 2015/2016 national budget to 2018/2019 national budget. However, priorities in the budget policy are not sufficiently reflected in the actual budget allocation. In general terms, budget allocation in child-focused sectoral ministries such as education, health and local government has been inadequate.

The 2018/2019 National Budget indicates 800 community based Child Protection Workers in Malawi. Only 300 out of the 800 CPWs are on government pay roll and the rest work as volunteers without any remuneration or motivation. Due to the very small size of budget especially to the parent Ministry of Gender, Children, Disability and Social Welfare, it is difficult for the Ministry to allocate sufficient resources for child programmes into all the 28 Districts. The state party lacks clarity on determination of allocations for children through the District Councils via the National Local Government Finance Committee.

RECOMMENDATIONS:

- **The State through District Councils should increase allocations to Programme 99 (Primary Child Protection Services) to cater for emoluments of the 500 child protection workers not on government payroll; budgeting for Children Corners and play spaces in Cities and towns.**
- **Devolve ECD Budget ensuring larger allocations for programmes, budget monitoring, providing honorarium to Child Care Givers in Community based Child Care Centres (CBCCs); and encouraging district Councils to establish child rehabilitation centres or safety homes.**
- **The state party should fund a National Strategy on Ending Child Marriage; especially in education; welfare of girls withdrawn from Child marriages; and psychosocial support of Victims of Child sexual abuse.**

CHAPTER 6: SOCIAL INEQUALITIES AND POVERTY

As per observations by Senegal, Sierra Leone, and the Holy Sea, the state party attends to the observations by addressing the social inequalities and poverty. Malawi is the fifth poorest country in the world, and that its 25% of the population lives below US\$1.25 per day poverty line.

In accordance with the observations by Senegal and the Holy Sea, The State has established a Human Rights Department in the Ministry of Justice and Constitutional Affairs with mandate to coordinate the promotion and protection of fundamental rights and freedoms build capacities of stakeholders on existing and of emerging rights and advocacy. The State facilitates unionism at work places to ensure workers bargaining to achieve decent conditions of service.

In 2018, the state party enacted a law establishing a National Children's Commission which has oversight functions on child rights protection and promotion in the country. Again, the Human Rights Commission has received financial support from the UNDP to constitute Human Rights Coordination Forum, in which sit CSOs, NGOs, and individual Human Rights Defenders. Acknowledging the sentiments from Kuwait on extreme poverty, hunger and child mortality rates, the state party runs a social protection programme in which is a Social cash Transfer Programme, Public Works Programme, Farm Inputs Subsidy Programme, Community Support Initiative Programme (COMSIP), Village Savings and Loans Programmes. However, these programmes are either politicized for the benefit of a political party in government, or are affected by corruption practices, and maladministration. It lacks mechanisms guaranteeing transparency and accountability. It is also affected by poor targeting and nepotism.

RECOMMENDATIONS

- **The State should expedite the process of implementing National Children's Commission Act No 12 of 2019.**
- **The State should elevate the status of Open Budget Partnership in the country by concluding and signing Memorandum of Understanding with key focal organizations in the child rights sector both local and International.**
- **The State should popularize the concept of Public Financing for Children amongst the Civil Servants at different levels to ensure that collaborated attention is allocated with the Civil Society Sector and the Private Sector.**

CHAPTER 7: SEXUAL, REPRODUCTIVE HEALTH AND RIGHTS

Currently, the population of Malawi is estimated at 17.6 million, with about half (49%) of the population being under 15 years old, indicating a young population. Even with progress made since 2000, Malawi continues to retain some of the poorest Sexual and Reproductive Health and Right (SRHR) indicators in Africa. Maternal mortality rate (MMR) is high at over 574 maternal deaths per 100,000 live births, this remains one of the highest levels in the world¹. Like most developing countries, the primary causes of maternal death in Malawi includes unsafe abortion- accounting for 19% of all maternal deaths, others being hemorrhage, sepsis, obstructed pregnancy, and hypertensive disorders.

The basic right of women and girls to control their fertility and to decide whether to have children, the number of children and the spacing of children, is not respected. As provided in the Malawi Penal Code, Articles 149–151, abortion is only legal when the woman’s life is threatened. The impact on physical and mental health, rape and incest, fetal impairment, social and economic reasons, or the woman’s personal choice are still not considered as a valid reason.

Malawi has a high incidence of abortion, with a high proportion of women presenting for post abortion care with severe complications. 70, 000 women procure abortions every year, and 31 000 are treated for various complications, including: sepsis; hemorrhage; uterine perforation; chronic pain; infertility and death. Abortion-related hospital admissions have potentially life-threatening complications and as though this were not enough², post abortion care costs Government USD 39, 000 (MK300 million) every year, i.e. costing USD32/patient in rural areas, USD 15/patient in urban areas and therefore an average of USD23.

Most of the abortions women and girls procure in Malawi are attributed to the restrictive legal regime that Malawi has relating to abortions or termination of pregnancy. Despite adopting a progressive Constitution that guarantees human rights and a legal and policy framework that is informed by internationally recognized human rights norms and values, Malawi has not taken progressive steps to amend its abortion law in order to align it with applicable human rights standards.³

The law does not provide for a legal abortion in cases of sexual assault e.g. rape, defilement or, make it explicit for legal abortion to be procured in situations where the pregnancy endangers the mental or physical health of the mother or the life of the foetus. This is a contravention of article 14 (2) of the Maputo Protocol which guarantees the right to safe abortion and for which Malawi is a signatory. Increasing the exceptions aims at increasing the number of women who would qualify for safe abortion, thereby reducing the number that would resort to unsafe abortion.

The existing legal framework in Malawi, is a clear violation of basic women and girls’ sexual and reproductive rights, by preventing them to access safe abortion information and services, therefore critically endangering their health livelihoods. This restrictive legal regime also contributes to the violation of a number of human rights safeguarded in the Malawi Constitution, i.e. right to human dignity; integrity; privacy; equality and non-discrimination; equality under the law; the right to health (including reproductive health rights); and the right to life.

The state needs to fulfill its duty of guaranteeing the universally recognized rights and this can only be possible by a change in the existing legal framework. It is therefore urgent and time for the State to respect its commitments in this area.

RECOMMENDATIONS

¹ MDHS 2015 - 2016

² Ibid

³

The government as a State party of the Maputo protocol should:

- **Repeal the current law on abortion and adopt a Termination of Pregnancy Bill aligned to the provisions of the Maputo Protocol i.e. extend the legality of safe abortion to cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.**
- **Devise a comprehensive sexual and reproductive health strategy which should ensure that the needs of young people and rural women are taken into account in realizing their full reproductive health rights, by improving their access to, contraception and abortion care and services for at least cases of rape, incest and foetal impairment and other SRHR services like STI and pregnancy testing.**
- **Adopt WHO approved recommendations to set up SRHR user-friendly services countrywide.**
- **Enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women and girls.**
- **The State to review the monitoring and evaluation Framework for comprehensive sexuality education (CSE) in line with the UNESCO guidelines and ensure that CSE programs are accessible in rural areas.**

CHAPTER 8: PROHIBITING CORPORAL PUNISHMENT

Corporal punishment in Malawi exists as means of enforcing discipline on children and may be done by parents and guardians in the homes and by professional people in school and in child care centres. It is supported as acceptable conduct of duty bearers entrenched in traditional practices and customs that see corporal as acceptable means of grooming children into difficult life experiences in their future living. It is a way of forcing children to learning in both formal and informal settings notwithstanding the mental ability to adopt new leaning and at a rate appropriate in view of varying factors facilitating learning. Despite the generalized acceptance, corporal punishment of a serious violation of the rights of the child as enshrined in the universal and Regional child rights instruments, for example, the United Nations Convention on the Rights of the Child (UNCRC) 1989 as set out by its Committee in its General Comment No. 8, and the African Union's African Charter on the Rights and Welfare of the Child (AU ACRWC) 1991.

The legal and policy frameworks in Malawi do not forbid corporal punishments yet meting out corporal has left some children disabled, withdrawn from futuristic education, wounded and scarred, traumatised, and lost opportunity for growth and development. The United Nations Committee on CRC has published a 'Call for Signatory States' to pledge to take specific actions implementing the Convention in honour of its 30th Anniversary in November 2019. Article 23(4) of the Constitution of the Republic of Malawi state that children "are entitled to be protected from treatment, work or punishment that is, or is likely to (b) Interfere with their education; or (c) be harmful to their health or to their physical, mental or spiritual or social development. However, without a proper specified supporting legislation defining crimes and punishments and without stipulated offences and punishments in the Penal Code, the provisions in the Constitutions remain mere statement of desirability of conductivity of care for children such that children with continue to suffer the humiliating effects of corporal punishment. The child law in Malawi namely, the Child Care Protection and Justice Act 2010 equally falls short of prohibiting corporal punishment for children.

RECOMMEDATIONS

- **The state party should commit to enacting legislation which will explicitly prohibit all forms of corporal punishment of children, with special attention to likely places for children to suffer from corporal punishment as a form of violence and abuse – thereby setting due obligations for which the state party can be held to account for its accomplishments and failures in promoting the rights and welfare of the child.**
- **Offences should be placed in the laws and the corresponding punishments in events the legal prohibitions are flouted especially placed in the Penal Code or the specific laws.**

CHAPTER 9: EMERGING ISSUES

The following are the emerging issues:

- Malawi has a draft bill on adoption of children especially putting weight on international adoption. It is hard to understand why the Bill is not being tabled for enactment in Parliament yet children are increasingly being adopted using shortcuts and in dubious ways.
- The Coalition notes with great concern that the State has not given adequate attention to domesticate, align monitoring and control of Alternative Care Homes to the UN Guidelines. Consequently, the Alternative Care Homes, noting that the State and agencies are struggling to conduct checks and balances, supervisions and quality control, have instead converted these dilapidated homes as implicit channels of unlawful and dangerous international adoptions.
- Since the outcome of the Tripartite Elections, particularly the Presidential results were challenged by two separate petitioners, civil disobedience fronted by Human Rights Defenders Coalition, have had demonstrations attracting impulsive participation of school going children. Inevitably, crowd control Police have had overwhelmed, dealing with this complex issues. The Coalition is aware that on four separate occasions, On June 6th 2019, Police had had to use Teargas canister thrown into classrooms interrupting classes and subjecting learners to great psychological trauma and fear. On September 25th September 2019, there is clip circulating on Social Media traveling fast disseminating that Police in Blantyre indeed teargassed children as they waited to be treated at Queens Elizabeth Hospital.

RECOMMENDATIONS

- **The State should consider establishing a Tripartite Committee consisting of the Government/National Human Rights Institution, CSO Task Force Representative, and a relevant UN Agencies and charge them with the responsibility to expedite the process of domesticate the UN Guidelines, translate them, cause them to become User Friendly, develop Monitoring and Inspection Tools. On the other hand, the stakeholders should continue engaging the Ministry of Justice and Constitutional Affairs expedite the process of enacting the draft Bill on Adoption.**
- **The State should investigate and bring to book all persons involved in subjecting innocent children to cruelty and brutality. The State should demonstrate unprecedented willingness to collaborate with the Coalition to sensitize the either security agencies of the State on reformed delivery of service, protecting life and property for all.**