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THE LIST OF ISSUES (CRC/C/MWI/Q/2) PREPARED BY THE
COMMITTEE ON THE RIGHTS OF THE CHILD IN
CONNECTION WITH THE CONSIDERATION OF THE SECOND
PERIODIC REPORT OF MALAWI (CRC/C/MWI/2)***

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Introduction

1. The Government of Malawi is committed to the promotion and protection of children's rights in all spheres of life. The Government of Malawi would like to reiterate its commitment to the Committee on the Rights of the Child that it will continue in the implementation of the Convention on the Rights of the Child. Malawi is further committed to domesticating the Convention on the Rights of the Child as well as other international instruments that enshrine the rights of children.
2. The Malawian Government has ensured that in the implementation of the Convention, it has developed a flexible approach in the development of its national legislation, policies and guidelines especially those that impact children and young people. Malawi further has made it a deliberate policy that in its implementation of policies and programmes dealing with children and young people, that it does it through the decentralized system by utilizing the district structures in order to ensure that the resources reach the intended targets.
3. Malawi is committed to ensuring that every child and young person is given the necessary resources within the limited capacities of the Government. Malawi believes in the entrenched principle of the best interests of the Child as reflected in the Republican Constitution of 1995 as well as the Malawi Growth Development Strategy.
4. The Government of Malawi has for the last decade embarked on ensuring that in all its reforms whether dealing with health, education or any other sector that children's issues are taken as being paramount.
5. Consequently the Government of Malawi welcomed the list of issues as regards its second periodic report from the Committee on the Rights of the Child. It further noted that in order to ensure the written response adequately responded but also provided an update on the progress since 2007 decided to develop a supplementary information report so as to provide answers to the list of issues as well as provide additional information to the Committee.
6. The development of the supplementary information followed the same consultative process which was used to develop Malawi's second periodic report in that it involved both government and non-government institutions.¹
7. The Government of Malawi would like to inform the Committee that it still faces challenges in terms of Part II regarding data collection due to the lack of a national structure which collects all data on children therefore it would like to inform the Committee that some information which has been requested under the list of issues will be provided in a

¹ The following is the list of institutions that took part in the development of the supplementary information - Ministry of Justice, Ministry of Women and Child Development, Ministry of Finance, Ministry of Home Affairs (National Registration Bureau), Disability and HIV AIDS Trust (DHAT), World Vision and Center for Youth and Children Affairs.

comprehensive manner in the next state party report. The Government of Malawi makes this undertaking noting that it is currently working on developing comprehensive national data collection machinery.

8. The Government of Malawi further welcomes this opportunity to have a constructive dialogue with the Committee on its progress on the implementation of the Convention on the Rights of the Child.

PART I - INTEGRATION INTO DOMESTIC LAW AND NATIONAL IMPLEMENTATION

A. Integration of the Convention on the Rights of the Child into domestic law

9. The Government of Malawi completed the Constitutional Review in August 2007 and prepared a report which included a bill amending the Constitution of Malawi. The proposed bill has to a large extent included the issues from a position paper on child related issues that was developed as a contribution to the constitutional review.

10. The report on the Constitution Review has not been tabled nor discussed in Parliament. There is a strong indication that the review will be tabled after the May 2009 parliamentary and presidential elections.

11. There have been some developments as regards the Child Care, Protection and Justice Bill in that in order to ensure the promulgation of the Bill, the Government in 2008 set up a multi disciplined task force to spearhead an advocacy campaign for the enactment of child-related laws. The task force did not manage to have the bill tabled before Parliament due to the political impasse that existed in the country. This political impasse affected all the government bills since 2005 including those that are child related. A notable development was that the fact that Government through the task force managed to keep the discussion on the Bill with the lawmakers as well as the people of Malawi through newspaper articles. The task force will continue its work in 2009 so as to ensure that there is promulgation of outstanding child-related legislation.

12. Accordingly the Government has the hope that the Bill will be tabled before Parliament for consideration of promulgation after the general elections in 2009.

13. Regarding the National Registration Bill which has since 2005 been tabled before Parliament twice and as recently as the 2008 parliamentary session has still not passed. However the Legal Affairs Committee of Parliament has discussed although it has not been debated fully in the National Assembly.

14. Whilst the review of the Education Act has been completed and the Law Commission is in the process of preparing its report which should be tabled before Parliament. Notably the review has recommended that various changes in the education sector but one of the significant ones in relation to children is that the provision of primary education in government schools shall be free of tuition to all and compulsory for children under the age of 18 years.

B. National Action Plan for Children

15. The National Action Plan for Children (NAPC) was drafted in 2004 however it has remained in draft form. However the Government through the Ministry of Women and Child Development in 2008 embarked on a process of coming up with a Child Protection Policy of which the draft NAPC will form part of the policy. The Government has decided that the already existing National Action Plans for Early Child Development and Orphans and Vulnerable Children will be incorporated into the NAPC as they also aim at promoting child survival, protection, development and participation.

16. The process of formulating the Child Protection Policy will be a consultative one, consequently the initial process has started as a consultative one in that the following institutions were consulted including government ministries and non-government organizations.

17. The Policy outlines a series of goals which will be implemented together with the Malawi Growth Development Strategy as well as the Millennium Development Goals. The Government realizes that the plan is a long-term one and that will have to embark on a resource mobilization process so as to achieve the goals, however it has confidence that it shall fully implement the policy.

C. Use of the Convention in national courts

18. The Convention on the Rights of the Child has been directly referred to in Malawian courts. A recent example would be the *Adoption cause No. 2 of 2006, in the matter of the adoption of children Act (CAP. 26:01) and in the matter of David Banda (a male infant)*, the judge invoked the CRC where he stated that since Malawi consciously and decidedly undertook the obligations dictated by the Convention on the Rights of the Child (CRC) through its ratification in 1991, this Convention is binding on Malawi by choice. It is therefore the duty of Malawi to comply with the provisions of this Convention. In determining the petition, he was compelled to have regard to the Convention and of particular relevance in this regard was article 3 of the Convention which rests the case on the paramount consideration in matters concerning children. The court further discussed article 21 as it relates to adoption.

19. Malawian courts regularly use the principle of the best interests of the child in all cases involving children. However the concern has been with the interpretation and application of this principle at the lower courts especially in cases where the child is in conflict with the law. Furthermore the Government has from 2006 with support from its development partners been training magistrates and prosecutors on the Convention as well as other issues of child protection so as to ensure that in cases involving children that are in conflict with the law, that principles of children's rights are protected.

D. Initiatives on harmful practices

20. Notably the following; the Gender Equality Bill, the Marriage Bill and the Wills and Inheritance Bill are still pending and have not been promulgated. These are the pieces of legislation which aim to significantly to change customary law around these issues. However their promulgation has been delayed due to the political impasse which has existed in Malawi since 2005.

21. The Constitution of Malawi in section 22 (8) discourages marriage between persons where either of them is under age of 15 year however it has been proposed in the constitutional review that the age be amended to 16. Malawi acknowledges that it still has incidences of children under 15 being married however it is hoped that the various programmes that encourage parents to stop this practice will continue to ensure that the incidences are minimized. Notably section 24 (2) of the Constitution provides that legislation shall be passed to eliminate customs and practices that discriminate against women particularly practices such as sexual abuse, harassment and violence and Malawi has taken steps to ensure this as noted in paragraph 21 above.

22. Furthermore the Child (Care, Protection and Justice) Bill when promulgated will expressly prohibit specific practices relating to forced marriages and pledging a child as a security for a loan and designates it as an offence punishable by three years' imprisonment.

23. The Government has apart from legislative measures undertaken other initiatives to eliminate harmful practices by carrying out "The Stop Child Abuse Campaign" which advocates for zero tolerance on harmful traditional practices and further raises awareness through stickers, billboards, leaflets, radio shows, road shows. Furthermore the Government has embarked on the process of establishing Community Victim Support Units in all 300 Traditional Authorities in the country targeting child protection workers, police units and traditional chiefs to holistically deal with child issues at the community level. The project intends to establish 300 victim support units by 2011.

24. Additionally, the Malawi Government intends to implement the Child Maltreatment Project that shall complement the initiatives of the child protection program, in that it will also be dealing with issues of practices that cause harm to children's health.

E. Priorities of Malawi in the implementation of the Convention

25. Malawi's priorities on matters of children are still very much centred on those identified in the overarching policy of the Malawi Growth and Development Strategy which include infant/child mortality, issues of early childhood development, education especially quality of education, reducing dropout rates for the girl child as well as discrimination, budgeting and mainstreaming on children among all Government Ministries and institutions.

PART II - DATA AND STATISTICS

A. Trends analysis regarding education, health and child protection budgets

26. There has been an increase in Government allocation of funds to a number of ministries. As the table above shows, Ministries of Health, Women and Children Development as well as Education have experienced an increase in their funding. The Ministry of Health had a 47 per cent increase in its budget allocation over the 2005/06 to 2006/07 financial years while there was a 20 per cent increase in the budget between 2006/07 to 2007/08 financial year.

27. In terms of the Ministry of Women and Child Development, their biggest increase in Government funding was experienced in the Ministry of Women and Children Development over the period 2006/07 and 2007/08 where there was a 151 per cent increase which clearly indicates that the Government is allocating more resources to the welfare of children.

Ministry	Budget Allocation (Million MWK)		
	2005/06*	2006/07*	2007/08
Health	7 500	11 000	13 200
MoWCD	37.8	131	330
Education	8 400	9 100	14.4 billion

*Source: Approved Estimates of Expenditure on Recurrent and Capital Budget for Financial Year 2006/07.

B. Disaggregated data on birth registration

28. The National Registration Bureau launched the first phase of the National Registration and Identification System (NRIS) for Malawi on 27 August 2007. The implementation of the first phase of the registration exercise has started off with the distribution of 8, 110 Hardcopy Village Registers in 14 districts across the country as follows:

Region	District	No. of villages	No. of hardcopy village registers
North	Karonga	250	250
	Chitipa	320	320
	Rumphu	797	797
Centre	Mchinji	523	523
	Ntcheu	889	889
	Dedza	1 054	1 054
	Ntchisi	724	724
South	Nsanje	513	513
	Balaka	511	511
	Mwanza	129	129
	Thyolo	410	410
	Chikwawa	677	677
	Mulanje	506	506
	Mangochi	807	807

29. The National Registration Bureau has from 2007 undertaken the following activities:

(a) Conducted orientation of 112 traditional leaders on the National Registration and Identification System (NRIS). The traditional leaders at village level are the custodians of the registers and responsible for registering births, adults and deaths in their villages and updating the registers; and

(b) Trained 210 Trainers for some members of the District Executive Committees (DEC) in various parts of the country.

30. The Government plans that this phase shall be completed by June 2009 with the cascading of the same to the remaining 14 districts. In terms of distribution of birth certificates under the Vital Birth Registration System (VRS), 34,942 certificates were produced for distribution as follows:

Mwanza:	9 253 certificates
Blantyre:	6 730 certificates
Kasungu:	18 959 certificates

C. Data on sexual exploitation

31. The Government heavily relies on the Police system for data regarding reported cases of sexual exploitation however due to the fact that the existing system is a manual database as such data retrieval is difficult therefore Malawi will be unable to give a breakdown of the statistics on this issue. However the Government has embarked on automating the police system to ensure that data is can be stored and retrieved readily.

32. It is noted by Government that issues of sexual exploitation are on the increase especially in the domestic arena, however Government continues to work in partnership with non-governmental organizations to ensure that awareness is raised so as to increase reporting. Furthermore Government is committed to ensuring that perpetrators are properly dealt with under the necessary laws so as to redress the victim's needs as well as send messages to other would be offenders that it will protect and promote children's rights.

D. Studies, assessments and surveys

33. The following is a list of studies, assessments and surveys:

- Children in Need of Special Protection Baseline Survey
- Child Trafficking Study in Malawi
- Child Poverty Study

PART III - PROGRESS ON LIST OF MAJOR ISSUES

A. Non-discrimination against children living in poverty, children with disabilities, and children in conflict with the law

34. On the issue of non-discrimination, the Government of Malawi is currently carrying out various programmes and these are mostly aimed at the ultra-poor. Significantly the Government has developed criteria so as to assess who can benefit under these programmes and children with disabilities are of paramount importance.

35. The Social Cash Transfer Scheme which started out as a pilot scheme in Mchinji in 2006 has now been extended to six districts namely; Salima, Phalombe, Mangochi, Chiradzulu, Chitipa and Likoma.

District	Mchinji	Likoma	Machinga	Salima	Total
No. TA's	4	1	3	4	12
No. Vgs	35	3	28	11	77
Beneficiary HHs	2 878	193	2 911	717	6 699
Elderly headed (male and female)	1 768	133	1 750	458	4 088
Child headed	29	1	52	12	94
Individual beneficiaries	12 722	743	12 919	3 529	29 913
Children	8 925	430	9 128	2 166	20 649
Orphans	6 987	369	6 494	1 647	15 497
Elderly (> than 65 years)	2 330	142	2 153	643	5 268
Disabled	300	46	46	45	437

36. Regarding children in conflict with the law, they are provided with education, health, legal representation as well as access to religion whereby chaplaincies have been established in juvenile detention centres and reformatory schools. Furthermore children in reformatory centres are allowed to learn in the schools surrounding the reformatory centres.

37. The Government of Malawi has since 2006 been implementing a social protection scheme² targeted at protecting and promoting the livelihoods and welfare of the poorest and vulnerable people so as to offer them a safety nets to absorbs risks and shocks which in Malawi is usually in the form of droughts, famine and floods. The Government of Malawi acknowledges that before the introduction of the scheme, the country was operating other social protection schemes. However these were mainly for humanitarian purposes as alternatives to food aid and were mostly implemented through NGO's.

38. The Government of Malawi's social protection scheme is through cash-based social transfers which was piloted in Mchinji district. The scheme was tested through an operational research and its objectives were; reduce poverty, hunger and starvation in all households living in the pilot area which are ultra poor and at the same time labour constrained, increase school enrolment and attendance of children living in target group households and invest in their health and nutrition status, and generate information on the feasibility, costs and benefits and on the positive and negative impact of a Social Cash Scheme as a component of a Social Protection Programme for Malawi.

39. The Government of Malawi is proud of the above scheme as close to 70 per cent of the beneficiaries are children living in the beneficiary households.

² The following institutions are implementing the social protection scheme - Department of Poverty and Disaster Management Affairs (DoPDMA), the Ministry of Women and Child Development, the Ministry of Economic Planning and Development.

40. In November 2006, the Mchinji pilot had reached 1.065 households with a significant report that 69 per cent of the members of the beneficiary households are children between 0 and 18 years while for the Integrated Household Survey noted that share of the scheme was pegged at 56 per cent. Additionally 85 per cent of the beneficiaries were orphans. In an evaluation of the scheme by UNICEF in Zambia, Malawi and South Africa, the conclusion was that the scheme could be considered a 'child welfare scheme' because 69 per cent of the beneficiaries are orphans and vulnerable children.
41. The Government intends that the next phase of the programme be linked and integrated to other social services for children so as to leverage the cash transfer so as to ensure that children have access to their basic rights for instance education, health and protection.
42. In terms of children who are on remand and are not being kept at the president's pleasure in reformatory schools, they are educated in prisons as part of the prison system.
43. There is provision of school bursaries to orphans and vulnerable children so as to ensure that children living in poverty are also afforded the right to education. The guidelines for who are the beneficiaries and how the bursaries are disbursed are found in the Guidelines for Education support to Orphan and other Vulnerable Children.
44. Malawi intends to promulgate a law for people with disabilities, and currently the draft bill on the Equalization of People with Disabilities was concluded and is awaiting stakeholder consultations before it is finalized and sent to Parliament for promulgation.
45. The National Action Plan for Orphaned and Vulnerable Children that was developed in 2005 had six strategic objectives: to enhance access to essential quality services such as education, health, nutrition, water and sanitation and birth registration with increased support from social safety nets; to strengthen family and community capacity to care for OVC by providing support to improve their economic security, social and emotional well-being and protect them from abuse, exploitation, property dispossession, stigma and discrimination in respect of gender equality; to protect the most vulnerable children through improved legislation and policy, leadership, efficient coordination at all levels by facilitating equal and meaningful child participation for both boys and girls; to strengthen and build the technical, institutional and human resource capacity of key OVC service providers; to raise the awareness at all levels through advocacy and social mobilization initiatives to create a supportive environment for children and families affected by HIV and AIDS and poverty; to continuously monitor and assess the situation of OVC. A midterm review of the National Action Plan was carried out and it revealed that: generally progress was being made in the six areas but large gaps still needed to be addressed. The Cash Transfer scheme (para. 36 above) is the major achievement that the NPA has done. It has improved access to education support. Through Community based child care centres, many children are now accessing health care through referral systems that are established and 2007 and 2008 more child protection workers have been trained and recruited.

46. On the issue of monitoring the NAP, the Ministry developed a monitoring and evaluation database and trained officers in database management and monitoring and evaluation framework that aims to guide the implementation of the OVC NPA. It has registered OVC at about 72 per cent coverage. Although there is some available data, there are still some weaknesses in the registration systems. Across the objectives, there appeared limited synergy between various players and often there is a duplication of efforts at all levels.³

B. Respect for the views of the child

47. Malawi is still implementing the Children's Parliament and promoting the creation of children corners and child rights clubs which were primarily established to promote the participation of children in decision making. Notably in 2008, the children's parliament accorded the children an opportunity to interface with the national assembly. Furthermore their resolutions were submitted to the National Assembly through the Deputy Speaker so that they can be debated in Parliament.

48. The Government in collaboration with its partners conducted at district level, three more children parliament. Their resolutions were also submitted to the district assemblies. In an attempt to respect the children's views, two districts incorporated some of the resolutions like education improvement, quality of teachers and provision of ARTs into their district plans. However, there have not been monitoring initiatives to follow-up on how communities and institutions are able to respect the views of the children.

C. Corporal punishment, child abuse, neglect and domestic violence

49. As reported that the Government of Malawi does not condone corporal punishment in schools, and it has accordingly recommended that the reviewed Education Act include a provision expressly prohibiting such conduct in schools.

50. With regard to corporal punishment in the families, the government has made initiatives on awareness that such cases have been reported to relevant authorities and families involved have been taken through the courts and cautioned. The Government realizes that it faces a serious challenge due to issues of privacy laws in the country however when a matter of abuse in the home is reported, Government has prosecuted perpetrators even if they are primary care givers of the child victim.

51. The Government has not recorded any corporal punishment however if cases were reported, the Government would take both administrative and legal measures against the persons who committed the acts.

52. Due to success of the Stop Child Abuse Campaign, the Government will in 2009 continue its implementation due to the fact that it has raised awareness which has led to a lot of cases of child abuse being reported to the relevant authorities. Furthermore Government has introduced the Safe Schools programme aimed at combating child abuse in the school setting.

³ Mid-Term Review of the National Action Plan (NPA) for Orphaned and other Vulnerable Children, September 2008.

D. Children with disabilities

53. The Government has through the Ministry of Education created a special unit called Special Needs Department. This department has made initiatives in developing policy issues for the children with disabilities which shall be incorporated in the National Education Policy. The policy has identified 13 priority issues which are directly targeting children with special needs in the issues of equal access in education and training programmes.

54. The first phase in the training of specialist teachers has already been conducted which has seen 500 trainers trained.

55. The allocation to the Ministry of People with Disabilities has seen a slight increase in its budget allocations.

Budget year	ORT	Development	Total
2006-2007	K92 800 000.00	Nil	K92 800 000.00
2007-2008	K185 000 000.00	K105 124 000.00	K290 124 000.00
2008-2009			K387 124 000.00

56. The number of schools for special needs children has remained the same. The only change has been in the increase in the specialized teachers in teaching the children with special needs. Due to the increase of these specialized teachers, some of them have been deployed to general government schools and children with special needs are able to access such schools.

E. Basic health and welfare

57. Ministry of Health has a new National TB Programme. It is a five-year Development Plan from 2007-2011. It builds on the first plan that covered the period 2002-2006. Tuberculosis notification rates have stabilized and tend to go down and treatment success has gradually improved due to decrease in case fatality. A new and more effective treatment regimen has been introduced and TB/HIV care for TB patients and people living with HIV and AIDS has been introduced and expanded. This plan will also address the concerns about low case detection rate and the Emergence of MDR (multi-drug resistant) and XDR (extremely drug resistant)-TB. New oral drug regimens for new adult and paediatric patients are now being implemented country-wide.⁴ Furthermore the Ministry of Health has continued production of material used in the fight to reduce incidences of tuberculosis for instance the publication of the sixth Edition National Tuberculosis Control Programme Manual in 2007.

58. The Government has developed a comprehensive and costed results-based National Strategic Plan for Accelerated Child Survival and Development to operationalize its commitment to child survival and development. The plan provides the context within which a child survives and grows in Malawi. It identifies critical factors for child survival and development and proposes high impact low cost, pragmatic interventions to address the bottlenecks. The

⁴ Ministry of Health - Malawi National Tuberculosis Programme Five Year Development Plan II (2007-2011).

successful implementation of the Strategic plan relies on removing health system bottlenecks as enshrined in the joint programme of work for a health Sector Wide Approach (SWAp) 2004-2010. This includes resource mobilization, multi sector collaboration. The plan complements related sector and department plans that address maternal, new born and child health and development. The main strategic areas that have been identified for the scale up of the IMCI activities include, among others: improving case management both at community and health facility level, improving supplies and communication facilities, and improving key family practices at community and household level.⁵

59. The Committee in the concluding observations on the initial report as adopted in February, 2002 had asked Malawi in paragraph 48 to increase its efforts to prevent HIV/AIDS and in paragraph 49 to minimize impact upon children of HIV/AIDS related deaths of parents, teachers and others so as to promote family life, emotional care and education. The Government of Malawi has scaled up its programmes on HIV/AIDS to combat the overall issue of HIV/AIDS established the Department of HIV/AIDS and Nutrition whose mandate is to look at the issues of HIV/AIDS.

60. The Government of Malawi through the Strategic Plan on Combating HIV/AIDS in the Education Sector, 2005-2008 which has set strategies for dealing with the issue of HIV/AIDS in the education sector and thereby falling in line with the Committee's recommendation in paragraph 14.3.

F. Standard of living

61. Food security has improved over the years as a result of the fertilizer subsidy program. The table below shows the increase. In 2006/2007 there was better harvest than 2007/2008 due to floods and erratic rains in some parts of the country.

62. The Government still notes that due to erratic weather patterns that it will continue experiencing food shortages, has created deliberate policies that ensure that when disasters like famine, droughts or floods arise, there is enough humanitarian aid to sustain the people affected at most times includes children.

Maize output (in million metric tonnes)⁶

Year	2005/2006	2006/2007	2007/2008
Output	2.5	3.4	2.7

⁵ Integrated Management of Childhood Illness Approach Policy for Accelerated Child Survival and Development in Malawi, Government of Malawi, November 2006.

⁶ 2008 Agricultural Statistical Bulletin, Ministry of Agriculture.

G. Education

63. The Government of Malawi through Ministry of Women and Child Development has developed a Strategic Plan on Early Childhood Development which will be launched in 2009. The Plan includes training of trainers on early childhood development, dissemination of the ECD policy however in 2008 the Government has trained 4,560 caregivers as part of capacity building.

H. Economic exploitation and child labour

64. The Government in attempt to address the economic exploitation and child developed a National Plan of Action to support the Child Labour Policy which will be launched in 2009. Furthermore a Law Enforcement Training Manual was also developed which targets the police, the social welfare officers, child labour officers and magistrates on how deal with cases of child labour.

65. The Government is in the process of developing a National Child Labor Database which has been launched however the database is awaiting operationalization. Furthermore Malawi has the listing of work that is considered as hazardous occupation for children between 15-17 years. Furthermore the Ministry of Labour has implemented a project which focused on withdrawal and prevention of child labour in eight districts.

I. Trafficking and sexual exploitation of children

66. The Child Trafficking Study has indicated that there is more of internal child trafficking in Malawi however the study failed to identify a single case of cross-boarder child trafficking. Furthermore the study failed to collect data on how many cases has Malawi registered whether internally or externally on the issue of trafficking.

J. Administration of juvenile justice

67. The Government has had to deal with an increasing rate of crime perpetrated by juveniles. The Government has further noted that the formal justice system is overflowing with remandees and convicts and that it does not rehabilitate young offenders. Accordingly in April, 2008 the Government has started implementing diversion programmes in four districts, namely - Mzuzu, Zomba, Blantyre and Lilongwe as these have child friendly courts. Police have been trained to divert children before being remanded. There are also the juvenile justice officers, magistrates, juvenile justice prosecutors, social welfare officers who have been specifically trained and they appear in the juvenile courts. The child friendly courts have also been furnished with cameras to ensure that children are given privacy. The diversion programme is implemented in partnership with 4 selected non-governmental organizations where they are taught different skills such as vocational and other. So far 35 children have been diverted since April 2008. Consequently the diversion programme also provides the children with counselling.

68. 67 victim support units have been established in districts under the police where the children who are in conflict with the law are handled right there. It is envisaged that by the first quarter of 2009, 34 more victim support units are to be established.

69. The board of visitors which is tasked in ensuring that juveniles in remand centres and reformatory schools have their imprisonment regularly reviewed have due to the significant increase in the Ministry of Women and Child Development's budget have started to have their regular monthly since 2008. The same board does visit prisons twice a year to inspect conditions in the juvenile detention centres. The Board has also been regularly conducting camp court for juveniles who have been on remand for long periods or whose sentences have not been reviewed.

K. Child protection

70. Malawi like many sub-Saharan countries is dealing with HIV/AIDS, consequently there has been an increase in the number of orphans and has for the last decade seen a rise in the numbers of orphanages. Under the National Plan for Orphans and Vulnerable Children, various programmes are being implemented. In August, 2008 the Government of Malawi through the Ministry of Women and Child Development developed Foster Family Guidelines which offer insight on how the foster care system is run including issues of placement, criteria, approval of foster homes and monitoring.

71. Furthermore, the Government of Malawi has also developed Minimum Standard Rules and Regulations for the Establishment and Management of Children Homes and Orphanages in Malawi to provide a framework for which children homes and orphanages so as to ensure that the rights of children are protected and promoted. These rules were developed to ensure that children are given enough protection when they are placed under care. Malawi noted that these guidelines will compliment the Child (Care, Protection and Justice) Bill once it is promulgated into law as there is a huge part in the bill dealing with children under care.

L. Optional Protocols

72. Malawi signed the Optional Protocol on the sale of children, child prostitution and child pornography as well as the Optional Protocol on the involvement of children in armed conflict, and in 2008, the Government of Malawi has initiated the internal process to ensure that the two Optional Protocols are ratified. This process should be complete by the end of 2009.

Conclusion

73. The Government of Malawi realizes that there are challenges in the implementation of the Convention on the Rights of the Child; however it undertakes to continue in the promotion and protection of children's rights as it recognizes the importance of children in the country's future. Children are the leader of tomorrow but more so they are paramount in the goal of achieving sustainable development which Malawi embarked on in 2004.
