

Country session: Malawi

Date: 74th session- 30 and 31 January 2017

Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Reporting

Reporting methodology

<input type="checkbox"/> Regular reporting procedure	<input type="checkbox"/> Simplified reporting procedure	<input checked="" type="checkbox"/> Concluding Observations with urgent measures
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State reports

CRC		OPAC		OPSC	
No. of report	Combined third to fifth report	No. of report	Initial report	No. of report	Initial report
Due date	31 October 2013	Due date	21 October 2012	Due date	6 November 2011
Submission	7 January 2015	Submission	7 January 2015	Submission	7 January 2015
Written replies	Due date: 16 October 2016	Written replies	Due date: 15 October 2016	Written replies	Due date: 15 October 2016
	Submission: 30 January 2017		Submission: 30 January 2017		Submission: 30 January 2017

Committee members regretted that the State sent the written replies to the List of Issues the same day of the dialogue.

Public reports of children's rights defenders

	Alternative reports on CRC
NGOs	<ul style="list-style-type: none"> ▪ Centre for Human Rights and Rehabilitation (CHRR) and the Centre for the Development of People (CEDEP) ▪ ECPAT International, Eye of the Child and Youth Net and Counselling (YONECO) ▪ Human Rights Watch ▪ Southern Africa Litigation Centre (SALC)



State delegation

Large high level and multisectoral delegation led by the Minister of Justice and Constitutional Affairs, Mr. Samuel Tembenu. He was supported by the Principal Secretary of Gender, Children, Disability and Social Welfare and the Director of the Child Rights Direction from The Human Rights Commission, the specialized body implementing the CRC and its Optional Protocols.

List of State delegation representatives on [OHCHR site](#)

Committee's Task Force members

Name & Last name	Country
Clarence NELSON	Samoa
Olga KHAZOVA	Russia
Sara OVIEDO FIERRO	Ecuador
Maria Rita PARSI	Italy
Hynd AYOUBI IDRISSE	Morocco

Dialogue description:

i. Character of the dialogue

The Committee found the session cooperative and interactive. The answers of the State to the Committee's questions were focused mainly on law revision and law development.

ii. General assessment made by the Committee:

The Committee commended the process of law reform planned for 2017 and urged the State to harmonize national legislation with the CRC and its Optional Protocols. In addition, the Committee welcomed the recent adoption of laws, protocols and national plans related to children's rights but expressed concern about their effective implementation and budgeting.

iii. Main issues discussed:

Convention on the Rights of the Child:

- **Law implementation:** The Committee expressed its concerns about the lack of resources to implement the new laws passed related to children's rights. The State delegation acknowledged this challenge and requested the Committee for technical and financial assistance to comply with its obligations.
- **Age of criminal responsibility:** In regards to juvenile justice, the Committee reiterated in several occasions its deep concern about the age of criminal responsibility at 10 years old, and urged the State to raise it up to 18. The delegation took note of the comments of the Committee and explained that the government did not envisage to modify the law.
- **Violence against children:** The Committee members pointed out that violence was becoming widespread and accepted due to low rate of investigations and prosecutions. The delegation answered that a Child Protection Act had been adopted to address this problem at the national level.
- **Adolescent pregnancy and abortion:** The Committee raised its concerns regarding the high rates of illegal abortions among adolescents and asked the State whether it envisaged to criminalize such practice. The delegation acknowledged that this was a polemic issue due to cultural factors and stressed that the possibility of criminalizing was still under review.

Optional Protocol on the involvement of children in armed conflict

- **Adoption at national level:** The Committee pointed out that the OPAC had not been fully incorporated into the national legislation and asked whether the government was planning to do it. The delegation answered they will revise this issue during the general revision process of legislation in 2017.
- **Age verification procedures:** The Committee members expressed concerns about the lack of an accurate method of age verification. The delegation replied that a system was in place, in which families' testimony was used to verify the age of the person of concern.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

- **Data collection system:** The Committee expressed its concerns about the lack of a comprehensive data collection system data covering all the provisions of the OPSC. The delegation answered that there was a system in place collecting cases of sale of children, child pornography and child prostitution.

- **Dissemination:** Committee members pointed out the low dissemination of the OPSC within communities and the necessity to train law enforcement officers. The delegation replied that the government had taken all the necessary measures to disseminate information about the OPSC, particularly among local authorities and local chiefs.

Recommendations of the Committee

Convention on the Rights of the Child:

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following areas, inter alia:

- **Birth registration:** The State should ensure accessible birth registration in all regions and develop awareness-raising campaigns for parents, while strengthening birth registration in hospitals.
- **Abuse and neglect:** The State should reinforce its prevention programs and straighten early detection and referral systems to support child victims, as well as conduct awareness raising activities. Moreover, the State should establish a national database system to record cases of violence against children and develop training programs and guidelines to law enforcement officers.
- **Sexual exploitation:** The State should fully implement the Child Care, Protection and Justice Act (CCPJA) and allocate the required budget. Such measure should guarantee the development of prevention, recovery and integration programs for child victims, ensure access to mental health and health services for child victims with a special focus on children with disabilities, set up child -friendly compliant mechanisms and develop campaigns to destigmatize child victims. Additionally, this Act should guarantee thorough investigation, prosecution and proper convictions of perpetrators.
- **Harmful practices:** The State should fully eradicate child marriage and develop awareness-raising campaigns on the negative consequences of such practice, particularly among traditional and religious leaders. This requires the allocation of necessary resources to strengthen the capacity of the existing victims support units.
- **Children with albinism:** The State should address the root causes of discrimination while guaranteeing the protection of all children with albinism and the full exercise of their rights. In addition, it should ensure the implementation of response plans in case of rights violations against children with albinism, focusing on medical and legal assistance.
- **Adolescent health:** The State party should adopt a comprehensive policy for sexual and reproductive health for adolescents focusing on early pregnancy prevention and include sexual and reproductive education in schools' curricula. It should also ensure the effective access to reproductive and health services for adolescents and decriminalize abortion. In addition, comprehensive policies to address alcohol and drugs consumption in adolescents must be designed and implemented.

Optional Protocol on the involvement of children in armed conflict

- **Dissemination and data collection:** The State should establish a robust mechanism to monitor the compliance of the OPAC at the national level and reinforcing its existing data system collection.
- **Age verification:** The State should implement a consistent and systematic system to verify the age of the recruited persons and to develop a consistent birth registration process across the country.
- **Protection recovery and reintegration:** The State party should establish a mechanism to identify child victims of recruitment including unaccompanied minors, refugee and asylum seekers children. The State should develop protocols and guidelines to assist child victims and train personnel dealing with child victims.



Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

- **Definition and criminalization:** The State should define and criminalize all forms of sale of children and child pornography at the national level, covering also internet.
- **Dissemination and training:** The State should develop comprehensive awareness-raising programs to foster the provisions of the OPSC, including its integration in schools' curricula. Trainings for law enforcements officers and social workers must be carried on.
- **Prevention, prohibition and prosecution:** The State should strengthen early detection systems of children at risk and reinforce referral systems to assist child victims, particularly girls. In addition, a child-friendly complaints system to gather, monitor, investigate and prosecute cases under the provisions of the OPSC must be put in place.

Next State report

CRC	
No. of report	Sixth and seventh periodic report
Due date	1 September 2022

***Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.*