HUMAN RIGHTS IN MALAWI
PLAN INTERNATIONAL MALAWI (PIM) UPR PRE SESSION PRESENTATION

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GENDER EQUALITY CHILD FORCED AND EARLY MARRIAGES

• Malawi received a number of recommendations on child early and forced marriages which have been implemented but gender inequality still exists.

• The Constitution was reviewed to change the age of marriage from 16 to 18 years in February 2017 strengthening the existing laws such as Gender Equality Act of 2013, Marriage Divorce and Family Relations Act of 2015, Child Care, Protection and Justice Act of 2010.

• The laws are enhanced by policies, strategies and programmes.

• Despite the conducive policy and legal environment, gender inequality, forced and child marriages remain a challenge, which require concerted efforts and candid action.

• Malawi has the 11th highest rate of child marriage in the world, with 42% of women marrying before the age of 18 from 47% in 2017.
Child forced and early marriages cont’d

• The Southern and Northern regions of Malawi have higher rates of child marriage and adolescent pregnancy than the Central region.

• Rural areas have higher rates of child marriage and adolescent pregnancy than urban areas.

• There is a gap between the reviewed and amended laws because they are not aligned to the amended constitution the crucial one being the penal code that is used by the police to charge offenders that still recognizes the age of the child as 16 in some of its sections. For instance:
  • section. 136 dealing with the offence of abduction of girls under the age of sixteen;
  • section. 137 dealing with offence of indecent assaults on females and makes clear that consent shall not be a defiance if the victim is below age sixteen;
  • section. 138 dealing with defilement of girls “under age of sixteen years”.
  • section. 155 dealing with indecent assault of boys “under the age of fourteen years”
PIM contribution to the implementation

- PIM has made significant contribution to the implementation of the 2015 UPR recommendation. In 2019 over 800 children were withdrawn from child marriages, 167 were sponsored to go back to school, 1654 youth were reached with SRHS, 200 households benefited from livelihood programmes and 4000 children have child friendly spaces.
- PIM intends to reach 3.2 million girls and boys by 2022 with various child protection and gender transformative programs
- Working with Ministries of Gender, Children, Disability, and Social Welfare; and Justice and Constitutional Affairs PIM and Child Rights NGOs have drafted the harmonized Bill which was submitted for approval.
GENDER EQUALITY

• The attainment of the SGD 5 for Malawi remains a challenge because of the prevailing structural economic and social cultural circumstances, which predispose the girl child to early and forced marriages despite having a conducive policy and legal environment.

• The existing norms, agency, support for boys and young men to desire positive masculinity, diversity, improve the conditions and foster the enabling environment which are the stepping stones for gender transformation have not been adequately addressed to change the status quo.

• Gender inequalities still exist which exacerbate the child trafficking, early and forced marriages, violence against children and young women, poverty and disempowerment of girls, young women and boys.
LEGAL AND POLICY ON GENDER AND ENDING CHILD MARRIAGES

• PIM worked with the Ministry of Gender, Children, Disability and Social Welfare; and other stakeholders and championed the review of the constitution to change the age of marriage from 16 to 18 years, which was passed in February 2017.

• Children’s Policy and Strategy, the Gender Equality Policy and Strategy; and the End Child Marriages Strategies were developed.

• PIM is working with national level ministries to harmonize the age of marriage among the various pieces of registration while supporting popularization and implementation of laws and policies.

• At district and community level, PIM facilitates the provision of mobile and pro-bono legal services which handled 280 cases out of which 250 were concluded in 2019 alone.
Legal and Policy on gender equality and ending child marriages cont’d

• PIM has identified traditional leaders as ambassadors on prevention and nullify forced and early child marriages.

• PIM promotes access to Youth Friendly Sexual and Reproductive Health (YFSRHS) to prevent early pregnancy among the youth while dialoguing with concerned ministry to allow for the provision of SRHR services in schools.

• PIM facilitated the printing of 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.
Recommendation for Malawi

• There is need to harmonise child related laws and the penal code to align them to the amended constitution if we are to effectively fight child and force marriages and improve the delivery of legal services.

• Fast track the production of the charge sheet to speed 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 their consent be sought and they must have adequate support in education, economic empowerment child minding, welfare, self esteem and confidence.

• The Children’s Commission should be well resourced and operationalized to oversee children affairs and policy implementation at all the levels.