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
Established in Malawi in 1994, Plan International Malawi (PIM) is one of the leading children’s rights and advocacy organisations in Malawi working in development and humanitarian contexts. The purpose of PIM is to advance children’s rights and equality for girls. PIM operates in 15 out of the 28 districts of Malawi with a national gender and child protection influencing portfolio. It is part of the child rights coalition and network.

In addition, PIM is a member of the Non-Governmental Organization Gender Coordination (NGOGCN); and the Girls not Brides networks. The NGOGCN formation was facilitated by the Ministry of Gender, Children, Disability and Social Welfare and has 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 of topical issues for implementation.

2019 – 2022 COUNTRY STRATEGY
PIM’s 2019-2022 country strategy is designed to deliver significant change for 3.2 million girls and boys, putting special emphasis on gender equality. PIM works in the following program areas: Gender Transformative Child protection, Inclusive Quality Education and Sexual and Reproductive Health. PIM also work on cross cutting programs that focus on Disaster Risk Management including refugee operations, Gender Transformation and Economic Empowerment. At national level, PIM has a robust gender and child protection influencing portfolio where relevant line ministries are engaged on policy and legal frameworks that relate to PIM’s work in Malawi. PIM maintains membership to various technical working groups and NGO network to garner support and influence on its work.

NATIONAL UPR CONSULTATION
Plan International Malawi has actively supported the Government of Malawi through the Ministry of Justice and Constitutional Affairs during the 2015 and 2019 country UPR processes. PIM contributed to the report compilation, provision of logistical and technical support during report development processes, and facilitated data collection for the UPR report. PIM contributed to the 2015 midyear progress report, which was jointly submitted with the Malawi Human Rights Commission. In collaboration with the coalition, network and NGOs PIM reviewed Malawi’s progress on the 2015 UPR recommendations; and suggested how some of the progress is to be reflected while ensuring that the report is objective; and reflecting the situation on the ground.

PIM STATEMENT
Plan International Malawi’s (PIM) statement will focus on
➢ Child rights, protection, early and forced marriages,
➢ Gender equality,
➢ Legal and policy implications.

CHILD PROTECTION
PIM focuses on child protection especially in the area of child trafficking, child labour, child marriages, violence against children, children accompanying mothers in prison, alternative care for children and child maintenance among topical issues. At the
implementation level, PIM facilitated the legal review to change the legal age of marriage from 16 to 18 years in February 2017.

Though this is the case, there is need to strengthen implementation of the Child Care Protection and Justice Act 2010 and promoting child safeguarding principals to prevent child trafficking, child marriage and violence towards children. The requirement is that the Ministry of Gender, related ministries and child rights bodies should be adequately resourced to effectively implement child protection services.

**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 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. 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.

There is therefore need to provide adequate resources for the realisation of gender transformative approached coupled with the political will for gender equality.

**LEGAL AND POLICY**
It is against this background that PIM worked with the Ministry of Gender, Children, Disability and Social Welfare; and other stakeholders to champion the review of the constitution to change the age of marriage from 16 to 18 years, which was passed in 2017. Coupled with this has been the development of a Children’s Policy and Strategy, the Gender Equality Policy and Strategy; and the End Child Marriages Strategies. Despite the conducive policy and legal environment, forced and child marriages remain a challenge, which require concerted efforts and candid action.

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 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 among the youth while dialoguing with concerned ministries to allow for the provision of SRHR services in schools.

**POPULARISATION OF POLICIES AND LAWS**
Additionally, PIM facilitated the printing of laws that promote gender equality and children’s rights. For example, 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.
PROGRAMMING
In terms of programming, PIM has facilitated the implementation of programmes in ending child, early and forced marriages, prevention and response to gender based violence, strengthening accountability and enhancing service delivery standards, influencing budget allocation and policy priorities on sexual and reproductive health rights, child protection and gender, promoting sexual and reproductive health rights for adolescents and youths with and without disability aged 10-24 years, capacity building of community, district and national level structures in children’s rights, child protection and gender mainstreaming. PIM has made a significant contribution to the implementation of the agreed recommendations.

CONCLUSIONS
The gaps which exist include non-harmonisation of laws, inadequate resources and enforcing mechanisms of the available legal provisions; and inadequate implementation of the policies. There is need to harmonise the laws, produce charge sheets for prosecutors and legal practitioners use; capacity building at all levels and comprehensive implementation of the policies and strategies.

RECOMMENDATIONS MALAWI

• There is need to 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 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 at all the levels while ensuring that the policies and strategies are comprehensively implemented.