



Government of Malawi

Ministry of Gender, Child Welfare and Community Services

**Study on Violence Against Children in
Malawi**

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LIST OF ACRONYMS.

AIDS	Acquired Immuno-deficiency Syndrome
CBCC	Community-Based Childcare Center
CBO	Community Based Organization
CCAP	Church of Central Africa Presbyterian
CEDAW	Convention on the Elimination of All Forms of Violence Against Women
CARD	Churches Action in Relief and Development
CRC	Convention on the Rights of the Child
CSA	Child Sex Abuse
DLO	District Labour Officer
DSWO	District Social Welfare Officer
ECD	Early Childhood Development
FBO	Faith Based Organization
FGD	Focus Group Discussion
FHI	Family Health International
GOM	Government of Malawi
HIPC	Highly Indebted Poor Countries
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illnesses
IPEC	International Program on the Elimination of Child Labour
MASAF	Malawi Social Action Fund
MASAJ	Malawi Security and Access to Juvenile Justice
MBC	Malawi Broadcasting Corporation
MCP	Malawi Congress Party
MCTU	Malawi Congress of Trade Unions
MHRC	Malawi Human Rights Commission
MoEHRD	Ministry of Education and Human Resource Development
MoGCWCS	Ministry of Gender, Child Welfare and Community services
MoF	Ministry of Finance
MoH& P	Ministry of Health and Population
MoLVT	Ministry of Labour and Vocational Training
MP	Member of Parliament
NGO	Non-Governmental Organization
NSO	National Statistical Office
OVC	Orphans and Other Vulnerable Children
PAC	Public Affairs Committee
TAMA	Tobacco Association of Malawi
TEAM	The Exporters Association of Malawi
TECS	Together Ensuring Children's Security
TVM	Television Malawi
UDF	United Democratic Front
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
VAC	Violence Against Children
WFP	World Food Programme
WHO	World Health Organisation

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1.0 INTRODUCTION

Malawi is a small narrow country sharing boundary with Mozambique in the east, south and southeast; Zambia in the west and Tanzania in the north. The country is divided into three administrative regions: the northern, central and southern regions with a total of 28 districts. The country was a British Protectorate from 1891 until 1964 when Malawi became independent with the late Dr. Hastings Kamuzu Banda as first president. Two years later in 1966 Malawi attained a republican status and the country became a one party state under Dr. Kamuzu Banda and presidential directives formed the bulk of public policy during his reign. In 1971 Dr. Banda was elected as Life President of Malawi.

The challenge to Dr. Banda's authoritarian rule started clandestinely in the late 1980s. In March 1992 the Malawi Catholic Bishops publicized a Lenten letter in which they called for introduction of multiparty politics, good governance and the rule of law. It was only after the publication of the letter that clandestine groups opposed to Dr. Banda's rule came into the open and formed pressure groups which later transformed into political parties. The release of the Lenten letter was followed by the arrest of Mr. Chakufwa Chihana, a re-knowned trade unionist and critique of Dr. Banda's authoritarian rule. There followed months of labour unrests in the major cities of Mzuzu, Lilongwe and Blantyre and university students protested resulting into the closure of the University.

Between 1992 and 1995, donors froze non-humanitarian aid to Malawi in an attempt to force Dr. Banda's MCP government to introduce multiparty politics and improve its human rights records. Almost at the same time Malawi experienced severe droughts especially in the early 1990s and these incidents affected the Malawi economy negatively with the Malawi Kwacha being devaluated and inflation skyrocketed. In June 1993, Dr. Kamuzu Banda called for a referendum for Malawians to choose between continuation with a one party state and the introduction of multiparty politics. Malawians overwhelmingly voted for multiparty politics. In 1994, the first elections were conducted and Dr. Bakili Muluzi and his party, the United Democratic Front (UDF) won the elections and took over government. In 1999, Dr. Muluzi won the second and final term of office although as his second term of office was drawing near, there were attempts to introduce a third term and later an open term which were rejected by parliament. In 2004, the third elections after the MCP rule was deposed, the UDF again won the elections with Dr. Bingu wa Mutharika as president. As of now, Malawi is a multiparty state with over thirty registered parties.

With regard to population, according to the 1998 Population and Housing Census, Malawi's population is 9.9 million and 51% are female while 49% are males. Malawi's population, which was 4.0 million in 1966, has more than doubled over the last 40 years. In 1977 the population of Malawi was 5.6 million growing to 8.0 million in 1987. Between 1987 and 1998 Malawi's population grew by 24% with an annual growth rate of 2.0% (National Statistical Office, 2001). According to the 1998 Population and Housing Census, approximately 86% of Malawi's population live in rural areas with only 14% living in urban areas. This shows that there has been a significant increase in urban population in Malawi as in 1977 and 1987, 8.5% and 11.0% respectively lived in urban areas. A little less than half of the Malawi population (47.0%) live in the southern region of Malawi while 41.0% and 12.0% live in the central and northern regions of the country, respectively.

With regard to age distribution, the 1998 census reported that approximately 44% of the population were aged below 15 years of age and 4.0% above 65 years of age and 52% between 15 and 64 years. The dependency ratio for Malawi is therefore 0.906 (National Statistical Office,

International Food Research Policy Institute, 2002). It can also be derived from this that a significant proportion of Malawi's population is composed of young people hence the need to ensure that their welfare, including protecting them against violence, is safeguarded as they are future leaders of the country.

1.1 The study on violence against children

The study on Violence Against Children (VAC) was commissioned and coordinated by the United Nations and its global aims were:

- (i) To draw together existing research and related information about the forms, causes and impacts of violence that affects children and young people aged up to 18 years;
- (ii) To promote ideas for action to prevent and reduce such violence; and
- (iii) To suggest ways in which these could be strengthened at local, national and international levels.

In Malawi, the Ministry of Gender, Child Welfare and Community Services (MoGCWCS), as a line Ministry dealing with the welfare of children, conducted this study through a consultant. Financial support for conducting this study came from UNICEF. The overall goal of this study in Malawi was to create an enabling environment for the prevention and protection of children from all forms of violence, abuse, exploitation and neglect taking into consideration the prevailing cultural contexts. The study was also aimed at outlining the steps that stakeholders and development partners should institute to provide effective prevention, protection, intervention, treatment, recovery and reintegration of child victims of violence. The detailed Terms of Reference (TORs) are in Appendix VII.

1.2 Methodology

As this was a multi-country study, the United Nations appointed an independent consultant who was responsible for the development of the questionnaire that different governments used for data collection. In Malawi, a two-day consultation workshop with key players in the field of violence against children was organized by MoGCWCS. Participants in this consultative workshop were drawn from government ministries, NGOs and the private sector. During the workshop, the questionnaire on VAC developed by the UN consultant was completed and the major gaps in information relating to the questionnaire were identified. The workshop was also important as it helped to identify the major issues on violence against children in Malawi. After the consultative workshop, key informant interviews were conducted with key players in VAC and these interviews were very helpful in filling the gaps in the questionnaire left by the two day consultative workshop.

In addition to the questionnaire and key informant interviews, relevant literature on violence against children and related topics was also reviewed and synthesized. Malawi's initial and subsequent CRC reports were very useful in this regard as they shed more light on what Malawi has done in its attempt to comply with the requirements of the CRC.

1.3 Limitations of the study

While the Ministry of Gender, Child Welfare and Community Services and UNICEF provided a lot of support to the consultant, there were a number of problems that were encountered in the data collection process that may have affected the process outcomes. There was general lack of

interface between the consultant, the MoGCWCS and UNICEF in the initial processes of re-conceptualizing the process of the study, re-thinking the study tools given the local scenario and agreeing on the format of presentation of the final report among other issues which derailed completion of the study. While the questionnaire was a necessary tool for data collection better results would have been obtained if other data collection methods such as focus group discussion (FGDs) to explore issues in details were used. The other limitation was the lack of funds for traveling outside Lilongwe, the capital city of Malawi. Although some data was gathered through phones, which is expensive, traveling to places outside Lilongwe and conducting face to face interviews would have yielded better information. The lack of travel also limited the consultant from gathering relevant literature on violence against children from institutions outside Lilongwe. Lastly, the outcomes of the consultative workshop would have been more enriching if it were done outside Lilongwe as this would have prevented people from leaving the workshop and visiting their offices during the consultative workshop.

2. LEGAL FRAMEWORK

2.1 International human rights instruments

Malawi is a signatory to a number of International human rights instruments for example, the Convention on the Rights of the Child, the International Labour Organisation's conventions on minimum age for employment and on worst forms of child labour among other international instruments. It is obligatory therefore that Malawi should comply with the requirements of these international conventions. The initial report on the CRC describes in details what the Malawi Government is doing to comply with the convention and also spells out the different problems that hinder implementation of the CRC recommendations.

2.2 Legal provisions on violence against children

While at the international level, Malawi has signed these instruments, at national level there have been a number of developments with respect to legislation relating to violence against children as described below:

2.2.1 Malawi's constitution, legislation and subsidiary legislation

The Constitution of Malawi adopted in 1994, in section 23 provides for the protection of children from any form of abuse. In addition to the constitution, there are other pieces of legislation which address violence against children for example the Employment Act of 2000 which forbids employment of children under the age of 14; section 20 of the Children and Young Persons Act provides for grounds of care and supervision proceedings in the event of violence against children; and under the penal code child neglect is an offence which attracts a fine of K20,000 or 5 years imprisonment. There are other sections of the penal code which address violence against children in Malawi and these are:

- Section 165 makes it an offence for parents or guardians not to provide children with food and other basic necessities.
- Section 167 makes it an offence to steal a child or to harbour a stolen child.
- Section 137 makes it a felony to indecently assault women or girls and the penalty is fourteen years imprisonment. Under this section it is not a defense under a charge of indecently assaulting a girl under thirteen to prove that she consented.
- Under Section 138 of the Penal code, it is a felony to defile or have carnal knowledge with a girl under the age of thirteen years and this is punishable by life imprisonment.

It is important to note that provisions in sections 137 and 138 of the Penal Code are silent on similar offences committed against the boy-child. Given the increased reports in the media of similar offences against the boy-child, it is important that the Penal Code should make provisions that are inclusive, hence the need for review of the penal code. The Malawi Government recognizes the need for the review of laws relating to children and this is why a special commission within the Malawi Law Commission has since been established which has been tasked with the review of child rights-related laws to incorporate, among other things, principles of international instruments into the Malawian child law.

While the constitution provides for the protection of children and national laws are being reviewed, there are a number of policies which have been developed in order to address issues relating to

violence against children for example, the national policy on orphans and other vulnerable children, the national policy on early childhood development and the national policy for people with disabilities. The development of these national policies conforms with the requirements as detailed in the CRC to which Malawi is a signatory and the CRC has since been translated into local languages.

In order to better address VAC specialized units have also been established within the Malawi Government and the following units are most notable: the Child Welfare Section in the MoGCWCS, the Child Labour Unit in the MoLVT; the Child Rights Unit in the MHRC and the Victims Support Unit in all police stations in the country that looks into child and other vulnerable groups protection issues.

2.2.2 Customary law on violence against children

One pertinent factor that needs to be appreciated under customary law is that it is an unwritten law. As such, its administration and wisdom is very fluid and largely dependent on the rules of natural justice and on prevailing circumstances. The custodians of customary law are basically the chief's council which is composed of elders (mostly men) of a particular village. While one of the chiefs (and his council) said that customary law is very protective of children, however this claim needs to be investigated further. The council of chiefs who participated in a discussion acknowledged the dynamic nature of culture, hence while certain practices were protective in the past, in the modern day they are detrimental especially in this age of HIV/AIDS. Participants in the discussion cited instances of VAC such as early marriages and arranged marriages, child neglect and gender-based violations for example preventing girls from participating in education due to labour demands.

According to the council of chiefs, under customary law, violence against children at whatever level is first reported to the chief, who summons his council to decide on how best to intervene. Depending on the severity of the violation, the council may just mediate between the victim and the perpetrator, or they may prescribe some penalty for the perpetrator, or they may refer the case to the police, or hospital whichever might be the case. While cases of abuse are dealt with by chiefs, apart from lack of training on how to handle VAC, they are also custodians of most of the cultural practices which perpetuate violence against children. At some level therefore, it's not very logical to expect them to go against the very same culture they are standing for.

The chiefs who were interviewed acknowledged that there have been some short term training programmes which they have attended on how to protect orphans and other vulnerable children against abuse, on how to handle cases of property grabbing (a very common form of violence against children and women in Malawi) and on how to intervene when orphans and other vulnerable children are being abused by their guardians/relatives. These trainings have been conducted by the 'Malawi Social Action Fund' (MASAF), which is a government rural development program that draws its funding from the World Bank. While very few chiefs have received this form of training, property grabbing and related forms of VAC are nationwide, hence the need to train leaders and chiefs all over the country. These training programmes which have been offered by MASAF are an important entry point into raising awareness among traditional leaders on issues of violence against children, including corporal punishment at family level. They could also be used as forums to sensitize them on how best to address VAC at community level. One major outcome of such training programmes arranged by chiefs is that community violence against children monitoring committees can be formed and these can be similar to the child labour

monitoring committees that have been put in place by the Ministry of Labour and Vocational Training (MoLVT), this time focusing on general violence against children including corporal punishment.

Although the Constitution of the Republic of Malawi bans corporal punishment, under customary law, corporal punishment is still condoned especially at family level, even though the chief's council reported that this is being discouraged. Due to the privacy of the family setting, there is still no permission for social workers or labour officers to inspect homes with the aim of reinforcing child protection against home-based violence such as corporal punishment. This could explain why corporal punishment spills over to primary school settings, because traditionally children can be beaten in order to instill discipline. Many examples abound within communities where parents are said to have advised teachers to administer corporal punishment to their children in school to instill discipline. While corporal punishment is condoned within the family, and provided for in the penal code (Section 25 (3), Section 19(4) of the Malawi constitution outlaws any form of corporal punishment and there are no legal defenses to it. The penal codes also provides for corporal punishment for certain offences in section 25(1). The Penal Code however was instituted earlier than the constitution, hence its provisions are invalid.

2.2.3 Some specific legislative provisions dealing with violence against children

In Malawi there are no specific legislative provisions addressing all forms of violence against children in the areas as detailed in the questionnaire with an exception of the following:

- Section 22 of the Employment Act which protects children from ***hazardous employment*** and Malawi has since adopted the ILO Convention .
- With regard to ***harmful or violent traditional practices***, the constitution in section 19(3) upholds personal dignity and personal freedoms and prohibits the torture or any kind of cruel, inhuman or degrading treatment. Even though violent traditional practices such as female genital mutilation are not specifically provided for, section 19 of the constitution covers these issues. The constitution explicitly forbids forced marriages in section 22 and that marriages for persons aged between 15 and 18 can only proceed with parental consent.
- There are no provisions dealing with ***honour crimes*** and the rights accorded by the Constitution would therefore prevail.
- There are no specific legal provisions to address all forms of ***violence against children to non-citizens***. However, under section 9 of the Refugees Act, the laws are applicable to refugees in general and therefore such children enjoy the same rights as Malawian children. Further section 20 of the Constitution provides for equality and non-discrimination for all.
- There are no specific legislative provisions on ***children and pornography*** but there are general censorship laws that criminalize pornography (Censorship Act and the Penal Code). With regard to production, possessions and dissemination of child pornography transmitted through the media, internet, video, electrical games etc there is specific legislation except that these issues are covered in the Censorship Act which unfortunately does not specifically address the internet and electronic media because the (Censorship) Act was put into law before the dawn of these information technologies. There is therefore need to review the Censorship Act to include modern communication technologies such as the

Internet, electronic games, and other electronic media.

- The special Law Commission on child-related laws is currently reviewing all laws relating to children and has currently completed drafting recommendations on a new law on Child Justice. The special Commission's next focus is care and protection which shall cover all areas of abuse, exploitation etc. This review will also work out procedures for child-offenders.

In Malawi there are several studies which have been done on children in general for example surveys on child labour (National Statistical Office, 2004) but thus far there has been no specific studies on the subject of violence against children. Currently discussions are underway for Malawi to undertake a study on violence against children. Likewise there have not been any studies undertaken to assess the impact of legal measures to address violence against children.

2.2.4 Courts tasked with addressing Violence against children.

All the courts in Malawi have been mandated to deal with violence against children issues. The juvenile courts do not have specific responsibility for this. The juvenile courts deal with juveniles as offenders.

2.2.5 Minimum age for sexual activity and sexual exploitation of children

It is also important to point out that there are certain beliefs associated with having sex with children and young girls that are common among Malawian societies that aggravate sexual violence against children and young girls. The most common among these is the belief that having sex with children or young girls, or indeed indulging in incest relationship with one's own daughter for example, facilitates the activation of certain magical wands that can make one acquire wealth in terms of money and other material possessions. This belief has been behind most incest practices in Malawi that have involved fathers and their daughters. Because there is the fear of magic behind such practices, it has been difficult for concerned family members to come out in the open to discuss or disclose of such malpractices for fear that their family members will die under the influence of such magic. See Kaponda, (2000; p. 22).

Lately, there is some general belief that seems to indicate that having sex with children or young girls or indeed people with disabilities, that are purportedly HIV/AIDS infection free, will cure an adult man from the infection. This belief has accounted for the escalation of child sexual and people with disabilities abuse cases with the advent of the HIV/AIDS pandemic.

Listed below are other cultural conceptions related to sex between children and young girls and older male counter parts condoned by culture that are nevertheless instances of CSA.

'Kupimbila'/Debt Repayment.

This is a term that is used to cover a practice commonly practiced in the Northern Region of the country where an adult or parent can borrow money or other material wealth such as herds of cattle from another adult and pledge as collateral one's own daughter. The daughter is then surrendered to the lending family to provide services at household level until such a time that her parents or guardian is ready to pay back the loan. Should they fail to pay back the loan, the lender is free to use the young girl as his sex partner.

The practice of 'fisi' is also utilised during initiation ceremonies among the Chewa people of the Central Region where elderly women arrange with some designated males of their community to have sex with girl- initiates before they come out of the initiation camps as a sign that they are now adults.

'Kuchotsa Fumbi'/Cleansing after Initiation.

This is another term that covers a traditional practice that marks a rite of passage for girls among most tribes in the Southern Regions of Malawi. Generally, the young girls are taken into camp by traditional advisors and they undergo counseling. But at the end of this counseling, the advisors arrange with specific/designated male members of the community to have sex with the girls as a symbol that they are now adults. This practice is done without the consent or knowledge of the girls. The men are supposed to steal on the girls at night and force themselves on the girls without disclosing their identity. While this is obviously a form of abuse condoned by the society, it is also a health hazard at the moment due to the advent of the HIV/AIDS epidemic. It ought to be stated that in those areas where such rites are observed, they have also been blamed for the spread of HIV/AIDS, because one adult can have sex with a number of girls during such nights and should he be infected, or should one of the girls be infected, he will invariably spread the infect right across a big number of unsuspecting girls year-in-year-out.

'Kulandira Alendo'/Installation of New Chiefs.

This is another commonly practiced rite among the Chewa tribes of the Central Region during the installation of new chiefs that is also a violation of the rights of young girls. During the installation of chiefs, other chiefs from near and far come and spend nights in the Chief-Designate's village. During such nights, it is part of good traditional etiquette that young girls should be organized that will be required to keep the visiting chiefs company and have sex with them during the nights. Like in most cultural rites, the girls involved are never consulted for their express opinions about the arrangement. On the other hand, it is supposed to be considered a high honour to be invited to serve visiting chiefs in this manner, apart from it being considered good manners for one to comply with such traditional demands.

Boy/Girl Child Genital Mutilation.

This is another cultural practice common among the Yao tribes of the southern region of the country. Like in other cultures of Africa where genital mutilation is practiced during initiation ceremonies, it involves cutting-off of parts of the genitals. Apart from the known hazards of genital mutilation, there is also the added health risk factors related to the spread of the HIV/AIDS infections among such initiates.

'The Nyau Cult' (Masked Spirit Dancers).

The 'Nyau Cult' is a male exclusive secret society/cult among the Chewa tribes of the Central Region. The cult is believed to be an assemblage of masked ancestral spirits that reside in the graveyard or that arise from the water. Most of the boys initiated in the cult drop out from school. Infact the cult worshipper discourage children from going to school. For details of some of the violations against children by the Nyau cult, refer to the draft report of a UNESCO study on 'Cultural Conceptions of Rights' (2003).

Most of these cultural practices that are condoned by Malawian society depending on their geographical location involve instances of violence against children. It is pleasing to note, however, that lately there has been a lot of media campaigns against most of these harmful cultural practices. (See News Clips in **Appendix VI** of this report). This is a sign that society is waking up to the negative aspects of some of their cultural practices. It is important to mention that in a way, the HIV/AIDS pandemic has been a very good wake-up call especially for the sex-oriented child abuses. With the resultant deaths of young children, it has been easy to convince custodians of all these cultural practices that if they don't stop practicing them, their generation will be die by the pandemic.

Cultural Age of consent.

The fact that traditionally the age of consent to sex or marriage can be as low as twelve or thirteen years for girls can also be described as a violation of the rights of the children involved. Fortunately there is provision in the constitution of Malawi Section 22 (4) “ ***No person shall be forced to enter into marriage***”. And for persons between the age of 15 and 18 years a marriage shall only be entered into if the consent of their parents. The minimum age for sexual activity is 13 years as this is also the age for defilement and it is the same for girls and boys. There is no specific legislation provision on sexual exploitation of children but there are some general provisions on prostitution in the penal code.

The press in Malawi has reported the existence of ***homosexuality*** in Malawi but this is at a very very small scale. Irrespective of this, homosexual activities are offences regardless of the age at which they are committed. With regard to marriage, under section 22 of the Constitution, persons between 15 and 18 can marry with the consent of parents. The state is obliged to discourage marriage under the age of 15 years (section 22 (8)). This is not an express prohibition though. The State's duty is only to discourage marriage under 15 years.

2.2.6 Complaints procedures including reporting obligations relating to violence against children

The procedure for dealing with victims of violence against children first involves reporting the incident to local committees or authorities who refer the victim to police. If the victim is hurt or raped or requires professional report, he or she is sent to professionals (for example medical doctors) to be assessed and a report is compiled to be used for further proceedings. The report is part of the statement that is compiled to be used for further proceedings. The report is part of the statement that is compiled by the Police who submit to the court. If necessary the court may request a separate medical or probation report. There is need to mention that there are no specific complaints procedures outside the normal reporting of a criminal offence to the police. Any person can report a criminal offence to the police. Children like adults can access legal aid if they qualify. While a police report is required before a hospital can treat child victims of violence, it should be mentioned that there are no sanctions for non-reporting.

Perpetrators of violence against children are apprehended and brought to the police where a statement is taken. The perpetrators are supposed to be charged within 24 hours after being brought to the police as stipulated by law. The perpetrators are punished if found guilty otherwise they are released if found innocent. The Department of Prison Services was set up to deal with convicted criminals. When perpetrators are in prison, they are provided with rehabilitation services such as

counselling, vocational skills, continuing education services and medical treatment. The Department of Social Welfare, Faith-Based Organisations (FBO) and prison officials are allowed to visit the prisoners to provide them with rehabilitation services. They sometimes even have entertainment and sporting activities which are, at times, undertaken with the public and various institutions. While work done by Social Welfare Officers and others is commendable, such type of work needs to be intensified and that advanced courses in rehabilitation of victims and perpetrators is required for wardens of prisons, police officers, social welfare officers, health officers and other partners in prison services.

2.2.7 Juvenile justice administration

When the victim is a child, the procedure of handling him or her is as described above. The major emphasis is that parents and guardians should accompany and provide support to the child. When the perpetrator is a child, depending on the gravity of the violence perpetrated, the probation officers of the juvenile compile an assessment court social report in which appropriate recommendations are given on how to treat him or her. The court social report is presented to the magistrate handling the case to advise him or her on the situation of the juvenile and suggested rehabilitation measures. If a juvenile is found guilty and depending on his or her situation and the gravity of the offence, he or she is put on probation to live with parents and be under the supervision of a gazetted probation officer, social welfare officer or, if it is a male below 14 years of age, he may be referred to Mpemba Reformatory Centre and if he is below 18 years of age, he is referred to Chilwa Reformatory Centre. Currently Malawi does not have a Reformatory Centre for girls. Officially, children below 18 years are not supposed to be put in prisons, but depending on the gravity of the crime, some juveniles are admitted in prisons, mainly in juvenile cells made available especially for children.

The reformatory centres and juvenile cells provide rehabilitation services in forms of primary and secondary education, vocational skills training, counselling services, economic activities, spiritual and social services. The vocational skills which are provided include carpentry, bricklaying, tinsmith, tailoring, painting, leatherwork, animal and poultry farming. Juveniles that have fully been rehabilitated are discharged and are given tools of trade that they acquired during institutionalisation. Probation officers or social welfare officers supervise discharged juveniles to make sure they are properly resettled in the community. These procedures are, most of the times, challenged by the limitation of resources.

2.2.8 Other issues relating to complaints procedures

With regard to *raising awareness of possibilities to submit complaints* about violence against children, there are a number of initiatives that have been put in place. For example within the Police Service, there are a number of units which are involved in creating awareness about dealing with VAC and these are the Family and Child Protection Unit, Victims Support Unit, and the Youth Outreach and Schools Programs. These different units within the Police Service are conducting awareness campaigns and civic education on such issues.

As of now there are no any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children. With regard to usual outcomes of complaints of violence against children, the perpetrator is apprehended, prosecuted and then punished if found guilty as has been described above. Procedures such as perpetrator rehabilitation or family therapy are very limited as it is only the social welfare officers who provide the victim with basic counselling as the

officers themselves are not professional counsellors as well. If children are found guilty of perpetrating violence, depending on gravity of the violence, they are either sentenced to do community service work or sent for rehabilitation at government approved institutions.

3.0 INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VAC

The objective of Institutional Framework and Resources Section is to describe the available state structures and resources which are coordinating multisectoral activities addressing violence against children (VAC) in Malawi. Government ministries, non-governmental organisations, steering and technical committees at national, regional, district, area and village levels among other institutions are responsible for addressing VAC in Malawi.

3.1 The Ministry of Gender, Child Welfare and Community Services:

The Ministry of Gender, Child Welfare and Community Services is the lead government authority that coordinates the provision of services to all children in need of care and protection including dealing with VAC issues. There are three key departments in the Ministry namely: Department of Social Welfare which coordinates children services including child protection and early childhood development (ECD) ; Department of Community Development; and the Department responsible for Gender Affairs. The Ministry is responsible for administration of children Services mandated by the Acts of Parliament designated for the protection and welfare of children and these Acts are:

- The adoption Act, Chapter 26. 01
- The Children and Young Persons Act, Chapter 26. 03
- The Affiliation Act, Chapter 26. 02
- The Maintenance of Married Women Act, Chapter 25. 05
- The wills and Inheritance Act, Chapter 10. 02

These Acts of Parliament mandate the Ministry of gender, Child Welfare and Community Services to provide a number of services to protect children. These include:

3.1.1 Foster Placement Services

The Ministry identifies foster parents who are matched with orphans or other children in need of care and protection for example abandoned children. In order to encourage foster parents, the Ministry used to pay an honoraria of MK200/month/child to the foster parents. This honoraria is however currently not being provided due to lack of funding. After placement, the Ministry supervises the foster family and ensures reunification of foster children with blood relatives. Where the latter is not possible, the children may be adopted.

3.1.2 Adoption Services

This involves a permanent change in the custody rights from the biological parent or guardians (alive or deceased) to the new adoptive parents. This process is undertaken in a court of law and the duty of the Ministry is to serve as guardian.

3.1.3 Public Assistance

The Ministry also provides short-term relief and public assistance to destitute children and their families e.g., food, shelter, clothes and transport. A growing number of children are becoming destitute, especially when both parents have died due to HIV/AIDS.

3.1.4 Institutional Care

Under the Children and Young Persons (CYP) Act, the Ministry is responsible for the management of Approved Homes and Schools. Currently there are two: one at Chilwa in Zomba and another at Mpemba in Blantyre. The MoGCWCS also supervises the establishment of new homes or orphanages by private individuals or non-governmental organizations. There is, however, need to strengthen the role of the MoGCWCS in inspecting children homes to maintain appropriate standards. In addition, the MoGCWCS runs projects for children including Community Based Child Care Centers (CBCC).

3.2 Other government ministries dealing with VAC

In addition to the Ministry of Gender, Child Welfare and Community Services, there are also other government ministries and institutions that deal directly with VAC and these are:

- **Ministry of Justice and Constitutional Affairs** which provides legal and advocacy services, review of laws that are deal with VAC and providing technical support to the government structures working on VAC.
- **Ministry of Home Affairs** which provides services ranging from child and victim support, public assistance, counselling, civic education and awareness campaigns. This Ministry through the Police Service has set up Family and Child Protection Units in all police stations. The Police also have victim support units and youth outreach and school programmes.

Other Ministries and Government Departments which provide services in relation to VAC are as follows :-

- Ministry of Education and Human Resource Development.
- Ministry of Health and Population.
- Ministry of Justice and Constitutional Affairs.
- Ministry of Home Affairs.
- Ministry of People with Disabilities and Social Development.
- Ministry of Agriculture and Irrigation.
- Ministry of Labour and Vocational Training.
- Ministry of Relief and Rehabilitation.
- Ministry Responsible for Water Development.
- Ministry of Youth, Sport and Culture.
- Ministry of Finance, Economic Planning and Development
- Ministry of Local Government
- Office of the President and Cabinet
- Ministry of Local Government and District Administration

These ministries have programmes and services that are target children and communities in general. For example the Ministry of Health and Population through government hospitals very often keep orphans until such a time when they can be placed in foster homes. District, town or city assemblies together with the Administrator General are involved in the maintenance of deceased estate.

The Ministries which have been mentioned above form a National Steering Committee on children. It should be mentioned that some of these ministries have regional, district, area and village level offices. Other Government structures that deal with VAC at all levels of the Malawi Society are as follows :-

- Malawi Law Commission.
- Malawi National AIDS Commission (NAC).
- Malawi Human Rights Commission.
- Malawi National Commission for UNESCO.
- Board of Visitors for Probation Services.
- National Juvenile Justice Forum (NJJF).
- Family protection and Victim Support Service Unit.
- Youth Outreach and Schools Programme.
- National Youth Council.
- National Steering Committee for Children Services.
- Technical Working Groups on child labour, orphans and vulnerable children (OVC), child protection, community integrated management of childhood illnesses (IMCI), national network on ECD and community child care.

All these technical groups report to the National Steering Committee on children which is chaired and coordinated by Ministry of Gender, Child Welfare and Community Services. The Steering Committee reports to the coordinating minister who reports to the President and the Parliamentary Committee on Women and Children.

While there are these structures at national, regional and district levels, there are also *some structures at community level* that deal with VAC issues and these include:

- Community Based Childcare Communities.
- Juvenile Justice.
- Crime Prevention Committee (CPC).
- Youth Technical Sub-Committees (YTSC).
- Home Based Care Committees.
- Orphan Technical Sub-Committee (OTSC).
- Child Labour Committees.
- Youth Child Labour Volunteers.
- Youth activists groups.
- Parents Committee for ECD Centres.

There are a number of approaches that are used in implementing VAC work and these are through:

- Community Based Approach.
- Community mobilization and Participation.
- Meetings.
- Community Dialogue.
- Reports.
- Information Education and Communication materials (T-Shirts, Posters, Drama, Radio).
- Village shows.
- Modeling.

It is apparent from this discussion that there are a number of institutions and organisations that deal with VAC issues in Malawi. It is therefore important to examine how this work is coordinated at different levels.

3.3 Coordination of work on violence against children coordinated by the Ministry of Gender, Child Welfare and Community Services

The coordination of child welfare services is ensured through a Joint Coordination Committee that works through a National Steering Committee, National Technical Committee, District Coordination Committees and Community Implementation Committees. The composition of these committees is as follows:

3.2.1 Joint Coordination Committee

This is mainly a meeting of donors and top government officials interested in child welfare issues. The Ministry of Finance is the lead ministry at this level. This committee meets once a year, or indeed when it is necessary.

3.2.2 National Steering Committee

This comprises of a team of policy makers at the level of Head of Missions for example UNICEF, WFP, WHO, UNESCO and Family Health International (FHI); Principal Secretaries; and Directors from Ministries of Gender, Child Welfare and Community Services; Health and Population; Education and Human Resource Development; Labour and Vocational Training; Social Development and People with Disabilities; and Local Government and District Administration. This team meets bi-annually. Its major focus is policy direction in relation to children. The Ministry of Gender, Child Welfare and Community Services is the lead ministry at this level.

3.2.3 Technical Working Groups:

The Technical Working Groups are specialized meetings of implementers of the various child welfare programs. They comprise mainly of the following thematic working groups: Early Childhood Development, Orphan and Vulnerable Children, Child Protection, Child Labour, and Community-IMCI. They hold their meetings quarterly. Their focus is on management and administration of the various child welfare programs at national level. The Ministry of Gender, Child Welfare and Community Services is the lead ministry for the technical working groups.

3.2.4 District Coordination Committees

These are meetings of implementers at district level. Such meetings are held monthly. They bring together all stakeholders involved with child welfare projects at district level. These focus on the day-to-day running and management of child welfare programs at district level. The district assemblies are the lead in these fora.

3.2.5 Community Implementation Committees:

At community level, community implementation committees hold regular meetings to discuss pertinent issues relating to the daily management of child welfare activities. The

Community Development Assistants who are employees of the Ministry of Gender, Child Welfare and Community Services call such meetings. The Community Committees report to the District Coordination Committees.

It is evident that the coordination structure as described above is in place and its effectiveness, especially at district and community level can, be noted. There is also evidence that the community and district coordination meetings take place in some districts but in others the initiatives are hampered by inadequate funding. The picture is slowly changing because UNICEF has started funding some of such meetings. The Ministry of Gender, Child Welfare and Community Services, as a lead agency in ensuring the conduct of these meetings, should ensure that funding is available and that coordination among different stakeholders, be it at national, district or community level, is improved.

While the above coordination mechanism exist and there is some proof that it works, there are however some gaps that need to be addressed. Prior to the change of government in Malawi in 1994, there existed a National Commission for Children whose mandate was to coordinate all issues relating to children across ministries and all stakeholders. The MoGCWCS believes that reviving this Commission would facilitate better coordination of activities relating to children including VAC. According to the MoGCWCS, for example, when the Ministry is expected to work with the Police and the Courts in order to handle a particular issues, the Ministry relies on its Social Welfare Officers who conduct social inquiries on an instance of violence after which rehabilitation, counselling or curative measures have been recommended and applied. However, in some cases social welfare officers are not able to decipher cases which warrant a criminal inquiry by the Police or when the same offence should qualify for a court inquiry. Because of these knowledge gaps and the lack of proper coordination between the Social Welfare Officers, the Police and the Courts, most child abuse cases have not been holistically and adequately addressed. Most of such cases have just been addressed through the social welfare system, thereby denying them recourse to prosecution and/or punishment of the perpetrators. Because of these gaps, perpetrators of violence against children have gone unpunished. Such offenders have then gone on to commit further offences taking advantage of these loopholes in the implementation of justice

It can therefore be safely concluded that despite the fact that within the institutional framework there are all those legal provisions put in place to address issues of violence against children, there is a big gap in their application because the process has largely relied upon the initiative of the Social Welfare Officer who has neither knowledge nor skills on how to network with the other service providers in the line of the administration of justice for perpetrators of violence against children.

3.4 Ministry of Labour and Vocational Training

This section focuses on activities carried out by the Ministry of Labour and Vocational Training (MoLVT) especially with regard to child labour which is one of the most important forms of violence against children. Since 2000 the Ministry of Labour and Vocational Training has developed an elaborate system to address labour-related violence against children in Malawi. It is also important to realize that in the course of working towards the elimination of child labour, the MoLVT has come across other forms of VAC that they have taken steps to address.

Various authors have defined child labour as paid or unpaid work and activities which are performed by children and generally considered to have a negative impact on the physical as well

as mental development of these children (Kaponda, 2000 and Munthali, 2003). Further, child labour is also perceived as work that interferes with the child's education and that which is harmful to their health and well-being. However child labour should be differentiated from child work which is perceived as an important component of the socialization and acculturation process through which every child undergoes as preparatory stage for the assumption of adult life. According to the Employment Act of 2000, child labour is employment of children below the age of 14 and this is in line with major international conventions such as the CRC.

For purposes of Malawi however, it is worthy noting that while 'child work' could have benefits especially for those children that have lost parental support, or those whose parents are struggling under the burden of poverty, Tsoka and Konyani, (2003) are quick to add that in most child work situations, and particularly where the child involved is vulnerable due to a number of factors, there is a very thin line between child work and child labour. As such, the earlier observation that child labour should be differentiated from child work should be taken with caution.

Tsoka and Konyani, sum it up all when they state that 'It is now commonly agreed that, whether due to pressure of poverty and underdevelopment or sheer exploitation, child labour has deprived children concerned of the opportunity for personal advancement and society of progress based on the development of its human resources. Indeed child labour has emerged as the single most important source of child exploitation and abuse in the world'. (p. 1). This debate withstanding, it is important to note that section 23(4) of the Constitution of Malawi protects children from economic exploitation or any treatment, work or punishment that is, or is likely to be hazardous, interfere with their education or harmful to their health, or to their physical, mental or spiritual or social development.

3.4.1 Structures Working Against Child Labour

The Ministry of Labour and Vocational Training has officers at regional and district levels and recently child labour committees have been established at community level. There are a number of projects being sponsored by different donors and these projects are targeting child labour at community level.

- The International Labour Organisation is currently supporting the work of non-governmental organisations which are involved in the monitoring of child labour at community level. The project is running in 4 districts namely Mchinji, Mangochi, Kasungu, and Mzimba.
- Under the coordination of the National Youth Council, Volunteer Child Labour Committees have been established in eleven districts of Mulanje, Thyolo, Blantyre, Dedza, Lilongwe, Mchinji, Kasungu, Mzimba, Mzuzu, Rumphi and Nkhhotakota. The function of these Child Labour Committees is to monitor and report any child labour related activities at community level to the MoLVT and UNICEF for prevention, protection, redress, rehabilitation, and/or penalties. The Child Labour Committees are run by indigenous youth residing in those communities. They are equipped with training to recognize child labour and bicycles for mobility and some modest allowances for their up-keep. This initiative is being funded by the Norwegian Embassy through UNICEF.

3.4.2 Coordinating work on child labour

A number of initiatives have been set up to deal with the problem of child labour. These include the following:

(a) The National Steering Committee on Child Labour.

There is a National Steering Committee on Child Labour that coordinates all activities and initiatives related to child labour by government, NGOs, the private sector, faith based communities, community based organisations, UN agencies such as UNICEF, UNFPA, UNDP, donor agencies, employers, civil society, trade unions, even by interested individuals. The Ministry of Labour and Vocational Training chairs this committee. It meets once a year, but it holds ad hoc meetings when need arises. This steering committee has been merged with the Steering Committee on Children Affairs. In order to facilitate its operations, the Ministry of Labour and Vocational Training Steering committee has developed its own code of conduct.

(b) Technical Working Group on Child Labour

The MoLVT chairs this group. Its composition consists of all stakeholders on child labour-related issues.

(c) The child Labour Control Unit.

This is a unit within the MoLVT. Its main function is to ensure that issues of child labour are being properly articulated at Ministry level. It also ensures that there is proper coordination all the stakeholders in child labour issues at national level. Currently the unit has recruited one Head of Unit, one Co-Head of Unit at P7 and three university graduates at PO grade. This team of five senior officers, based at Ministry level, works through the MoLVT system to reach the grassroots (i.e., through the regional and district structures that already exist).

Just like the MoGCWCS, the MoLVT works through a number of approaches including meetings, consultations, monitoring and evaluation activities and networks. It also works through the National Youth Council that organizes youth activists at community level to monitor child labour. Labour Inspectors at district level conduct on the spot inspections to all employment establishments and the regional and district labour offices in addition to conducting inspections also receive complaints from communities.

While there are all these attempts by the Ministry of Labour and Vocational Training, there is also need to emphasise that it is very difficult to get information on child labour in Malawi and the general lack of enforcement by the Ministry of Labour and Vocational Training due to a number of factors including understaffing, lack of training, the general lack of transportation and the lack of access to workplaces where child labour is prevalent, for example residences (see Tsoka and Konyani, 2003).

3.4.3 Responses to Child Labour by the tobacco industry

In general the agricultural industry has received a lot of negative publicity in relation to child labour in Malawi. While the problem of child labour persists, the agricultural industry has taken some steps to improve their public image and assist government fight child labour in the tobacco industry.

(a) *Formation of associations*

Both the tobacco growers and exporters industries have formed associations.

- ***The Association for the Elimination of Child Labour:***

The Tobacco Association of Malawi (TAMA) formed the Association for the elimination of child labour. This association represents a grouping of tobacco growers in Malawi which are working against child labour in the tobacco growing industry.

- ***The Exporters Association of Malawi (TEAM):***

The Exporters Association of Malawi (TEAM) initially came up with ‘The Tobacco Exporters Child Services’ (TECS) in 2002, which later changed to ‘Together Ensuring Children’s Security (TECS). Through TECS, TEAM intends to fight child labour in the tobacco exporting industry.

Both the growers and exporters associations have come up with an employment policy that stipulates that the tobacco industry is a ‘child labour free’ industry. To reinforce this policy, the associations have agreed to fire any Managers who employ children.

According to Ministry of Labour, in order to help government fight child labour, **TAMA** have built a primary school in Nkhotakota. The school was built to counter criticism that in Nkhotakota children do not enroll in school because they are employed in the tobacco industry. TAMA’s stand is that children in rural communities of Nkhotakota do not enroll in school because there are no adequate primary schools in their communities.

TECS on the other hand have adopted a holistic approach to the fight against child labour. They have pledged that they will fight child labour from four strategic fronts as follows:

- ***Agriculture and Food security:***

TECS believe that children cannot learn when they are hungry. They also believe that children drop out of school because they are hungry. As such, TECS is piloting two projects in Kasungu district that are helping parents grow food. Through Ministry of Agriculture Extension Services, TECS is conducting training in crop and land husbandry as well as irrigation. The 2001/2002 famine made a lot of children to withdraw from school because of hunger as can be shown in Table 1 below.

Table 1: School attendance in 2002, Nyalugwe F.P. School (Mchinji) – Source: Munthali 2003

Class	Std 1		Std 2		Std 3		Std 4		Std 5		Std 6		Std 7		Std 8		Total		
	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Total
Jan	44	51	26	32	48	38	40	35	18	18	22	16	21	18	20	10	239	218	457
Feb	28	30	18	19	25	20	23	18	11	12	15	10	12	9	16	9	148	127	275
Mar	21	28	16	16	20	18	21	15	10	11	15	11	11	10	13	8	127	117	244
Apr	33	36	22	24	26	24	28	26	15	14	19	17	18	16	16	11	177	168	345
May	59	45	57	69	53	43	45	43	25	29	56	26	33	28	28	18	356	301	657

Jun	60	48	57	70	52	46	47	44	27	30	54	28	34	29	28	19	359	314	673
Jul	62	46	59	61	57	44	45	47	35	29	58	27	33	28	29	21	378	303	681
Aug	60	45	58	62	54	45	45	46	34	30	56	27	35	28	30	22	372	305	677
Sep	62	54	55	50	58	48	53	49	32	25	38	25	42	27	33	21	373	299	672
Oct	58	51	50	48	50	44	50	46	30	23	34	22	41	23	31	20	344	277	621
Nov	42	45	43	39	41	36	42	37	28	21	31	19	36	20	31	20	294	207	501
Dec	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

It is evident from Table 1 that from January to April 2002, school enrolment was very low and it only started picking up in April because the maize had matured and school pupils had started eating again. Hence targeting communities and ensuring that they have enough food is a good intervention measure that would force children to go to school. This study also showed that many school pupils had to withdrawal from school as they had to go and assist their parents doing piece work to find food for their households (Munthali, 2003).

- ***Agro-forestry:***

TECS is working with the Livingstonia and Nkhoma Synods of the CCAP church through ‘Total Land Care’ (an agriculture-based NGO) to provide training to parents in forestry. TECS believes that even when food is available, but if there is no firewood with which to make fire for the preparation of food, children will still be forced to skip school in search of firewood.

- ***Water and Sanitation and Education:***

TECS believes that children will not learn properly if there is no safe drinking water within their communities. Instead they will contract water borne diseases from polluted water and be sickly. At worst, they will skip school in search of safe water sources. As such TECS is drilling in schools and communities safe water sources such as boreholes and shallow wells.

- ***Health and HIV/AIDS:***

Under this component, TECS intends to cooperate with the National AIDS Commission (NAC) to complement their activities with HIV/AIDS and other communicable disease prevention interventions for the benefit of those communities involved in tobacco exporting. As of now, TECS is still negotiating modalities with NAC on how to go about this project.

Although these are some of the best practices for Malawi from the tobacco industry, they should also be understood as the industry’s reaction to international child labour lobbyists in the tobacco industry. According to Tsoka and Konyani, (2003; p. 48), TECS is working on developing a product-labeling program for all products sold on the Malawi markets. The label will signify that the product was made without the use of child labour in all its processes. TECS is engaging the Malawi Bureau of Standards in this endeavour. Once this is achieved, TECS hopes to sell the idea in SADC region. Tsoka and Konyani conclude by stating that although this is just under development, it is noted that the labeling for the Malawi market is consequential. Further, there will be need for close monitoring of manufacturers to ensure that the label is not abused.

Munthali, (2003; p.3), draws our attention to further huddles on the ground in trying to get information on child labour, not only in the tea estates, but Malawi in general when quoting Kooijmans, (1998; p. 8) he writes: ‘while these international and national pieces of legislation exist, the major problem is the lack of enforcement. Kooijmans has attributed the problem of legislation enforcement to weaknesses in the inspection system, especially the fact that they are understaffed, inadequately trained, the general lack of transportation and the lack of access to workplaces where child labour is prevalent, for example residences.’

Eldring, (2003), as well as Tsoka and Konyani, (2003; p. iii), confirm the lack of transport to facilitate inspection visits in their separate reports on the same. It is important that efforts are made to survey the situation of child labour in the tea estates in the districts of Thyolo and Mulanje before any conclusions can be drawn. The lack of documentation as well as the protective attitudes adopted by the estate owners is clearly not a very healthy signal.

Moreover the data on employees that is given at the District Labour offices does not represent the real situation in the Tea Estates on ages of employees. These are needs a thorough study to get real situation.

3.4.4 Responses to child labour by the Malawi Congress of Trade Union (MCTU)

MCTU works by networking with several other stakeholders depending on type of issue in question. Internationally, MCTU works with a number of organizations, key ones being the International Congress of Federated Trade Unions (ICFTU) and the Commonwealth Trade Union Council (CTUC). ICFTU emphasizes eliminating all worst forms of child labour (Convention 138) whereas the Commonwealth Trade Union Council is interested in Convention 182. The Malawi Congress of Trade Unions has worked very closely with the Ministry of Labour and Vocational Training to raise awareness among workers and employers.

Since its inception, the MCTU has viewed child labour in Malawi as a real problem. In the conduct of its business, MCTU has visited several estates in Kasungu, Nkhonkhotakota, Ntchisi and Rumphu districts where children were found working in some estates. Following this finding, MCTU instituted workplace committees on child labour for monitoring purposes. So far, seven committees have been set up and are functioning. Setting up workplace committees is now being extended to tea growing districts of the country. As a consequence of Malawi’s ratification of C.182 and in line with Article 3 of the Convention, MCTU has started planning for activities that would assist in defining of what constitutes worst forms of child labour in Malawi.

3.5 Resources allocates by the state for VAC:

According to the Ministry of Finance, Government does indeed allocate specific funding to address violence generally. Following Government’s adoption of the ‘Malawi Poverty Reduction Strategic Program’ (MPRSP), the Ministry of Finance gives priority and special protection to those budget items that respond to pro-poor expenditures, and child care services which embrace child protection issues fall under this category. As a result of this prioritization and protection, Ministries and Departments that deal with pro-poor activities receive special priority and protection.

Such Ministries and departments are; the Ministry of Gender, Child Welfare and Community

Services, the Ministry of Labour and Vocational Training, the Ministry of Home Affairs and Internal Security (this includes the Community Policing Program services that are directly linked to child protection issues), National Youth Council, Malawi Human Rights Commission and Law Commission among others. Apart from this consideration, financial resources are allocated generally as requested by different ministries.

At Ministry level, although the MoGCWCS has a Child Protection Unit, it does not, however, have specific financial allocations to address issues of VAC. It again has a general budget that goes towards the implementation of child care services. From this general funding the Ministry decides how much goes towards child protection activities. However, the Ministry makes sure there is adequate allocation to Child Reformatory Institutions which require constant support in forms of food, electricity, water and other utilities.

According to the Child Protection Unit of the MoGCWCS, it is important to mention that within the Ministry itself, there are instances of conflict in budget allocation in the sense that the same budget can get split further between two departments that share a common mandate towards children. This, according to the Unit has led to further thinning of the resources required to address VAC.

The Child Protection Unit of the MoGCWCS further observes that there has been a tendency both at Government as well as donor agencies levels to be more willing to fund programs that relate to advocacy and developmental issues other than funding those activities that are remedial/rehabilitation or interventionary in nature (i.e., when some violation has been committed and action needs to be taken to rehabilitate the victim). The Unit's recommendation at this level is seeking more direct and specific funding towards VAC activities rather than some blanket funding for all Children's Services within the Ministry. Another recommendation is that more priority should be accorded to those activities aimed at supporting and rehabilitating victims of abuse rather than towards advocacy activities.

3.5.1 Extent of government's allocation towards Pro-Poor Expenditure:

The amount of resources that are allocated to support activities that would fight violence against children is very minimal as a result there is general lack of resources to effectively implement enforcement of legislation dealing with issues of VAC. Table 2 below shows the budget allocation for the Ministry of Gender, Child Welfare and Community Services as compiled by the Malawi Economic Justice Network (MEJN) for the 2003/2004 financial year.

Table 2: Budget for the Ministry of Gender, Child Welfare and Community Services

Pillar/Ministry Activity	Approved	Revised	Utilized
Gender, Youth and CS	MK144,279,000	MK151,831,000	105.2%
Adult literacy	MK73,813,000	MK78,463,000	106.3%
Childcare Services	MK9,158,000	MK9,470,000	103.4%
Reproductive Health, Family welfare, Gender services	MK61,308,000	MK63,898,000	104.2%

(Source: MEJN 2004)

From the above tabulation, it can be concluded that child related activities accounted for 6.35% of the Ministry's total expenditure in 2003/4. According to the Child Welfare Section of the Ministry, out of this 6.35%, only 27% was actually spent on child welfare related activities. It still remains to

be worked out however, what percentage of that 27% was allocated to activities to eliminate violence against children.

According to the Ministry of Finance, for the past three years, i.e., 2002, 2003, and 2004, there has been a noticeable increase of funding in support of the pro-poor expenditures at national level. On the whole, in 2002, 2003 and 2004 funding levels for pro-poor activities have been 9 billion, 12 billion and 16 billion kwachas respectively. According to the Ministry of Economic Planning and Development, violence against children under the MPRSP is a priority item but not necessarily a protected item. Ministry of Economic Planning and Development explained that protected expenditure items are those items that initially were singled out by government to benefit from the Highly Indebted Poor Countries (HIPC) funds. However, when the MPRSP was adopted, more items including some that were not under HIPC funds were targeted. Under the MPRSP all priority items became protected.

In terms of budgeting, Ministry of Economic Planning and Development indicated that government isolated cross cutting priority items such as Gender, Child Labour, and HIV/AIDS. Apart from this prioritization, a special government circular was issued that directed all ministry and government departments to ensure that 2% of their total budgets allocation is targeted towards activities related to gender mainstreaming.

With this precedence, one would recommend that in order for VAC issues to be given the type of resources they require, government should get obligated to issue similar directives as the one they issued for Gender Mainstreaming. There is need for government to increase resource allocation to children services, more especially violence against children and Early Childhood Development in order for programs to be effective. This action will be in conformity with the CRC recommendation 15 that is still outstanding.

3.5.2 The role of donors in addressing VAC

There are a number of donors which provide resources to Malawi Government to address VAC and these are UNICEF, DFID, UNFPA, NORAD, ILO, UNAIDS, UNDP, GTZ, Norwegian Embassy, Plan Malawi, WHO, Action AID, UNESCO among others. According to MoLVT, **the Norwegian Embassy** has funded activities aimed at eliminating child labour in the country. In Phase 1 which run from 2001 to 2004 the Norwegian Embassy spent US\$30,000 on programmes aimed at eliminating child labour while in the second phase which will run from 2005 to 2007 US\$2,000,000 has been earmarked to be spent on these activities. MoLVT stated that initial funding from the Norwegian Embassy was for a National Comprehensive Survey on Child Labour in Malawi. The Report is now out. After the survey, the Ministry has spent subsequent funding on sensitization campaigns, trainings, as well as financing the activities of the various NGO and civil societies they collaborate with in the fight against child labour. Notable among these are: Eye of the Child, Churches Action in Relief and Development, Malawi Congress of Trade Unions, among others.

In addition to the Norwegian Embassy, **the International Labour Organisation** has also funded some programmes aimed at eliminating child labour. The MoLVT has indicated that in Phase 1 which was conducted in 2002 the Ministry got US\$250,000 from ILO while for Phase 2 which run from 2001 to 2004 NOK9,000,000. The ILO donated a further US\$20,000.00 after the National Survey was published to take care of follow-up activities. This US\$20,000.00 has been earmarked for sensitization campaigns some of which have already been conducted. This training also

targeted Members of Parliament (MPs). There is another one in the pipeline for counselors and assembly staff.

While the ILO and the Norwegian Embassy have supported the above mentioned activities, within Malawi UNICEF has supported and continues to support the Government of Malawi through the implementation of key program activities in a number of areas that contribute significantly towards the fight against violence against children and these activities include the Expanded Program on Immunization (EPI), Community-Integrated Management of Childhood Illnesses (C-IMCI), micronutrient and infant feeding, reproductive health, prevention of mother-to-child transmission of HIV (PMTCT), safe motherhood, youth reproductive health and voluntary counseling and testing, health sector reform and systems development, early childhood care and support to families affected by HIV/AIDS, community child care and nutrition, support to children and families affected by HIV/AIDS, water and environmental sanitation and basic education.

Although the funding levels will not be shown here, there is need to mention some **specific programs/project interventions** being supported by UNICEF Malawi:

- ***Orphan Care Program***

UNICEF has been involved in supporting activities aimed at improving the situation of children in Malawi. It has assisted in particular in the development of the National Orphan Care Program. It has assisted the MoGCWCS in updating the policy guidelines for Orphan Care and in the formulation of its program document and all other related activities including the development of the Orphan Care work plans. UNICEF is also considering capacity building activities with the aim of strengthening the Ministry's monitoring systems in the area of Orphan Care.

- ***HIV/AIDS Prevention***

In the area of HIV/AIDS prevention, UNICEF is supporting the MoGCWCS through training of trainers and refresher courses in counseling and home-based care at regional and district levels. In response to a felt need to train community home based care volunteers, UNICEF has provided funds for at least forty eight Primary Health Care (PHC) committees to run HIV/AIDS preventions and care activities for people with AIDS and orphans, covering a population of just under one million. The DACCs have been mandated to oversee activities of these committees.

- ***Support to Community Based Organizations (CBOs)***

UNICEF has collaborated with government, NGOs, CBOs, and Faith Based Organizations (FBOs) in a number of programs and projects aimed at child protection. The nature of partnership depends on the type of interventions the partners are implementing in line with UNICEF mandate. UNICEF's support to the various NGOs, CBOs, and FBOs has helped government respond effectively and timely to most of the risk factors orphans and other vulnerable children face due to the effects of HIV/AIDS. Although not all children are benefiting, the CBO approach has proven to be one protective factor to an otherwise daunting task facing government in trying to pull its citizenry out of poverty.

- ***Income Generation***

UNICEF is also supporting community based income generating activities for orphans such as poultry farming, paper recycling, tin smith, knife making, etc. It is encouraging communities to come up with such type of activities that will help them raise funds to support their Orphan Care Programs.

- ***Early Childhood Development (ECD) and Community Based Child Care (CBCC)***

In an effort to assist government come up with programs and strategies that will address the health, nutrition, hygiene, psychosocial care, early learning and stimulation needs of young children from the ages of 0 – 6 years, UNICEF and UNESCO, in cooperation with relevant government partners in the field of Early Childhood Development have, over the past decade and half worked on the following initiatives:

- (i) The development of a National ECD Policy that was adopted by Government in 2003 and launch in March 2004.
- (ii) The development of the National Policy on Orphans and Vulnerable Children (2003).
- (iii) The development of an ECD syllabus and Training Manual.
- (iv) The development of National Operational Guidelines for the provision of ECD services to ensure the provision of quality ECD services nation-wide.
- (v) The development of the National Action Plan for Orphans and Vulnerable Children (2004)
- (vi) The development of a National Plan of Action for the Growth, Development and Survival of young Children for 2003 – 2013
- (vii) The constant training of various personnel involved in the provision of ECD services at national level such as: Core Trainers, Care Givers, Parents' Committees, Volunteers, etc.
- (viii) The development of Information Education Communication (IEC) materials for the sensitization of stakeholders on the importance of ECD services for optimal child development.
- (ix) The formation of a National Network for ECD to ensure coordination of all ECD services at national level. Among several other initiatives.
- (x) Other donor agencies are also supporting orphan care activities in Malawi. These agencies fund and provide support to a variety of programs including childcare projects.
- (xi) Because of the magnitude of needy orphans and other vulnerable children, there is need for government and its development partners to increase resource allocation to address violence against children.

- (xii) More resources allocated would facilitate the elaboration of more programs that will eventually benefit more children.

It is therefore apparent that development partners are playing an important role in helping Malawi address the problem of violence against children.

3.5.3 Specific human resources allocation

There are specific child protection officers that government recruits and trains to address VAC. There is a clear Government structure for child protection that goes down to the district and community levels of the country. Usually government mounts short courses (two week courses at Magomero Training College) for Social Welfare Officers to train in various aspects of VAC. These are mostly specialization courses that enable officers acquire specific skills in dealing with specific VAC aspects. Some of the courses offered include the following: Child Rights and Protection, Social Services for the Family and Community, Social Services Management, Communication Skills and Counseling and Guidance. With support from UNICEF, government has trained and deployed throughout the country thirty-nine (39) Child Protection Officers. There are plans to train and keep training more. The MoGCWCS has identified and trained 189 community based child protection volunteers to provide child protection services together with the community at the grassroots levels. Two hundred more child protection volunteers are being trained.

3.5.4 Provision of assistance to other countries on VAC:

The Government of Malawi normally contributes in kind by sending soldiers and policemen to emergency situations e.g. to war-torn areas, refugee camps and during flooding emergencies for rescue. During the Mozambican civil war of the 1970/80s, for example, Malawi deployed Early Childhood Development staff to establish pre-schools in the refugee camps in Nsanje, Mangochi, Mwanza, Dedza and other districts that were hosting Mozambican refugees in the county. The Association of Pre-school Play Groups of Malawi (APPM) with financial and technical assistance from the German government coordinated this program. Further the Government provided contributions to various international organisations for various initiatives.

3.5.5 Human rights Institutions in Malawi

There are a number of human rights institutions in Malawi and these include among others the Malawi Human Rights Commission and the Malawi Law Commission. The priority function of the **Malawi Human Rights Commission** is to protect and investigate any human rights violations as stipulated in the Malawi Constitution. The Human Rights Commission Act of 1998 regulates the Malawi Human Rights Commission. The functions of the Commission include the promotion of human rights of vulnerable groups such as children. In order to fulfill this function, the Commission established a Child Rights Unit. The Unit emerged out of the Commission's Child Rights Thematic Committee whose membership was drawn from government and civil society organizations.

The main function of the Child Rights Unit is to protect human rights violations of children. In collaboration with other departments of the Commission, the Unit receives and investigates complaints relating to children, sensitizes communities and provides information on the rights of children, conducts research on child rights issues and provides legal services on children matters. At the end of each year, the Malawi Human Rights Commission produces an annual report

highlighting the situation of human rights in the country and recommendations to improve the situation. The situation of children is also included in this annual report. The annual report is presented to parliament so that the relevant parliamentary committees, such as the Children and Women Affairs Committee, can act upon the recommendations.

The Law Commission has the constitutional authority to review laws and recommend their amendments or repeal by Parliament. The Law Commission has reviewed the Wills and Inheritance Act and the Constitution in relation to children. The Commission is at the moment reviewing all laws relating to children such as the Affiliation Act, the Adoption of Children Act, the Children and Young Persons Act, the Maintenance of Married Act and the Wills and Inheritance Act. Like the Human Rights Commission, the Law Commission works through its special Commission to review and amend existing laws. The membership of the special Commission is drawn from individuals working in Government offices, civil society and national institutions.

3.5.6 Parliamentary Structures to Address VAC

There are a number of committees within parliament that deal with violence against children and these are the Children's Parliament, Legal Affairs Committee and the Parliamentary Committee on Children and Women which has since changed to Parliamentary Committee on Social Services. Apart from the Parliamentary Committees, there are other forums through which children are given the opportunity to raise issues that work against them in order for Government/Parliament to address. Some of such forums are the UNESCO supported Youth Forum for Young People Orphaned due to HIV/AIDS. This forum holds conferences for the youth of Malawi with the aim of giving them an opportunity to speak out on the issues that affect their lives as orphans due to HIV/AIDS in particular, but also as youth in general. The outcomes of such forums have been submitted to The Ministry of Gender, Child Welfare and Community Services for onward transmission to Government.

The National Youth Council Supported Annual Youth General Assembly. This forum invites youth representatives to a forum where the youth are given the opportunity to speak out about the issues that affect them. Resolutions arrived at this General Assembly are submitted to the Ministry of Gender, Child Welfare and Community Services to be submitted to the relevant government departments. One pertinent observation by most stakeholders on such forums including the Children's Parliament, however, is that even though these forums are specifically designated children's forums, the planning, implementing, monitoring and evaluation processes are all controlled by adults. The recommendation on this is that in order for such forums to truly reflect children's concerns, the children themselves should be involved in the drawing of the program, the agenda and the follow-up activities.

Another recommendation emanating from the way the Children's Parliament is handled is that there ought to be some seriousness attached to the way the Adult Parliament treats resolutions made by the Children's Parliament. There is evidence to suggest that the Adult Parliament is still struggling with issues of the legality/constitutionality of the Children's Parliament; hence how representative of the children's national aspirations its resolutions could be. The final consultation of this study recommends that there is an urgent need for the MoGCWCS and Parliament to resolve these issues to ensure that children's voices are not only heard, but that they form part and parcel of the national agenda.

The most recent parliamentary initiatives to address violence against children include the Children's Parliament which has been held over the last 3 years and these sittings have been sponsored by UNICEF. The other initiative was the "Taking parliament to the Youth Initiative held in 2004 and funded by UNESCO. These sessions give children and youth representatives opportunity to discuss issues that affect them once every year in Parliament. Recommendations passed during such sittings are passed on to main parliament through the relevant parliamentary committees. Apart from the Children's and Youth Parliament, there haven't been any recent parliamentary initiatives to address violence against children.

4.0 ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The civil society in Malawi plays a crucial role in addressing Violence Against Children. The advent of the multiparty politics in 1994 led to the formation of a strong and vibrant civil society which include non-governmental organisations, faith-based organisations, community based organisations, academic institutions among others. This section describes the major activities in which the civil society is involved.

4.1 Faith Based Groups

In order to contribute towards addressing violence against children, faith-based organisations are involved raising awareness, training of people involved in provision of relevant services to victims, conducting research and providing support to child victims of violence.

4.1.1. The Catholic Commission for Justice and Peace

Since the advent of multi-party politics and democracy in Malawi in 1994, the Catholic Church has worked to consolidate Government's agenda in democracy consolidation and the respect for human rights through the creation of the Catholic Commission for Justice and Peace (CCJP). The Catholic Church has always upheld, promoted and respected human dignity, the worth of the human person and the values of democracy and peace as the basis through which Christianity ought to be promulgated. CCJP activities target communities, parishes and dioceses. The CCJP is involved in the following activities:

- ***Training of paralegal officers***

CCJP has trained its own paralegal officers who are volunteers at community and church parish levels to create awareness among communities about child rights and peoples' rights in general.

- ***Home-based caregivers***

In response to the HIV/AIDS pandemic, increased numbers of orphans and other vulnerable children, victims of abuse as well as the aged, CCJP has trained community-based caregivers on how to provide appropriate Home Based Care to various groups of people. This care has involved aspects of counseling, awareness creation about rights, abuse, empowerment through training in income generation activities and related issues, material and nutritional support, educational, health, as well as spiritual support to those that require it.

4.1.2 Churches Action in Relief and Development (CARD)

CARD, in conjunction with Ministry of Labour Vocational and Training, aims to curb child labour in the worst hit districts of Malawi such as Mchinji, Kasungu and Dowa. They have actually withdrawn 2,000 children from agricultural estates and puts them back into schools. Parents and guardians are provided with alternative sources of incomes generation so that children are not used to provide labour.

4.1.3 Other FBOs

Other Faith Based Organizations that have taken responsibility to mitigate against violence against children through several child care and support initiatives at community level include Blantyre, Livingstonia, and Nkhoma Synods of the Church of Central African Presbytery (CCAP), the Muslim Association of Malawi, The Evangelical Lutheran Missionaries, The Anglican Church, Pentecostal Churches and many other smaller church groupings.

4.2 Community-based organizations:

Over the past ten years or so, a lot of community based organisations have been established in Malawi as a direct response to the HIV/AIDS pandemic. Some of these CBOs are providing support to children orphaned due to HIV/AIDS. According to the National AIDS Commission, the estimated HIV/AIDS prevalence rate for adults aged 15 – 49 years old is 14.4% which implies that currently 760,000 adults are infected with HIV/AIDS, 58% of which are women. The prevalence estimates from 2003 show that HIV infection among adults in urban areas is twice as high as in rural areas and significantly higher in the Southern Region compared with the Central and Northern Regions of Malawi. There are approximately 70,000 HIV positive children under 15 in the country.

While the orphanhood problem is not new, the HIV/AIDS pandemic has tremendously increased the magnitude of the orphanhood problem in Malawi. According to the State of the World's Children 2004, the actual and projected numbers of orphans in Malawi are as follows:

Table 3: Number of Orphans by different age groups (Source: Ministry of Gender, Child Welfare and Community Services)

0 – 4 years:	110,000
5 – 9 years:	340,000
10 – 14 years:	590,000
15 – 18 Years:	505,000

Table 4: Projections of Numbers of Orphans Under 14 Years

Total number of orphans as % of all children (2005):	18.9
Total number of orphans (2005):	1,008,000
Total number of orphans as a % of all children (2010):	18
Total number of orphans (2010):	1,150,000

Tables 3 and 4 show the magnitude of the orphan problem in Malawi and the need to respond accordingly. While it might not be easy to establish the exact numbers of community based organizations that are currently providing care and support for orphans and other vulnerable children at community level, it should suffice to state that there is a very big proliferation of such organizations in most communities in Malawi. These CBOs get financial and technical support from faith-based organisations, UNICEF, WFP and other development partners.

It is important to note, however, that despite the good work that these CBOs are doing in mitigating the impacts of the HIV/AIDS pandemic such as orphanhood and poverty, their effectiveness is hampered by a number of problems as detailed below:

4.2.1 Education Support

One of the most relevant and effective ways of supporting OVC is the provision of education. Through HIPC funds, limited school fees/bursaries were offered to approximately 450 OVC in 2003. While school fees is important, it does not adequately address all the needs of OVCs to enable them enrol, persist and achieve basic education. Additional support in terms of essential materials such as school uniforms, food, soap, shelter, note books and pens among other materials are required in order to ensure that orphaned and other vulnerable children remain in school. To be effective, the government in conjunction with development partners have to address the needs of the child holistically.

It is recommended therefore that in order for assistance to OVCs to be effective, it ought to address the needs of the child holistically. It has been scientifically demonstrated that in order for children to develop to their full potential, their survival, growth, protection as well as developmental needs ought to be met simultaneously. Thus assistance to OVCs should address their health, nutritional, physical, protection, emotional, moral/spiritual needs, early learning and stimulation needs simultaneously. A shortfall in any one of these developmental domains has a negative impact on the rest.

4.2.2 Vocational Skills Training

Vocational skills training has been identified as appropriate and effective for older orphans for whom school attendance was no longer a priority. Older OVCs prefer to engage in skills development ventures rather than education because they were under pressure to raise money to support younger brothers and sisters. Although this may undermine their fundamental right to education, it is generally more functional than idling or loitering and begging. However, skills training in most communities in Malawi is generally limited to carpentry, tinsmith, tailoring, bricklaying, painting, leather work and agriculture. There has been no effective needs assessment survey to identify and develop a wide range of entrepreneur skills required by communities. In addition, credit, tool kits and other materials that the youth might need to establish their own small-scale businesses after graduation are lacking.

4.2.3 Community Based Child Care(CBCCs) centers

CBCCs provide early childhood development opportunities and a protective environment for children as well as relief for guardians and parents. Following the impact of HIV/AIDS at family level, where most households have been deprived of support due to the death of parents, the existence of CBCC centers within communities have provided alternative form of support to orphans and other vulnerable children. Thus a good number of CBCCs that were previously dormant have been revived with the sole aim of catering for helpless orphans. It can be argued that the original concept of CBCC has almost mutated to embrace orphan care.

Although there are many CBCCs they don't have adequate capacity to run effectively for example there is need to provide nutritious meals to the children. They could also need more trained caregivers to run the centers effectively. There is cordial relationship with the government but the government has to do more.

UNICEF is currently working with government to develop a training manual for caregivers at CBCCs as well as a syllabus to ensure high quality of the services being offered which is a positive

development. Services provided by CBCCs can further be improved if a directorate for children services at Ministry level can be established to ensure efficient coordination among all stake holders. Equally important could be the development of national database for all ECD services

4.2.4 Psychosocial Care and Support:

Psychosocial care and support of OVCs is provided by those who are trained at Magomero among others. They are trained to provide support to children during the time the parents of the children are sick and after they have died. This support is an on going thing. While psychosocial support is provided to OVCs, not much is being done as is the case with provision of material needs. However, the scaling up of such activities needs to be looked upon as an urgent issue. There is also need to provide children's corner for counselling services and provision of books.

4.2.5 Economic Support/Material Needs

There are a number of NGOs and CBOs which are providing economic and material support to orphans and other vulnerable children. It should be noted however that most CBOs and local NGOs are dependent on donors and Government for their operations. It is important that all these organisations should be self-sustaining, hence the need for these CBOs to be community driven so that they can sustain themselves and not being donor driven as this is only temporally. One of the studies towards the end of the 1990s has shown that, with minimal support, communities can be mobilised to cater for the needs of orphans and other vulnerable children (see Cook et al, 2000).

4.3 Youth Organization

There are also some youth-based organisations which are dealing with particular forms of violence against children. This section gives an example of youth organisations involved in this type of work.

4.3.1 Centre for Youth and Children Affairs (CEYCA)

The Centre for Youth and Children Affairs (CEYCA) is a local NGO based in Lilongwe. It is working to empower communities to discuss issues child sex abuse (CSA) openly as this is still considered a taboo within the Malawi society. The NGO provides opportunities for communities to confide in someone when they suspect an abuse involving a child or indeed when they themselves have been victims of CSA. CEYCA also focuses on sensitizing communities about the criminal nature of all instances of CSA. Most Malawians don't take CSA seriously because of such factors as cultural attitudes, lack of awareness on the criminal nature of most sexual abuses, lack of knowledge of one's own rights on the part of the victims and the culture of silence surrounding sexual abuse in Malawi. Due to all these factors child sex abuse cases have gone unreported and victims have suffered trauma in silence, and perpetrators have gone unpunished. Most adults down play instances of CSA due to ignorance about the concept. Studies have shown that people seem to understand physical abuse and child labour but do not seem to fully comprehend CSA as most of them associated CSA with coital sex (see Kaponda, 2000). Kaponda further states that adults and children had a tendency to normalize acts of CSA when they occurred frequently. For example, repeated accounts of sex abuse between children and adults that were initially recognized as a problem became normal phenomenon over time.

In order to intervene in this situation and protect children and young people, CEYCA has opened-

up referral centers within communities in Lilongwe where children and communities are encouraged to go and complain about sexual abuses that involve children and young people. CEYCA's field officers who run the centers assist by helping communities understand the criminal nature of all cases of sexual abuse be they perpetrated by one's own spouse, father or relative, be they tolerated or defined differently by cultural conceptions. CEYCA field officers further help community members by giving them access to proper intervention measures either through community interventions, counseling, the Police, the hospital or the Court of Law.

4.3.2 NGOs addressing street children

Although there are a number of policies that have addressed the problem of children on the streets, the government alone cannot afford to address the problem due to its magnitude. The problem is aggravated by the growing number of orphans due to HIV/AIDS. There are a few NGOs that have taken up responsibility to look after the needs of such children. Three of such notable organizations are 'Chisomo Children's Club' and 'Good Samaritan' in Blantyre, and 'Tikondane', in Lilongwe. This section reports on two such NGOs.

- ***Chisomo Children's Club***

This organization provides counseling services to street children in the City of Blantyre. It provides access to basic education as well as vocational, technical and skills training. It also provides meals and sporting activities, including lessons in gospel music during the day. The only problem with Chisomo Children's Club is that it does not provide shelter. As a result, at night, some destitute children and young people go back to the streets, where they are exposed to further abuse and harsh conditions. Chisomo Children's Club is doing a commendable job in an area where government has not yet made any in roads. However, as a new church supported NGO, its coverage is limited to the City of Blantyre only.

- ***Eye of the child***

Eye of the Child was established as a child rights advocacy NGO but has also been involved in civic education and research programs. Currently, Eye of the Child is implementing three programs namely: paralegal advisory services, juvenile justice and child labour. The child labour program started in 1999 as a small project conducting awareness campaigns in Thyolo and Blantyre districts areas where it had other programs. In 2001, with funding from the DANIDA-supported Malawi Human Rights Resources Center, Eye of the Child started a child labour education project in Thyolo district. The project trained opinion leaders, the police, teachers and social workers on child labour issues. The focus of the training was capacity building for effective monitoring of child labour at community levels and dealing with child labour incidences in accordance with the legal provisions. About 15 training sessions were conducted. With the withdrawal of aid by DANIDA, the project was terminated.

Eye of the Child was also among the stakeholders that developed the action plan on child labour through which UNICEF solicited funding from the Norwegian Embassy. As part of a UNICEF program, the NGO developed a Child Labour Civic Education project. The project has been funded and is now being implemented in Blantyre district, in Lunzu area. The NGO is at the moment lobbying the Law Commission to consider raising minimum

employment age to at least 16 years and preferably 18 years. It is also calling for the minimum age for qualification for criminal responsibility to be revised upwards. Further, the Eye of the Child is lobbying to have stiff penalties for employers of young children.

4.3.3 International NGOs

There are a number of international NGOs working in Malawi on issues related to violence against children. In this section however only Save the Children Federation and Plan International will be described.

- ***Save the Children Federation (US)***

Save the Children Federation (US) works for and with children on issues of child abuse and child protection through the Community Options for Protection and Empowerment (COPE) program. This program is currently being implemented in four districts of Mangochi, Dedza, Nkhonkhotakota and Lilongwe. In all these districts, Save the Children (US) operates as a facilitator. Actual activities are carried out using existing structures namely District AIDS Coordinating Committees, Community AIDS Coordinating Committees and Village AIDS Coordinating Committees. Although these committees do not necessarily focus on child labour exclusively, they, nonetheless, deal with related issues of child sexual abuse, school dropout, harmful cultural practices and child labour. Save the Children (US) is also working with communities to define child abuse and child labour. As a result of this, communities have started mobilizing themselves, albeit slowly, and are approaching farm workers and parents/guardians of working children to send their children to school. Save the Children (US) has also worked with traditional leaders, religious leaders and local politicians to sensitize communities on the issue of child abuse.

- ***Plan International (Malawi)***

Plan International (Malawi) deals with child labour issues through one of its 'Rights of the Child' projects funded by UNICEF. The project is being implemented in two communities in each of the districts of Lilongwe and Kasungu and the City of Mzuzu. The first activity in the project was to sensitize the communities on child labour and child rights issues and this was followed by the setting up of child rights monitoring committees to act as watchdogs. The child rights monitoring committees have been trained as paralegals and civic educators.

Plan Malawi has a related project called 'Schools Improvement Project'. The project improved school buildings, bought school materials, sponsored teachers' training and deployment in ten pilot schools. The schools were selected in consultation with communities and the Ministry of Education. The idea is to improve teaching and learning environments so as to motivate children to attend classes and also parents to send their children to school.

It should be pointed out that while international NGOs do a commendable job in addressing violence against children from different perspectives, their only problem is that they nearly always limit their operations to very limited localities. The problems faced by the majority of Malawian children would have been history if such organizations would have a national coverage. Be that as it may, government has a responsibility to expand small-scale initiative started by international

NGOs to ensure that all Malawian children benefit.

4.3.4 Professional associations

There are some professional associations which are involved in addressing issues related to violence against children and two of these will be discussed in this section:

- ***The women Lawyers' Association***

This is an Association of women lawyers of Malawi. It was formed with the aim of providing legal services to vulnerable children and women who cannot afford to hire lawyers due to the prohibitive fees they charge. The Association also offers legal advice to women and children that require it.

- ***Malawi Professional Women's Association (MPOWA):***

This is a grouping of professional women that come together to improve life chances for women and children in a world that is basically male dominated. Their focus has been highlighting most of the gender-based violence in work places as well as in communities. They have also lobbied for equal participation in decision-making and equal rights especially for women. Some of their landmark activities have involved rescuing children from abusive environments and reintegrating them in environments where their safety and security as well as chances to optimal development are guaranteed. They have also used the media to publicize the worst forms of violence against children and women to ensure sensitization about abuse and possible ways for dealing with it. They have done this through workshops, press conference, television, radio and newspapers.

In order to make strides in fight against Violence Against Children, the relationship between government and Civil Society has to be strengthened further. Donor can come in to help Civil Society financially, materially, technically and otherwise. There is need for government to appreciate the important role played by civil society in the fight against violence against children. This appreciation ought to translate into the creation of an enabling environment through the provision of appropriate support to civil society organizations doing commendable work in the fight against violence against children. There is a general belief among most Malawians that government should not support NGOs or Civil Society Organizations financially. Whether this is an acclaimed world-view still remains to be contested. Nonetheless, if governments cannot support such organizations financially, then, at least, let them be supported materially, technically and otherwise.

4.4 Government support to civil society and coordination of NGO work

According to the Ministry of Finance, government fully funds activities of some civil society institutions that carry out work in the area of violence against children for example institutions such as the Malawi Human Rights Commission and The Law Commission. However there aren't many civil society organisations which get financial support from government to run their organisations. However, one civil society organisation, CEYCA, indicates that the existence of a very supportive operational environment provided by government is a positive development. Government does not interfere with the work of the NGOs involved in the protection of children against violence and that civil society and other NGOs work through government officials and

channels to reach out to communities in trying to protect children against violence.

With regard to coordination of activities done by the civil society, there is an NGO Board that works in collaboration with the Council for Non-Governmental Organizations of Malawi (CONGOMA). CONGOMA is a statutory organization that coordinates the work of NGOs in the country. Government has a steering committee that works very closely with CONGOMA in the implementation of all NGO programs.

4.5 The role of media

4.5.1 Role Played by Malawi Broadcasting Corporation (MBC) in Addressing VAC

Malawi Broadcasting Corporation is a national radio station that covers almost 70% of the country. Because adult illiteracy rates in Malawi still remain high at 64% the radio is the most significant means of getting messages across to a wider section of the population than any other means. MBC has worked in close collaboration with government, NGOs and Civil Society Organizations to raise awareness on child rights. The following are some of the scheduled programs that deal with issues of child rights from a very broad perspective:

- ***Nthawi ya Ana (Children's Time) (MBC Radio 1)***

In this program, a radio personnel visits child care centres and talks with children on a wide range of topics relevant to them for example education, plays among other things. It promotes best practices and parades model approaches to childcare. The program is then aired for the benefit of other communities, children as well as other childcare centers. The age group for this program is 3-9 years.

- ***Tichitepo Kanthu (Lets Take Action) (MBC Radio 1)***

This is basically a youth program that encourages the youth to take action on matters that affect them. The topics of discussion in this program range from relationships, sexuality, HIV/AIDS, community development, orphanhood among others.

- ***Kulinga Mawa (Think about Tomorrow) (MBC Radio 1)***

This is another youth program whose focus is on giving youth advice on a number of issues that affect them so that tomorrow or in future they should have no one to blame should they fail in life. As the name of the program suggests, the advice given by fellow youths is geared towards preparing the youth of today for a good future. The program involves a panel of youth discussing topical issues among themselves and arriving at solutions to some of the problems they encounter in their everyday lives in their communities.

- ***Straight Talk (MBC Radio 1 and 2)***

This is another youth program that gives the youth an opportunity to discuss issues of sexuality that Malawi still considers as taboo especially among youth. It helps to discourage child abuse and child violence. It is also an alternative forum for victimized children.

- *Sankha Wekha (The choice is Yours) (MBC Radio 1)*

It helps to raise their awareness on issues that affect girls be it abuse, exploitation, sexuality and others.

- *Ufulu wa Ana (Child Rights) (MBC Radio 2)*

Ufulu wa ana is a child rights program that is aired every Saturday. Its focus is on popularizing the provisions of the CRC. So it is an advocacy tool for the children's rights.

4.5.2 Role played by Television Malawi in addressing violence against children.

Television Malawi (TVM) is a state run TV station. From its 2002 survey, it targets three million and two hundred thousand viewers who are mostly urban and peri-urban populations of the country affluent enough to purchase a television set and have access to electricity. It has worked with government as well as NGOs and Civil Society Organizations in disseminating different messages relating to child rights some of which include violence against children. Its reporters have been instrumental in uncovering and publicizing some of the most appalling cases of violence against children prompting civil society organizations to take action against the perpetrators.

Two very recent and very significant of such cases are the stories of a thirteen-year-old girl in domestic work, 'Mtchayi', whose employer scalded her with a pot of boiling water. She later died in hospital. TVM beamed the story and civil society picked it and took it to court. The perpetrator is serving prison sentence right now. Another very recent case that was unraveled by TVM involved a couple that killed a psychiatric patient in her last trimester of pregnancy, ripped open her womb and took her baby, and later claimed it to be their own. Again this gruesome story was beamed on TVM, civil society came to the rescue of the newborn baby, and ensured that the law took its course for the responsible couple. See selected news clips in **Appendix VI** of this report.

TVM has also worked with the MoLVT to raise awareness among Malawians on the evils of child labour. They have also worked with CRECCOM to raise awareness about the prevalence of CSA in primary schools in the country.

Among specific programs that deal with child rights issues on TVM are the following:

- *Tikambe (Lets Talk)*

This is another youth program that focuses mainly on issues of HIV/AIDS. The major focus, as the title suggests, is on breaking the silence that surrounds sexuality as well as HIV/AIDS in the Malawian society. The youth discuss how they can talk frankly about sex and sexuality in order to protect themselves from getting infected by the HIV/AIDS virus. And once they are infected, how they can talk in order to get proper counseling and treatment. Some of the topics discussed include: how they can protect themselves, how they can protect their friends, how they can cope when affected or infected, how they can control the spread of the disease, etc.

- *'Tsogolo lathu'/Our future*

This is another program that focuses mainly on issues affecting the girl-child. Topics in this

program include rights, education, empowerment, and HIV/AIDS, entrepreneurship, etc. The findings of the CRECCOM study that Kadzamira and Lemani, (2003) quote, were aired through this program.

- ***The role of the media in the work of the CCJP***

CCJP recognizes the important role media plays in promoting issues of child rights. As such, CCJP has engaged the media to uncover child rights violations and writing on the ills committed against children through the media such as Newspapers, electronic, radio etc. It is important to mention that the Catholic Church has its own press houses such as Montfort in Blantyre and Balaka in the Southern Region; and Likuni in the Central Region. It also has community radios in Lilongwe and Mangochi (Radio Alinafe and Radio Maria) on top of several Newsletters and youth magazines that carry articles on religious issues as well as on human rights that include child rights.

5.0 CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section describes the activities done by children to address violence. There are a number of initiatives in which children have been involved in the design and implementation of programmes and policies to address violence perpetrated against them.

5.1 Initiatives to involve children in addressing violence perpetrated against children

There are a number of initiatives taking place to involve children in fighting against violence against children and some of these are as follows:

5.1.1 Youth involvement in fighting child labour

According to MoLVT, youths have been involved in designing, implementation and monitoring and evaluation of programs aimed at addressing child labour at community level. Through the National Youth Council (NYC) and with financial support from UNICEF, the MoLVT has relied on youth organizations to monitor and report child labour related activities at community level.

5.1.2 Community child labour monitoring committees

Youths who have been involved at community level as detailed in 5.1 above have been encouraged to form Child Labour Monitoring Committees at community level. The Committees have been provided with bicycles and some modest allowances to facilitate their operations. MoLVT discovered that monitoring child labour through such youths makes their approach more effective rather than conducting surprise visits or inspections. The youth committees, residing within the same communities, are better placed to monitor on a daily basis.

5.1.3 Community Policing Program - Children's Involvement in fighting crime

Another outstanding initiative that has involved wide youth consultations in designing, implementing, monitoring programs and policies that address VAC is the Community Policing Program within the Malawi Police Services. Under the British/Malawi Governments Police Reform Program, the Child Protection Unit has worked with youths at community level to curb crimes that involve them either as victims or perpetrators. This process has led to the establishment of the Youth Outreach and Schools Programs for the in-school and out-of-school youths in all Police Stations in Malawi.

Through community consultation forums with the youths and other stakeholders risk as well as protective factors in VAC at community level have been identified, and crime prevention strategies that will protect children and youths have been drawn. This process has seen the Police working in close collaboration with the youth through the processes of designing, implementing, monitoring and evaluating efforts aimed at reducing crime-related violence against children within communities.

It is important to mention that while Police Officers have been instrumental in initiating awareness creation on issues relating to crime related VAC within communities, they have allowed the youth themselves, through youth run NGOs to implement, monitor, and evaluate the programs with support from donor partners such as UNICEF, Norwegian Embassy and DFID. Some of the

outstanding youth NGOs that have worked in collaboration with the Police are ‘Chisomo Children’s Club’ and ‘Eye of the Child’ in Blantyre. While both these NGOs have focused on the protection and rehabilitation of street children, Eye of the Child has also focused on the prevention of child labour. In cooperation with the MoLVT, Eye of the Child has been supported to prevent, withdraw, rehabilitate, and protect children engaged in hazardous work.

5.1.4 Child and Youth Victims support Units

Through the Community Policing initiative, the Police have managed to establish ‘Youth Victims Support Units’ and ‘Child Victims Support Units’ in thirty-four (34) police stations across the country. These are coordinated by similar structures established at National Police Headquarters. The aim behind these Special Support Units is to ensure that the Police Service is adequately trained, staffed, equipped and sensitized to handle issues of VAC with the sensitivity and professionalism that is required.

5.1.6 The Youth Outreach and Schools Program

Through the Community Policing Program, the Malawi Police Service has managed to establish structures for the prevention of crimes that affect children and youth in schools as well as out of school known as ‘Youth Outreach and Schools Program’. The Youth Outreach and Schools Programs have been instrumental in mounting road safety campaigns in communities that reside near busy roads in rural and especially urban areas.

According to the Police Service, such programs have been made possible through ‘Pro-Poor Funding Program’ initiative of the country. The pro-poor funding program is part of the country’s MPRSP that protects expenditure towards poverty reduction strategies, and community policing is one such protected expenditures.

5.1.7 General Conceptions on Child/Youth Involvement and Participation

Outside the Police Service however, the picture is not as rosy. The National Youth Council, an umbrella body for all youth programs in Malawi, observes that there are huge problems when it comes to child/youth involvement and participation in the country due to long standing attitudes that assume that children and youth don’t have the capacity/skills to adequately represent themselves in matters that concern them. The implications of these attitudes has seen adults designing, implementing, monitoring and evaluation programs that address children and youth issues on behalf of the children and the youth without much consultations with the children and youth themselves. The effects of such approaches have, of course, been the lack of sensitivity and responsiveness to children’s as well as youth concerns of such programs, hence their failure to target the needs of the concerned population groups.

5.1.8 The National Youth Development Services

In his inaugural speech of May 2004, President of the Republic of Malawi Dr. Bingu wa Muthalika elaborated plans by his new government that would address youth unemployment through a National Youth Development Service. This program would be the basis to curb crime perpetrated by the youths themselves due to unemployment. However, it is almost not surprising that even with this new program, the first of its kind in the governance of the country to target the needs of the youth from a holistic point of view, its planning phases are already sidelining youth participation

and involvement. It remains a wonder how responsive the program will be to the needs of the youth if they are left out in all the crucial stages of conceptualizing, designing, planning, implementing, monitoring, and evaluation, only to involve them as beneficiaries. There is need for government to start planning interventions aimed at youth together with the youth themselves

5.1.9 Children's Parliament

One outstanding opportunity that would have capitalised on child/youth involvement and participation through the design, implementing, monitoring, and evaluation stages would have been the organization of the Children's Parliament. However, according to the Ministries responsible, as well as the National Youth Council, involvement and participation of children in this activity, especially at the design levels has been ad hoc. There is also concern that although Children's Parliament attracts a lot of participants from the legislative, policy and technocrat circles of government, such participants do not sit through with the children to be able to hear their voices. They do not come to the closing of the Children's Parliament to get hold of the children's resolutions. This scenario is worrying because it is not only limited to government partners, but the donor community as well. As such, even though the children's Parliament resolutions are submitted to Adult Parliament through the relevant Parliamentary sub-committees, their follow-up and implementation has been neglected. Stakeholders have blamed this negligent behaviour on lack of commitment to children's issues by all stakeholders (i.e., Government and donors alike).

5.1.10 Youth Annual General Assembly

Another forum that has given the youth an opportunity to make their voices heard is the Youth Annual General Assembly organized by the National Youth Council. Just like the Children's Parliament, the Youth General Assembly makes resolutions that are submitted to the relevant ministries. The scenario again is similar to the Children's Parliament because after submission, not much else comes out of the resolutions.

5.2 Age of Child/Youth Involvement and Participation:

According to the National Youth Council, it has been observed that child involvement and participation, even during the Children's Parliament and other activities, has tended to discriminate on the basis of age. The major reason given by the National Youth Council is that preference is given to older children aged 14 and 17 because of logistical, financial and security considerations. If an activity is held away from children's homes, older children are preferred because they can take care of themselves, whilst younger children would require an adult escort thereby inflating costs. Older children are also preferred in activities related to child labour for example, for similar reasons, namely, it takes older children to be able to monitor and report instances of child labour within their communities.

The National Youth Council states that as much as they would love to involve younger children in most of their activities, logistical and financial considerations hamper them. From this analysis, it can be seen that child involvement and participation remains a very big problem for Malawi. The situation does not seem to have improved even after the observations and recommendations of the CRC Committee following the country's initial country report.

5.3 Children's involvement in designing procedural and evidentiary rules applying in court proceedings

As far as Malawi is concerned, children have not been involved in the design of any special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. However, there are regular procedures that courts observe when hearing cases that involve children below the age of eighteen and these include for example children's hearings being held in camera.

Under the leadership of the Malawi Law Commission, a comprehensive consultative process of reviewing and consolidating child related legal instruments is underway. Under this process, DFID has funded the Malawi Security and Access to Juvenile Justice (MASAJJ) project. The project has begun to form structures to improve the juvenile justice system in Malawi. Government has put in place such structures as the Board of Visitors that inspects prisons and ensures that juveniles are not imprisoned together with adults. Government, through the Juvenile Justice Forum (JJF), is advocating for the strengthening of the primary justice system so that imprisonment of juveniles is the last resort. This is aimed at promoting diversion and participation of communities in rehabilitation of children in conflict with the law.

Although the preliminary processes have not yet involved children, it is hoped that the new system will be more responsive to the needs of the child than was the case before. This is another activity that government has undertaken that is responding to the CRC Committee recommendation 7 (a); (b); and (c).

5.4 Resources made available to support children's participation

It is difficult to state the amount of funds which have been committed to support the participation of children in activities aimed at addressing violence against them. The only exception is the Ministry of Labour and Vocational Training which has received funding, as described earlier, to combat child labour. However the following activities have been funded by different organisations to address violence against children:

- UNICEF Malawi has funded the training of patrons for young voices. The UN agency has also funded activities relating to children's parliament; and in collaboration with the Ministry of Labour and Vocational Training, it has trained youth activists in eleven districts to monitor child labour.
- The Inter-Ministerial Committee on Human Rights and Democracy, a government body within the Office of the President and Cabinet set up to consolidate democracy and human rights, has also supported Youth NGOs through training in Human Rights. GTZ has also sponsored Youth NGO activities on a very small scale.
- UNESCO has funded small-scale rural youth activities and established a revolving fund in Traditional Authority Kalolo, working through Consol Homes (An NGO in the area) through the Youth Forum for Children and Youth Orphaned due to HIV/AIDS. The agency has also sponsored a Skills Training Development program for youth at Magomero, albeit in very small amounts.

It can therefore be concluded that while there have been attempts to involve children in the design

and implementation of programmes to address violence against children, there is need for more meaningful participation of children in such activities.

6.0 POLICIES AND PROGRAMS TO ADDRESS VIOLENCE AGAINST CHILDREN

6.1 Policies concerning violence against children

The Government of Malawi has comprehensive policies that address violence against children and it will suffice to just list these policies without going into details about the sections that deal with such issues. These policies include among others the National Policy on Early Childhood Development, the National Youth Policy, the National Policy for Orphans and other Vulnerable Children, the National Gender Policy and the National Policy for People with Disabilities. Within these policies there are some sections that deal with gender-specific issues. For example in the National Youth Policy the following paragraphs make provisions that are gender-specific:

- On Page 9, item (b), (ii) Gender equality in youth training; Page 11, (c), (a) discouraging early pregnancies and early child bearing; Page 12, (b) Girls empowerment and access to information; Page 12, (c), (iv) Provision of proper medical and counselling services; and on Page 16; Policy identifies ‘Young Women’ as its priority target group.

6.2 Programmes preventing and responding to violence against children

The Government of Malawi delivers and provides support for delivery by other agencies of specific programmes aimed at preventing and responding to violence against children. These are detailed in the table below:

Government support for delivery of other agencies: the government provide support to agencies, both public and private for the implementation of programmes

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	Depending on the magnitude of the physical abuse, the police as an arm of Government are involved.	This is a very difficult setting in Malawi because victims are usually afraid to report perpetrators for fear of reprisal or for fear of stigmatization by their communities, or indeed losing material support if the perpetrator is a family provider. At times they are afraid of the consequences of magic, if the abuse was witchcraft/magic related. For details of this refer to Kaponda, (2000). Government takes care of such issues through the social welfare officers, but very often cases of sexual abuse at family level go unreported. For further details on this see Question 35 of this Questionnaire the section under 'Cultural Dimensions and Sexual Relations'. See also (Kaponda, (2000); Kadzamira, and Lemani, (2003).	This is another very silent area for Malawi. As a nation Malawi has not developed enough expertise to focus adequately in this area. As such, issues of counseling, etc are not mainstream. Even the social workers that work in communities are not specifically trained in this area. They get some general training. Culturally Malawians are not tuned to responding to abuse or trauma at that level either. Emotions do not take central stage in most Malawian endeavours. At best people are advised to suppress their emotions. "Kupirila" (i. e., resilience) is the term that best describes society's prescription for dealing with emotions or trauma. Kaponda, (2000) demonstrated that there is a huge gap in reporting and taking action in Malawian communities where VAC is concerned. See her major findings 15, 16, 17, 18, and 19 on page 54.	There is need to define neglect to suit the Malawian context. Most parents who could be guilty of neglect do so because they are poor. I.e., don't have the means to provide for their children. Neglect for Malawi could easily translate into deprivation. However, there is no agency supported by government that is taking care of cases of neglect as a form of abuse. Nonetheless, the Ministry of GCWCS under its community based childcare program targets deprived children, who in other circumstances could be perceived as neglected. Government has also developed an elaborate program following the adoption of the Orphans and Other Vulnerable Children Policy (OVC); a community based orphan care program that takes care of orphans and other vulnerable children with support from UNICEF this program targets neglected/deprived children as well. It is important to mention however that apart from neglect, one other related practice that violates child rights in Malawi is desertion. Children begotten outside marriages are often deserted by their fathers	Throughout the study and consultation process, it was not possible to establish the meaning of the abbreviation (HTPs). As such, this column will remain blank	
Schools	There is no special support that government gives to any special agency in schools for this issue. For details of this gap refer to Kadzamira, and Lemani, (2003) However it is expected by communities that school committees will take responsibility in ensuring that pupils are protected from physical violence while in school. Should things get out of hand, the police are usually alerted.	No specific government program addressing this in schools. However, the Teacher/parents committees are responsible to look into such issues when they are known. Currently, CRECCOM working in the area of education has been conducting campaigns on these issues to raise awareness among communities and to sensitize them on how to handle such cases of abuse. It is important however to mention, just as Kadzamira and Lemani, (2003; pp. 20-21) have demonstrated that the role that the Parents/ Teachers Committees are expected to play in this situation is no longer effective due to other problems.	There is no direct government support to any special agency working on this issue. Again for details refer to Kadzamira, and Lemani, (2003). There are however a few NGOs and CBOs, mostly supported by UNICEF that target children at that level, especially orphaned children and youth.	The Ministries of GCWCS, and Education have been administering a bursary program for orphans and needy pupils. The Lions and Rotary Clubs have also assisted needy pupils with bursaries on a very small scale. However, due to the growing numbers of orphaned children as a result of HIV/AIDS government's efforts in this area is failing to cope		

According to the MoGCWCS, there is need to redefine family for Malawi because the concept has evolved from what it used to be to some loosely recognizable phenomenon in the same way that one needs to define neglect, see note in matrix on neglect. It can be seen from the above table that although there are efforts being done by government to support the work of civil society in addressing VAC, a lot more remains to be done. The table has also illustrated that efforts that the civil society are undertaking are far from adequate. There is a lot that the Malawi government could do to support the fight violence against children focusing specifically on the key settings within which violence against children takes place as well as focusing on the specific forms of violence that needs to be addressed.

There are obviously huge gaps in specialized services such as those that are required to address CSA in school for example. Similarly, the table has been able to shade more light on the gaps that exist in addressing forms of violence such as psychological/emotional, physical, sexual, neglect violence against children. On physical violence, the table has demonstrated that apart from the police, who come in when there has been excessive physical violence, other minor but equally damaging forms of physical violence in homes, institutions and schools go unattended. This illustration confirms (Kadzamira and Lemani, 2003; and Moleni, 2001) when they report of corporal punishment, beating, and bullying and excessive forms of punishments as being a serious problem in schools.

There is an urgent need therefore for government service providers to be very focused in their approach in addressing violence against children. The matrix above has demonstrated that the best possible way to address violence against children is not through some generalized approach as is the case in Malawi, but through very specific and focused approaches that look at violence against children from the 'settings' and the 'forms' approach. There is need for government therefore to redefine its methodology to adopt the settings and forms approach that would assist in addressing violence in a more thorough manner. Government could maximize its efforts too by empowering the NGOs and Civil Society Organizations already working in these areas through technical and other forms of support so that such organizations can reach as many people as possible.

6.3 Monitoring of Policies and Programmes

There are as of now no clearly established mechanisms for monitoring of programmes and policies in relation to violence against children. However, while this is the case the monitoring of programmes and policies is mainly done through various commissioned studies and surveys whose results inform government about its performance in various programs and policies aimed at addressing violence against children. These include follow-up on major UN campaigns for example EFA, CRC, Beijing Plus five/ten, The Convention on Child Labour among others. It is important to mention, however, that some national institutions such as the Malawi Human Rights Commission submit annual reports to Government through Parliament on their annual activities. This is one way through which Government could monitor the work of the Human Rights Commission.

While these studies inform government on progress made with respect to policy and programme implementation, there is however need for government to put in place a mechanism to monitor activities being conducted by NGOs and Civil Society in the area of violence against children. This would justify its support towards the same organizations. There is also need for government to address some of the issues the CRC Committee has recommended under point 13 as they relate to MHRC. It is important to point out, nonetheless, that currently there is no conflict in roles between the MoGCWCS and the MHRC as reflected in the CRC Committee report.

6.4 Government's participation in International coordinated activities concerning VAC

The Government of Malawi participates in international activities concerning violence against children through among other things attendance in international conferences and the ratification of international conventions such as the CRC and ILO conventions 138 and 182. The Government has since submitted an initial report on the CRC to the United Nations. Some of the activities are related to the CRC. Malawi ratified the CRC in 1991.

In addition, Malawi benefits from international review systems in the field of child labour. The latest of these being the recent 'Report of the Committee of experts on the Application of Conventions and Recommendations' of the International Labour Conference 91st Session, of 2003. This is in direct response to the observations made by the CRC Committee on issues relating to child labour ref: recommendation 60 (a).

However, the final consultation in this study expressed concern that government does not submit country reports on schedule. A case in point is the CRC report. Since Malawi ratified the CRC in 1991, it has only managed to submit one report in 2000 that was a combination of the initial and first reports. Such delays make it very difficult for the international community to really monitor compliance. It also makes it difficult for government to monitor and evaluate itself.

There is need therefore for government to submit its country reports on schedule. Another concern expressed was that following the Report of the Committee on the CRC, there does not seem to be any conscious efforts by government to put in place programs to respond to those issues that were raised. It is further recommended that government should respond to the CRC Committee's recommendation by ensuring that appropriate action is being taken to address the issues raised by the Committee.

7.0 DATA COLLECTION, ANALYSIS AND RESEARCH

This section will provide an overview of the studies that have been done on violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

7.1 Victimization, epidemiological or population-based survey on VAC

There are a number of surveys that have been conducted in Malawi looking at different aspects of violence against children and that these surveys have not been necessarily on VAC. These studies include the following:

- Kaponda, C.P.N. (2000). *A situation analysis of Child Abuse in Malawi*. National Task Force on Children and Violence in Collaboration with SCF (US). (Unpublished).
- Government of Malawi/ILO. (2004). *Malawi Child Labour Survey 2002: report of analysis*. NSO:Zomba.
- NSO. (2000). *Malawi Demographic and Health Survey 2000*, NSO, Zomba and ORC Macro, USA.
- Tsoka, M. and S. Konyani. (2003). *Child Labour Baseline Study (Final Draft Report) IPO/IPEC*, Center for Social Research: Zomba.
- International Organization for Migration. (2003). *The Trafficking of Women and Children in the Southern African Region: Presentation of Research Findings*, Sheraton Hotel, Pretoria. (Unpublished).
- Government of Malawi/UNICEF (2000): *Household Baseline Survey on Key Community Child Care Practices in Selected Districts of Malawi*, UNICEF/GOM/WHO, Malawi. (Unpublished).
- NSO. (2004). *Malawi Child Labour 2002 Report*. GOM/ILO
- NSO. (2001). *Housing and population census 1998*. Zomba: NSO.
- Bisika, T., P. Ntata and S. Konyani. (2005). *Violence against girls and education*. Zomba: CSR
- Bisika, T. and S. Konyani. (2003). *Rapid assessment survey for cannabis consumption*. Zomba: CSR

7.2 Small-scale representative studies on VAC

There have been any small scale or representative interview studies with parents and children on violent victimization of children and they are as follows:-

- CAVWOC. (undated). *Analysis of the Youth-to-Youth Study on the Prevalence of Child sexual Abuse: Along the Lakeshore Districts of Malawi*, Center for Alternative for Victimized Women and Children (CAVWOC), Blantyre. E-mail: cng'ombo@yahoo.com

- Leach, F., Fiscian, V., Kadzamira, E., Lemani, E. and Machakanja, P. (2003) *An Investigative Study of the Abuse of Girls in African Schools*: Educational Paper 54, DFID, UK.
- Kadzamira, E. and Lemani, E. (2003). *An Investigative Study into the abuse of girls in Schools in Malawi*, Center for Educational Research and Training in collaboration with Malawi Institute of Education (MIE), Zomba. (Unpublished)
- Moleni, C.M. (2001). *Factors affecting the Quality of Education in Primary Schools in Northern Malawi*, CCAP Synod of Livingstonia Education Department, Mzuzu. (Unpublished).
- Malawi Human Rights Commission. (2002). *Investigations report of the Case of young girls (minors) in Karonga being forced by their Parents to Marry Elderly People in exchange for cattle or in repayment of loans*. MHRC, Malawi. (Unpublished)
- Mann, G. (undated). *Family Matters: the Care and Protection of Children Affected by HIV/AIDS in Malawi*, Save the Children, SIDA, Sweden.
- Church and Society Programmed. (2003). *An assessment of the Perception of Human rights, especially those of the Girl Child: a case study Karonga District in Areas of Iponga, Kaporo and Ngana* (final draft) Church and Society Program, CCAP Synod of Livingstonia.
- Munthali, A. (2003) *Hunger, Public policy and Child Labour: case study of Malawi*. IPEC/Center for Social Research, Zomba.
- Kadzamira, E., Maluwa-Banda D., Kamlongera, A. and Swainson, N. (2001) *The Impact of HIV/AIDS on Primary and Secondary Schooling in Malawi: a comprehensive strategic response*, Center for Educational Research and Training, Zomba.
- Kadzamira, E. and Chibwana, M. (2000) *Gender and primary Schooling in Malawi*, Research report 40, Institute of Development Studies, Sussex, UK.
- Line Eldring, (2003); *Child Labour in the Tea Sector in Malawi: a pilot Study*, Fafo.
- Kakhongwe, P. (2005). *News coverage of gender-based violence: a survey of media reports 1994-2004*. Zomba: CSR.
- Chanika, E. (2003). *Male teacher sexual abuse of the girl child in the school context: a case study of primary schools in Chiradzulu District*. Blantyre: Civil Liberties Committee.

7.3 Scientific Research Project conducted by the Government:

Over the past five years, the government has conducted or commissioned scientific research projects on the problem of violence against children. Some of these studies have been commissioned by government in conjunction with donors and have been cited above. Two other studies which have been commissioned by government are as follows:-

- Twea, S. (2002) *Baseline Survey Report for UNFPA-funded SRH/HIV/AIDS Awareness*

among Girls Guides in Malawi: project no: MLW/02/P09, Malawi Girl Guide Association (MAGGA). (Unpublished)

- Maluwa-Banda, D. and Lunguzi, J. (2002) Baseline Survey report on *Meeting Development and Participation Rights of Adolescent Girls in Malawi*: project MLW/01/P57: Final reports UNFPA/UNICEF/Department of Youth/National Youth Council. (Unpublished).

7.4 Formal enquiries into child deaths

As far as Malawi is concerned there is no system for formal enquiries into all child deaths in which it is known or suspected and in addition to this there are no regular reports published describing the statistical profile of the known or suspected violent deaths. In the absence of a formal system it is difficult to know the total number of reported cases of violence against children between 2000 and 2003. Malawi therefore has a huge gap in the area of data collection, analysis and research relating to violence against children within the Police and Social Services, the Courts, the Education system as well as the Health Services. It is therefore important that a comprehensive national data base system should be developed and appropriate personnel should be recruited and trained especially on how to maintain this database in all the key institutions concerned. This will address recommendation 11 of the CRC which is still outstanding.

8.0 AWARENESS, ADVOCACY AND TRAINING

The Ministry of Gender, Child Welfare and Community Services in collaboration with other stakeholders has been campaigning and implementing programs on violence against children. This has been done based on its programme and work plan as well as World commemoration calendar. Malawi has been observing a lot of World Commemorations Days and some of these are as follows:-

- Ministry of Labour and Vocational Training conducts campaigns against child labour in Malawi since 2000. It has taken advantage of the *International World Labour Day* which falls on 8th July to intensify awareness activities. The commemoration has resulted into outcomes such as withdrawing, rehabilitating and protecting children against child labour.
- *Day of African Child*: Malawi has been commemorating the Day of African child on 16th June every year since 1991 when duty bearers are reminded of their obligations on matters of children. The commemorations are observed at regional level and districts often replicate the same in their targeted areas. The day is often left to children to express their concerns to the duty bears.
- *16 Days of Activism*: The campaign is conducted by a lot of stakeholders including NGO in various areas and targets the general public. It basically aims at improving peoples knowledge on gender-based violence and violence against children.
- *World Day Against Child Abuse*: The formation of a technical working group on child protection has seen Malawi's participation in commemorating World Day Against Child Abuse. The commemoration enables children advocates and source providing to sensitize the duty bearer on commemorating respectively on the need to protect children from abuse and any form of violence as well as create a conducive environment for children.
- *Press briefing on road safety for children*: The public and other road users are often advised of the safety of children and their lives on the road and this targets motorists, parents, traffic police and teachers among others.
- *State of Worlds Children Report*: Malawi Government in collaboration with UNICEF launches the report every year and it also act as an advocacy vehicles on specific thematic areas. Children's participation is always reported during the launch every year. The report often target at policy makers since provides and communities.

The campaign messages are disseminated through a number of channels namely: the **print media** which includes newspapers such as The Weekend Nation, The Daily Times and posters; **the radio** and the public can listen to jingles, news items, radio dramas such as those on child labour and *tili tonse* which is aimed at raising awareness on a number of issues including HIV/AIDS and human rights. The other communication channels are as follows:

- **Television Malawi:** Television Malawi has news items which in some cases have featured issues on violence against children. In addition to this there is a youth magazine and the station has featured interviews with the Commissioner for Labour on child labour and related issues. There have also been special feature programmes on television Malawi which have featured community leaders in areas mostly affected by child labour.
- **Schools:** Within the school environment, there are a number of initiatives through which issues on violence against children are discussed. For example since the advent of the HIV/AIDS pandemic, AIDS Toto clubs (Say no to AIDS) have been formed and that issues such as life skills and HIV/AIDS have been incorporated into school curricula.
- **Theatre:** In addition to the above initiatives, theatre is also one way through which messages about violence against children are disseminated to the members of the community. Theater for Development at Chancellor College and the Story Workshop and stand up comedians such as *Izeki ndi Jacob* have featured in plays/dramas that contain messages about violence against children.

8.1 Training programmes on violence against children and related issues

Over the past five years, the Government in conjunction with stakeholders has conducted training programs in various areas of violence against children as follows:

Group	Training Programs Received
Medical Professionals	Oriented to identify cases of violence against children and report these to the police for investigation. However research has revealed that there is need for more training in record keeping, sensitivity and empathy with victims, thoroughness in handling possible health and psychological risks following abuse (e.g., investigate infections such as STIs, HIV/AIDS, providing professional counseling etc). See Kaponda, (2000).
Public Health Practitioners	Oriented to identify cases of violence against children and report these to the police for investigation. However research has revealed that there is need for more training in record keeping, sensitivity and empathy with victims, thoroughness in handling possible health and psychological risks following abuse (e.g., investigate infections such as STIs, HIV/AIDS, providing professional counseling etc). See Kaponda, (2000).
Social Workers	Basic and general training offered in child protection for social welfare officers. There is need for specialized training in all aspects of violence as well as in counseling. There is also need to strengthen networking between all child welfare service providers at community level to ensure that VAC cases receive thorough and holistic attention from the social welfare, health, criminal and judicial point of view.

Teachers and Other Educators	<p>Trained in Life skills by UNICEF. Refer to life skills documents.</p> <p>According to Ministry of Education and Human Resource Development, the past ten years have witnessed a decline in teacher ethics and discipline. This has been attributed largely to the Malawi Integrated In-service Teacher Training Program (MIITEP) curriculum that government adopted following the introduction of the Free Primary Education in Malawi that escalated the shortage of teachers in classroom. The Ministry maintains that this training program did not have a component on teacher ethics and professionalism. Hence the escalation in teacher indiscipline and cases of abuse perpetrated by teachers against pupils captured in Kadzamira and Lemani, (2003) study; and the CAVWOC, (Undated); 'Youth-to-Youth Study On the Prevalence of Child Sexual Abuse'</p> <p>The Ministry recommends that all teacher-training curricula should include a component of not only teacher ethics and professionalism, but also of the rights of the child as well as on the effects of abuse on child development. And that no teacher should be certified to teach in schools unless they undergo orientation in teacher ethics and professionalism.</p> <p>The Ministry further recommends that all teacher-training programs should ensure that all teachers are conversant with the teaching profession code of conduct and the consequences of abusing school children in their custody.</p> <p>For more detailed recommendations relating to education related violence against children, especially girl children, refer to Kadzamira and Lemani, (2003).</p> <p>MoLVT reported that it trained a few teachers on how to protect children against child labour by monitoring and reporting to Labour Officers at community level. It maintains that there is need to train more teachers to strengthen the network of protection against child labour.</p>
Court Officials	<p>There is a proposed training that will facilitate the implementation of the proposed Juvenile Justice program currently being developed. However, up until now, magistrates have relied on a two-day induction program on how to handle juveniles in court.</p> <p>Kaponda, (2000) highlights some of the problems children face in courts due to court procedures that fail to separate child victims from their assailants. Kaponda, (2000; p. 43). There is an urgent need therefore for the court system to speed-up the development and implementation of the JJF to give children in conflict with the law the necessary protection.</p>
Police	<p>Yes, there have been two major trainings organized for the Police Service. The first one was sponsored by DFID under the Police Reform Program. Its aim was to ensure that Police Officers are equipped with the relevant skills to run the Family and Child Protection Units and the Victims Support Units of the Police Services. However, officers feel that they need more specialized training to be able to handle issues of counseling for traumatized victims.</p> <p>GTZ have also sponsored another short course for the Police Service. It focused mainly on sexual abuse. The Police Service feel they need specialized training in all aspects of VAC and especially in counseling.</p> <p>WILSA Malawi have also trained the Police Service on issues of Wills and Inheritance Act and Gender as they relate to the practices of property grabbing which is a violation of women and orphan-children's rights.</p> <p>It is interesting to note that Parliament, (currently sitting) has proposed that a law be passed that will protect children and women against the practice of property grabbing. Property grabbing in Malawi is a practice where relatives of a deceased man forcibly acquire all property belonging to a family upon the death of a husband/father. This leaves women and children destitute.</p>
Prison Officers	No information available on this.
Juvenile Offenders	Trained by MoGCWCS under the Forum for Justice and Peace.
Personal and Inst. Personnel	MoGCWCS with support from UNICEF has trained 56 Child Protection Officers to deal with issues of VAC in general at district level.
Parents/Guardians	<p>Most campaigns that have used mass media as a tool of communication have also targeted parents and guardians.</p> <p>Child labour campaigns at community level have specifically targeted parents and guardians.</p> <p>However, there is need to sensitize parents and guardians through training on the negative effects of child labour because most research have demonstrated that parents and guardians are in the forefront perpetuating various forms of VAC under pressure of poverty. See (Kaponda, 2000; Kadzamira and Lemani, 2003; CAVWOC, undated; MHRC, 2001-2002; 2002; Moleni, 2001; IMO, 2003; p. 2) among other studies.</p>

<p>Other: Board of Visitors – in prisons.</p> <p>Drama Groups.</p> <p>Traditional Leaders and Members of Parliament</p> <p>Labour Officers</p>	<p>Board of Visitors teams have been trained on issues of violence against children in order to equip them with knowledge and skills to represent and defend children in conflict with the law.</p> <p>Those drama groups that have been commissioned to produce plays as part of sensitization campaigns have been oriented on violence against children in order for them to pass on correct messages to the public.</p> <p>MoLVT trained traditional leaders as well as Members of Parliament on child labour in 2000 and requested these to be ambassadors for children in the fight against child labour in their communities. (One chief and one labour officer were trained in all the 24 districts of the country then).</p> <p>In 2000 the MoLVT trained another 100 labour officers.</p> <p>MoLVT has further trained eleven Members of Parliament from Mzimba district</p>
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10. Overall Recommendations.

From the discussion so far, it would appear that the following are the major forms of violence against children in Malawi are child labour, child sexual abuse and corporal punishment. There are however other forms of VAC that are less observed, less investigated and hence least addressed for example psychological/emotional violence.

10.1 Psychological/Emotional VAC

Children that have been exposed to psychological/emotional traumatic experiences either due to the death of their parents from HIV/AIDS, or those that have been victims of CSA, prostitution, drugs or indeed children that have been exposed to the hard realities of street life, as well as children in reformatory and prisons do not have any access to counseling services because there is a dearth of professional counselors in Malawi. Kaponda (2000) has alluded to the fact that Malawi could be harbouring a lot of citizens that are carrying a burden of traumatic experiences from which they have not recovered. The fact that there is no specific agency or institution working in the area so far is a major indicator that government has a serious shortfall in this field. Kaponda further states that services offered by Hospitals, the Police and the Courts are deficient because they even lack appropriate space to receive complaints in confidence, let alone offer professional counseling.

There is an urgent need for government therefore to train all relevant service providers in professional counseling and psychosocial care in order for them to assist victims of psychological/emotional trauma adequately.

There is also need for government, its partners and other donors to raise awareness among all service providers on the important role counseling plays in the rehabilitation and recovery process of victims of various forms of abuse. It ought to be recognized and appreciated that all rehabilitation services involving victims of violence may not be complete without a component of counseling and psychosocial care.

10.2 Violence Against Children at Family/Home Settings

Another setting that has received less recognition, less coverage and hence least attention is the family/home setting. Even though District Social Welfare Officers and District Labour Officers work at community level, they have neglected family/home inspection yet there is evidence to suggest that there are cases of violence against children that happen within this setting. Tsoka and Konyani, (2003) demonstrate cases of children working in homes that suffer unfair dismissals, child sexual abuse and neglect among other abuses. CAVWOC demonstrates that 53% of all CSA happens within the home/family setting. Kaponda, (2000) further demonstrates that certain cases of CSA that happen in the home/family setting can be linked to magic or witchcraft. While the 2002 Child Labour Survey maintains that 43.2% of child labourers are in the community, social and personal services sector.

With the exacerbated numbers of orphans due to HIV/AIDS, and the over-stretched responsibility of the extended family to care for large numbers of orphans, the National Task Force on Orphans has also highlighted instances of child neglect at family level due to poverty or simply due to lack of compassion on the part of the caregiver that leads to neglect or negligent behaviour. These are enough indicators to warrant an investigation into the family/home/private settings. There is need for government therefore to put in place a mechanism that will allow for regular inspections into the family/home/private settings especially where orphans and other vulnerable children are involved.

10.3 Child Sexual Abuse

Although there are a number of studies that have investigated CSA in Malawi, there is evidence to indicate that not much is being done to address the problem. Going by (Kadzamira and Lemani, 2003; Kaponda, 2000), and interviews the Consultant had with CEYCA, the magnitude of CSA in most communities, and especially in schools is alarming. Although there are no national statistics on CSA yet, there is evidence to suggest that this is a major area of concern. Another worrying factor is that this violation has a gender dimension whereby the majority of victims of CSA are girls. The implications of this are that the girl-child who has suffered sexual abuse is being denied the right to education, a standard of living and development, all rights that are provided for and protected by the Constitution and the CRC.

Kadzamira and Lemani (2003) further indicate that although CSA is rampant in schools, the Parents/ Teacher Committees that were supposed to deal with such issues lack the capacity to address them. They further indicate that the few cases that get reported to Ministry Headquarters are never addressed adequately for a number of reasons. In principle, the study findings seem to indicate that CSA in schools is a form of violence against children that is not being adequately addressed at the moment. Kadzamira and Lemani, (2003, p. 14) specifically state: 'However, very little has been done to protect the girl child from abuse and harassment and this does not appear as a focal point in the current Education Act'.

While an interview with the Ministry Official revealed that they are blaming this status quo on the introduction of the new teacher-training program that does not have a Teacher ethics and Professionalism component, it is not practical to wait for the Ministry to come up with a new teacher-training curriculum before something can be done to address the problem.

In terms of legislation, there is evidence to indicate that there is no specific legislation that addresses CSA in the Laws of Malawi. Given the rampant nature of the practice, there is need for government to enact specific legislation that will address CSA. Just like in all other instances of VAC, underlying CSA is the issue of poverty. Literature has demonstrated that girls are driven into sexual abuse within the school environment or elsewhere due to poverty at household level.

There is an urgent need by government therefore to address poverty at household level in the most innovative of ways to protect the girl-child from CSA. A recommendation to that effect has also been proposed by this study in the recommendations section of this report. (See subsections on: *Poverty at Household Level and the MPRSP*; as well as *Macro V/S Micro Policy Environments in the Fight Against VAC*). Above all, efforts being made by CRECCOM under the CCJP and other NGOs ought to be augmented and brought to scale by government to ensure that all school communities in the country are sensitized and empowered to solve their own CSA problems.

10.4 Corporal Punishment

Although the Constitution of Malawi bans corporal punishment, there is evidence to suggest it is still rampant in schools. Kadzamira and Lemani (2003; p. 14) state that 'pupils interviewed revealed that corporal punishment is one of the most common problems they face in school'. Moleni, (2001) confirm these findings. These two reports maintain that corporal punishment is still rampant in schools despite the ban probably because the ban is in conflict with the expectations of culture. There are no deterrents that the Ministry of Education or traditional leaders have put in place to address corporal punishment in the home/family and school

settings. Although there is no research evidence, there is strong suspicion that there is corporal punishment in police and prisons as well as in reformatory institutions.

As Moleni (2001; p.20) recommends, there might be need for Ministry of Education 'to draw up a circular reminding teachers of their roles and responsibilities and highlight issues of teacher indiscipline such as corporal punishment among others'.

Government needs to enact a law to reinforce the Constitutional provision against corporal punishment to make sure that perpetrators are brought to book. Government ought to work out a system that would enable monitoring against corporal punishment within the home and family settings to ensure that children are protected within those private settings too.

There is also need for government to solicit financial support from its development partners such as UNICEF to embark on a national campaign to sensitize children, teachers and parents not only on the Constitutional and CRC provisions on corporal punishment, but also on the negative effects of corporal punishment on child development. It is important to target children themselves in this campaign because at some point they may need to protect themselves against perpetrators using the same provisions. Teachers, children and parents ought to be made aware of the human rights dimensions of corporal punishment and that if implicated they can be liable to prosecution. Only when this is possible, can we hope to address corporal punishment effectively.

10.5 Cultural Practices

There is evidence to suggest that a lot of violence against children is perpetuated in the administration of various cultural practices and rituals related to rites of passage, funerals, marriages, installation of new chiefs and absurdly, debt repayments among others. Most of these violations could be happening due to sheer ignorance about the rights of the child, or under the pretext of cultural values. There is evidence to suggest too that the issue of cultural practices and rituals that could be contravening the rights of the child is geographically widespread in Malawi with each ethnic grouping having their own unique practices. However, apart from Kaponda, (2000), and the investigations conducted by the MHRC recently on '*Kupimbira*'/debt repayment, and the current TVM campaign against '*Kulowa Kufa*'/Cleansing after death in the Southern Region of the country, for example, this is an area that is largely uninvestigated.

It is important to mention too that there are other cultural practices that did not come out through responses to the questionnaire nor the consultation, that nonetheless, the consultant had the opportunity of knowing through other research she conducted relating to cultural conceptions of rights among the Chewa people of the Central Region of Malawi. In this particular study, women respondents especially, indicated that the '*Nyau Cult*' practiced by men and boys in the Central Region violated the rights of children as well as women in many ways. The Member of Parliament (MP) from the area who was one of the respondents appealed for an in-depth study into the cult purporting, among other factors, that the cult altered the initiates psyche rendering them difficult to deal with on the usual productive community member wavelength. He maintained that the cult violated even the rights of its young initiates in certain respects.

Of course the most obvious violations are that the cult interferes with children's participation and persistency in school. It also promotes vandalism and theft that it maintains are a sign of resourcefulness, bravery, and maturity on the part of its initiates. In this respect it contravenes rules of natural justice. Some women respondents also maintained that upon return from Nyau

initiations, their boy-children become very disrespectful of women folk in general and their own mothers in particular. The women maintain that this is because the initiates are advised that all women are wimps and good for nothing. Others maintain that the cult also promotes premarital sex among youth. The point however is that there is an urgent need for Malawi to conduct a survey that will investigate the extent in which all cultural practices, including Nyau could be infringing on child rights if at all.

Most of these cultural practices, as already discussed in this study have been associated with the spread of the HIV/AIDS infection among girl initiates in the areas where they are practiced. The Legal Framework section of this study has revealed that apart from the general Constitutional provisions, the Penal Code does not specifically have any legislation that addresses various cultural practices that could be violating the rights of the child. There is need therefore for government to enact specific legislation that will address specific cultural practices that contravene children's rights.

10.6 Children on the Streets

Another area that calls for urgent attention is the problem of children on the streets. Although there has been no recent research in this area to establish how widespread the problem is, there is enough evidence to suggest the following:

- The rising numbers of orphans due to HIV/AIDS,
- The rising numbers in unemployment among the youth due to problems created by structural adjustments,
- The proliferation of school graduates with unemployable skills due to problems with school curricula.
- Inadequate attainment in basic education,
- The changing status of the traditional extended family that is no longer protective of destitute children,
- The overall impact of poverty at family level,

These factors have all fuelled the problem of children on the streets forcing it to reach alarming proportions especially in the major urban centers of Blantyre, Lilongwe, Mzuzu and Zomba. The fact that there is neither statistics, policy nor national program to address the problem of children on the streets is a matter of serious concern. The Government ought to be reminded of its obligations towards the provision of an adequate standard of living, Article 27 of the CRC, which is obviously lacking among children on the streets. This right is guaranteed by the Constitution under section 30, sub sections 1, 2, 3, and 4.

Government therefore should to commission a study that will provide statistics on the magnitude of the problem as a starting point. There is also need for government to consolidate different policy provisions from the various national policies that have provided for children on the streets in order to guide programs and activities in this area. Finally government needs to develop a national program of operation that will address the needs of children on the streets from a holistic point of view of child development.

It should be noted that remarkable efforts are being carried out by NGOs such as Chisomo Children's Club, Good Samaritan, Friends of Orphans, Tikondane and other NGOs to address the plight of street children and such efforts need to be supported technically and otherwise. Government ought to think seriously too of supporting such initiatives so that they can be scaled up to target all children on the streets of Malawi.

10.7 Child Labour in the Tea Industry

Another area that needs urgent action is the tea industry in the districts of Thyolo and Mulanje, where, according to Eldring, (2003), not much is known about the situation of child labour in that field. Her pilot survey gives enough indications that there might be other worst forms of child labour happening in the tea estates of Thyolo and Mulanje. The MoLVT in cooperation with the MoGCWCS with support from either ILO/IPEC or UNICEF ought to commission a survey as a matter of urgency that will investigate the situation of child labour and other forms of violence against children in the tea industry.

10.8 Child Labour in the Tobacco Industry

Although this is an area where government and its partners ought to be commended for having put in place a system that is supposed to be effective in controlling child labour, there is still need to be vigilant to ensure that the system is indeed meeting its objectives. This study wishes to point out that until to date, the MoLVT has only prosecuted two culprits in child labour related charges. Whether this is an indication that there are no serious culprits warranting prosecution or whether this is an indication that not much is being done to take advantage of the legislation available is an issue worthy investigation.

There are reports that some NGOs charged with the responsibility to monitor, report and reintegrate victims of child labour have not been meeting their targets for a number of reasons. There might be need therefore for the National Steering Committee on Child Labour to discuss modalities on what alternatives there could be that would address bottlenecks like these to ensure that the system is working efficiently.

There is also need to train and empower more key partners at community level such as teachers to assist with monitoring, reporting, and reintegration of victims of child labour, especially at school level. Primary school teachers may require to be supported with materials such as school registers and other stationery to be able to help in tracing level of abscondment from school by pupils during tobacco or tea labour pick seasons. Efforts made by TAMA in the implementation of TECS ought to be commended, at the same time, other industries such as the tea industry in Thyolo and Mulanje, relying on child labour ought to be encouraged to emulate TECS' approach.

10.9 Questionnaire/Thematic Area Specific Recommendations

I. Harmonising existing laws

- Since legislation in Malawi does not fully reflect the principles and provisions of the CRC, there is need to harmonize the Constitution, the CRC and customary law on how to address violence against children including corporal punishment, minimum ages, age of consent to marriage, and definition of the child among other issues. These are some of the areas where discrepancy exists between Customary Law, the Constitution and the provisions of the CRC. This is pertinent especially now that the Law Commission is reviewing Child Law and this review should be speeded up.
- Child participation in the processes of law reform and in the implementation of Juvenile Justice, and indeed child participation and involvement in general should be considered seriously.
- Efforts to implement the Juvenile Justice Program already under way should be intensified.

- The proposed Parliamentary Bill on domestic violence being supported by the Norwegian Embassy should be tabled in Parliament and be passed into law.

II. Customary law

- There is evidence to suggest that a lot of violence against children is permissible, either due to ignorance on the part of the perpetrators, or under the pretext of customary law. There is need therefore to sensitize local leaders and chiefs on the illegality of certain aspects of cultural practices and organising special training for community leaders would be ideal in such a context.

III. Specific provision in legislation catering for specific forms of violence against children

- Although there are provisions that cover violence against children in the Constitution, the Penal Code has no specific provisions that address specific forms of violence against children for example physical, sexual, psychological, injury or abuse, neglect, negligent treatment, sexual exploitation. In addition to this, the Penal Code does not have any specific legislation to address issues such as corporal punishment, bullying and hazing, harmful cultural practices, harassment, pornography among others. Further the Penal Code has no specific legislation towards the protection of children of non-citizens and stateless children, including asylum seekers and displaced children. Government should therefore enact specific laws that will address specific forms of violence against children.

IV. Reporting Obligations/Complaint Procedures

- There is need to put in place clear reporting obligations at all levels. The status quo now may not change if there are no reporting obligations with prescribed penalties for failure to do so.
- There is also need for complaint procedures to be put in place. MoGCWCS could pick a chapter from MoLVT that established Child labour Monitoring Committees within all communities to help with monitoring, reporting, and reintegration.
- When both the reporting obligations and complaint procedures have been put in place, there is also need to conduct sensitization campaigns for all stakeholders and communities to be aware so that they can effectively utilize the systems.

V. Institutional Framework and resources to address VAC.

- Government efforts at setting up the Child Protection Unit within the Ministry of GCWCS should be commended. However, Government and donors should increase resource allocation towards recruitment, training and deployment of adequate staff at all levels in the Child Protection Unit of the MoGCWCS in order to make the Unit more effective.
- There is need for government to allocate more and specific financial and other resources to the Child Protection Unit to enable it procure adequate infrastructure to facilitate its operations at all levels, i.e., at Ministry, regional, district and community levels.
- There is need for the MoGCWCS to enhance its multi-sector coordination role. This could be through the revitalization of the functions of the JCC and its committees, or through some re-organization of similar function that will bring together all key players in the field of child protection. This body will include government players, NGOs and

Civil Society organizations, as well as the private sector. This coordination will promote networking and exchange of idea and learning from best practices. It will also facilitate planning and distribution of resources.

- There are several government ministries and departments and NGOs, CBOs, FBOs and Civil Society organizations that are working towards the elimination of violence against children in Malawi. Most of these organizations work independent of each other. As such, their efforts, despite being commendable, have minimum impact because they are isolated. In order to maximize impact of the various players in this field, there is need for the key ministry, i.e., the MoGCWCS to develop a recognizable coordination structure that will embrace all stakeholders working in this field. The coordination structure will:
 - Ensure that issues of child protection are getting the necessary support from both government and donors as well as other partners.
 - Ensure that all stakeholders are addressing VAC from a child development perspective that will ensure that interventions aimed at the child address all the needs of the child simultaneously.
 - Be responsible for fund raising both locally and internationally in order to sustain programs and projects aimed at addressing VAC.
 - Will lead the process of lobbying government for the consolidation of all policy provisions in this area.
 - Also be mandated to develop a National Program to fight violence against children that will be multisectoral in nature.
- Government should recruit, train and deploy adequate numbers of personnel responsible for issues of violence against children at all levels. It is important to mention that the development of the structure alone without the recruitment, training, and deployment and equipping of the right type of personnel would not help the situation.

VI. Role of Civil Society in Addressing VAC.

- Although there is evidence to suggest that civil society organizations are doing some commendable work in addressing violence against children, there is further evidence to indicate that their efforts are hampered due to resource limitations, a situation that Government and donor agencies should seriously consider in order to strengthen capacity of civil society in dealing with violence against children.
- Just as in Institutional Framework above, much of the civil society work in this area is uncoordinated. As such, each organization has its own philosophy, agenda, approaches, and focus. Government should strengthen its coordination role to ensure uniformity of philosophy and approach and synergy of efforts that will maximize impact of interventions for the benefit of the child.

VII. Children as Actors in Addressing Violence.

- Although children have participated in various programs to address violence their participation has been limited due to age-old attitudes that seem to indicate that children are incapable of addressing their own needs. This study has revealed that children's involvement and participation even in land-marking activities such as the children's Parliament for example, has been overshadowed by such attitudes. In most projects intended to benefit children, the children themselves have not been involved let alone consulted in the conceptualizing, planning, execution, and monitoring and evaluations stages of the projects. They have been left out altogether and only got involved as

beneficiaries. This is a status quo that seems difficult to address because it borders on peoples' attitudes. There is need for government and its partners to launch a national campaign using all media to address such negative attitudes against children. The campaign could also sensitize people on the human rights dimensions of child participation and involvement as well as that children have the right to have their views heard and respected by adults. This will be in line with the CRC recommendation 30 which is still outstanding.

VII. Policies and Programs to Address VAC.

- Although there are several policy initiatives trying to address issues of violence against children, the impact of such policies is not felt because efforts are scattered in different ministries and departments. Government should consolidate all the national policy provisions from the various policy statements relating to violence against children. This consolidation would facilitate the development of a national program on VAC that would be implemented by all line ministries and departments.

VIII. Data Collection, Analysis and Research.

- Although from the analysis of available data in this study there is evidence to suggest that there have been several studies conducted in the area of violence against children, there is further evidence to suggest that different institutions have carried out these in isolation. There hasn't been any effort made by government to consolidate findings in order to come up with some integrated database that would assist it in addressing the problem of violence against children from an informed point of view.
- There is also evidence to suggest that government has serious problems when it comes to data collection, analysis and research that would help it arrive at certain policy decisions in the fight against violence against children. This is evidenced by the general lack of information relating to statistics violent deaths, reported cases of violence against children and number of crimes recorded against children.
- There is an urgent need therefore for government to train relevant departments in data collection, analysis and research that will help government monitor the magnitude of the problem of violence against children and the impact of the interventions.
- There is need for government, under the coordination of MoGCWCS to establish and maintain a national database in this area and this will be in line with the CRC Committee recommendation 11 that is still outstanding.

IX. Awareness, Advocacy and Training.

- Although it can be argued that government has conducted a lot of awareness raising campaigns relating to violence against children, most of it has focused on child labour. This has been made possible because of the support that MoLVT has been getting from the Norwegian Embassy, the ILO/IPEC programme and UNICEF. The other forms of violence for example child sexual abuse, corporal punishment and bullying have been targeted by NGOs and other civil society organizations without much publicity. There is need for government in conjunction with donors and civil society to pay equal attention to the other, equally damaging, forms of violence against children and raise awareness about their dangers to child development as well.
- Although there have been several trainings conducted for different target groups involved in violence against children, there is an urgent need for government to train different key service providers in the Police Service, Courts, Hospitals, Social Welfare,

schools, prisons and communities on how to prevent, protect, rehabilitate and integrate, as well as administer penalties to perpetrators of violence against children.

X. Other recommendations

- The underlying factor behind VAC in Malawi seems to be poverty at household level. Kaponda, (2000) has adequately demonstrated that some of the characteristics of children that are sexually abused are that they are mostly girls than boys from poor background and orphaned. (Kadzamira and Lemani, 2003; pp. 7 and 14; Tsoka and Konyani, 2003; MHRC, 2002) have also confirmed this in their different studies. In nearly all the settings of violence against children in Malawi, poverty seems to come out as a major determinant and underlying factor. It would make sense to conclude this exercise by commending the Malawi government for adopting the MPRSP as its overarching policy framework.

One suggestion to address violence against children from its root cause would be to urge government with support from donors to implement the MPRSP as a priority. For the benefit of most of the target population groups discussed in this study who find themselves embroiled in the cycle of poverty-driven-child-abuse, a comprehensive implementation of the MPRSP following the major pillars identified would be a very good starting point.

- Apart from tackling issues of creating awareness about the negative impacts of violence against children, creating a multisectoral coordinating body, putting in place a multi sectoral monitoring mechanism and reinforcing legislation as has been suggested in this report, at household level however, addressing violence against children will involve addressing food insecurity. Food security can be ensured through, among other strategies, the provision of farm inputs subsidies, promoting crop diversification, provision of food to starving households, school feeding, introduction of irrigation farming, provision of school materials and such other interventions, for example, that will protect children at household level directly.
- Another positive development that government has undertaken is the decentralization process. Through this process, issues of child abuse will be addressed at the level where they happen. As such, it will be easy to coordinate and monitor the implementation of programs aimed at fighting child abuse at community level with the intensity, vigilance and resources required. However, there is need to train city, town and district assembly staff in order for them to carry out their responsibilities efficiently. This sensitization should include their role and responsibility in the fight against violence against children.

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Appendix 1: Situation Analysis Matrices:
Thematic Group 1: Legal Framework Matrix:

Available Legal Framework	Issues	Policy Guidelines	Responsible Ministry/ Departments	Challenges/Opportunities	Recommendations
1. Constitution	1. The definition of the child	1. Early Childhood Development 2. Orphans and Other Vulnerable Children	MOGCCS Law Commission MOJ	<ol style="list-style-type: none"> 1. Protection of children will be hard to monitor as the law wont protect them in violence cases, sexual exploitation, forced early marriages and all exploitative cultural practices 2. There is protection for children in issues of child labour, economic exploitation and corporal punishment. 3. The Constitution has enabled the establishment of independent bodies to safeguard child rights like the Human Rights Commission 	1. Undertake all steps to harmonize the Constitution and customary laws to be in line with CRC.
2. Education Act: Malawi Teaching Service Statement of Professional Ethics & Code of Conduct	<ol style="list-style-type: none"> 1. Section 3.2.2 on misconduct will weaken the more explicit regulations especially with regard to teachers that engage in relationships with children not under their charge but the charge of another teacher in another class or school. 2. The Code fails to particularize what connotes exploitation and fails to refer to gender-related instances 3. The Code fails to make specific mention of human rights 4. There is no specific condemnation of sexual abuse and harassment of pupils by head teachers 	Policy Investment Framework	MOEHRD	<ol style="list-style-type: none"> 4. It gives teachers a legal loophole for initiating sexual relationships with pupils in other classes 5. The Code specifically bans corporal punishment. 6. The Code is facing challenges because the type of disciplining measure taken simply involves the transferring of the offender to another school, thereby putting more pupils at risk of being abused by the same teacher. 	<ol style="list-style-type: none"> 1. There should be a registration of all teachers including voluntary teachers 2. Strict policing of private schools to ensure they do not employ blacklisted teachers 3. There should be a Code of Conduct for other staff directly working with children (support staff, school inspectors, volunteers, social workers)
3. Children and Young Persons Act	1.		MOGCCS MOJ Law Commission		
4. Affiliation Act	The amount of maintenance that the courts can award is very little.		MOGCCS MOJ Law Commission	<p>Lack of awareness among the general public</p> <p>Lack of implementation with regard to limited enforcement of order</p>	<p>Raise awareness on the provision of the Act</p> <p>Increase training for personnel dealing with enforcement orders</p> <p>Ensure that the law increases the amount of maintenance payable.</p>

5. Wills and Inheritance Act	<p>The lack of awareness and enforcement among general public on issues of property grabbing.</p> <p>Lack of enforcement of the Law by the Police in bringing perpetrators to book</p>		MOGCCS MOHA MOJ Police	The lack of resources and personnel in the DPP's chambers to prosecute all property grabbing matters.	Lobby for more funding for the prosecution services in the country.
6. Maintenance of Married Women Act	The amount of maintenance that the courts can award is very little.			<p>Lack of awareness among the general public on provision.</p> <p>Lack of implementation with regard to limited enforcement of order</p>	<p>Raise awareness on the provision of the Act.</p> <p>Increase training for personnel dealing with enforcement orders</p> <p>Ensure that the law increases the amount of maintenance payable.</p>
7. Penal Code	<p>The Code fails to protect boys who are sexually abused.</p> <p>The Code further fails to protect certain categories of children because there is ambiguity about the definition of the child.</p>		MOJ MOGCCS MOEHRD MOHA MOH Police Judiciary	<p>The lack of stiffer sentencing in sexual offences by the courts has contributed to the increase of these offences.</p> <p>The Code also fails to appropriate meaningful sentences to certain offences like those perpetrated against boys.</p>	<p>Review the law so that it becomes gender sensitive with regard to children.</p> <p>Review and harmonize the Penal Code to be in line with the CRC.</p> <p>Raise awareness among the public with regard to the law.</p> <p>Translate, reprint and circulate copies of the Code in other local languages.</p>

THEMATIC AREA 3: Role of Civil Society in Addressing VAC

Issues	Statistics	Policy guidelines	Legislation	Responsible Ministry/ Department/s	Intervention at program/project level; NGO/ FBOs/ Private sector	Challenges/opportunities	Interventions at family/community/school level	Challenges/opportunities	Recommendations
Child sexual abuse and exploitation		No direct policy on child abuse Indirectly there's; Gender Policy ECD Policy OVC Policy	Constitution Penal Code CRC	Ministry of Gender MHRC Judiciary Police	Child rights advocacy Child rights awareness campaigns TOTs Investigations and Legal representation Formulation of clubs and committees	Lack of adequate human and financial resources Lack of legal mandate for the civil society Lack of political will to address children issues	Family Usually culture of silence in both rural and urban settings especially if perpetrator is a family member or close relative Community Report abuse through Community policing and human rights clubs and committees Sensitizations being carried out School Culture of silence among teachers Children afraid to speak out	The people with influence can pay their way out Teachers and pupils not ready to be open about such practices which perpetrate the practice The MOE has a code of conduct for the teachers The available legislation can bring the perpetrators to book and protect children	Government should enforce the laws which are currently in place National institutions and NGOs should be proactive in dealing with these issues People who have committed sexually related offences should be given stiff penalties

National Child Labour 2003

Issues	Statistics	Policy Guidelines	Legislation	Responsible Ministry/ Departments	Intervention at program/project level; NGO/ FBOs/ Private sector	Interventions at family/community/school level	Challenges/ Opportunities	Recommendations
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Child Labour	3.8 million children between 5-17 involved in child labour		Constitution 2000 Employment Act	Min of Labour	Campaign against child labour Child rights campaign Legal support	IGA Education enforcement strategies Awareness on child rights	Large group of people still interested in cheap labour Poverty Children still interested in quick money Availability of legislation and commitments on part of civil society can reduce the numbers of children involved in child labour	
Harmful cultural practices: Sexual abuse: Fisi, kuchotsa fumbi Forced early marriages: Kupimbira, shanzi, Mbiligha Taboos Relating to Nutrition: Kuzinga	No comprehensive report has been done yet	Gender Policy	Constitution Marriage Act Penal Code	Min. of Gender MHRC Yoneco	Sensitisation	Very few families and communities free to talk about the practices	Resistance from people Lack of cooperation from the chiefs who are custodians of culture Intense civic education and openness on the effects of the practices can eradicate the practices	Government needs citizens from harmful Members of the campaigns against Government should prosecute parents in school setting
Physical abuse:			Constitution	MOG MOE	Child rights awareness campaigns Encouraging administration of other forms of punishments			

National Child Labour Survey 2003

Issues	Statistics	Policy Guidelines	Legislation	Responsible Ministry/ Departments	Intervention at program/ project level; NGO/ FBOs/ Private sector	Interventions at family/ community/ school level	Challenges/ Opportunities	Recommendations

Child prostitution	85% of 549 girls between 15 and 17 years in 12 districts have engaged in sex trade		Constitution Penal Code	MOG, MOJ, Police, NYC	Awareness and advocacy Investigations Research	Family is silent Community through clubs awareness	Family - Culture of not wanting to be associated with the practice Ignorance that it is a violation of rights Raising awareness and advocating for children's rights	Empower communities to speak out/ report Incorporate the issues of negative impact of prostitution into school curriculum/ church Involve community at all intervention levels Intensive advocacy on children's rights
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Issues	Statistics	Policy Guidelines	Legislation	Responsible Ministry/ Departments	Intervention at program/ project level; NGO/ FBOs/ Private sector	Interventions at family/ community/ school level	Challenges/ Opportunities	Recommendations
Child trafficking	None at the moment. The US Depart Report claim that we are at Tier 2 Watch List.		Constitution Penal Code	Immigration Police Judiciary Home Affairs Eye of the Child	Awareness, Advocacy Research	Family and community both silent since the cases are not publicized and people not aware that it's a problem	Government and people of Malawi do not regard this as a problem	Government should come up with clear laws to combat this and ratify CRC protocol on trafficking NGOs should move from raising awareness to providing services for victims of abuse Increase in political will in curbing child trafficking Conduct nation wide research

Thematic Group 4:

Children as Actors in Addressing Violence

Available studies	Issues	Statistics	Policy guidelines	Legislation	Responsible Ministries	Intervention at Program level/Private sector	Intervention at family/ community issue	Challenges opportunities	Recommendations
Researches, surveys & documents	Lack of involvement in designing, implementing and monitoring of activities that affect them	Refer to National Youth Council (NYC), MAM, MCC	Youth policy, OVC ECD policy	Not available	Ministry of Gender and Justice	Youth clubs, youth NGOs, children's Parliament	Advocacy campaign		The ECD program should involve children

Early Marriages	Refer to Save The Children		Malawi constitution has a cutting point	Ministry of Gender and Justice	Training the community Awareness campaigns	Advocacy	The Constitutions differentiates between boys and girls on age of consent. S. 138; and S. 14 girls cannot consent below the age of 13; boys cannot consent below the age of 12. Cultural practices encourage girls of 13 and even below to get married.	To amend constitution the age of consent for Women's recommended consent for
Child Labour	Refer to NSO and Labour Office		Child labour act	Ministry of labour	Child labour project Advocacy on CRC Child labour campaign	Child protection groups Child rights clubs		Punishment enforced
Child sexual abuse (incest harassment)	Refer to child abuse in Malawi survey report by save US	Youth policy, OVC policy, ECD policy	Malawi constitution	Ministry of Gender and Justice	Awareness Paralegal (community based)	Awareness	Children	Put local structures levels

16. Appendix III. Recent News Clips on VAC.

18. Appendix V.

List of Participants:

Two-Day: Consultation Workshop on Violence Against Children.

Venue: Capital City Motel – Lilongwe: **Dates:** 5th – 6th August 2004

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R. B. Chawinga	Secretary, MoGCWCS	

21. Appendix VII.

Two-Day Consultative Workshop on ‘Violence Against Children’

5th – 6th August 2004: Capital City Motel; Lilongwe.

Apart from the prior logistical, conceptual, and other preparatory activities and meetings, work on this study started with a two-day consultative workshop that brought together a cross section of Malawians working with children in different settings. Participants for the consultation were drawn from governmental and non-governmental organizations, the private sector as well as the civil society. For list of participants refer to **Appendix VI** of this report.

The aim behind this workshop was to complete the UN questionnaire on VAC. Completing the questionnaire would invariably provide some comprehensive situation analysis of VAC in Malawian.

Background to Study on VAC:

To facilitate this process, the consultant started the session by requesting the UNICEF Child Protection expert, Ms Alessandra Dentice to give participants a background to the study on VAC. The introduction also focused on the aim behind the study; the aim behind the two-day consultative workshop; as well as the way forward after the consultation. This was done to put the study in proper perspective and to ensure that participants understood the purpose of the consultation and its wider application for Malawi.

Significant Terms, Definitions and Perspectives:

After this background, the consultant made a presentation on the study’s significant terms. These included common definitions of terms like ‘child’ and ‘violence’ according to the UN study. The definitions were drawn from the various background documents made available for the study by the UN Expert and other related background documents.

The consultant presented to the forum the definition of a ‘child’ drawn from the Convention on the Rights of the Child (CRC). She explained that the study would adopt the definition of the child contained in article 1 of the CRC i.e., ‘Every human being below the age of 18 years unless, under the law applicable to the child, the majority is attained earlier’

She then presented the definition of ‘violence’ as drawn from the WHO World Report on Violence and Health that states: ‘the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.’

The consultant further explained that the concept of violence reflected in the CRC, especially in articles 19, 34 and 37, and other human rights treaties and human rights instruments such as the 1993 *Declaration on the Elimination of Violence Against Women* will also inform the study.

She then explained that in accordance with article 19 of the CRC and the work of the committee on the rights of the child, violence, for the purpose of the study, will include all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

The consultant further explained that the study would also be underpinned by the general definition of child abuse agreed by the experts participating in the WHO Consultation on Child Abuse Prevention in 1999. That definition reads ‘ child abuse or maltreatment constitute all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power’.

The consultant deliberately included this activity to ensure that before participants go into the questionnaire, they should have some common understanding of such significant terms in order that their interpretations of the questionnaire should be guided by some common understanding. For copy of this presentation please refer to **Appendix ii** of this report.

This presentation was followed by some plenary discussions on the significant terms and definitions. The discussions revealed that for Malawi, there is no unitary definition of child. This is true even in legal terms, where it was discovered that even by law, the definition of child differs according to circumstances.

Malawi’s Initial Country Report on the CRC, (2000), extensively covered this aspect. For details on the different contours of the Malawian definition of ‘child’ refer to the Initial Report of the CRC pages 15-18. See also observations of the CRC Committee, (2002; p. 5).

Similarly, the definition of ‘violence’ drew some diverging ideas. The most outstanding of the issues emanating from the definition of violence was the ambivalence surrounding violence where participants were not quite sure whether instances where parents fail to provide for their children because they were poor can also be characterized as instances of violation of children’s rights. This aspect is very significant for Malawi given the fact that most families in Malawi live below the poverty line, i.e., that they live below the US\$40 of consumption per annum poverty line as described by the 2003 United Nations Human Development Report.

In trying to resolve this controversy, the meeting drew from the legal/religious analogy of ‘sins of omission and sins of commission’ and agreed that where parents fail to provide for their children because they live below the poverty line, focus should turn instead to the macro economic dimensions of poverty where attention should be paid to government policies in this regard and how these can be improved to ensure that most families are pulled out of abject poverty, and empowered to provide adequately for their children and families. The bottom line however was that ‘sins of omission are still regarded as sins.’

It is important to point out too that there are legal provisions in the Malawi penal Code that protect children from neglect under Duties relating to Preservation of Life and Health in Chapter xx of the Penal Code. These state that:

Any person in charge of another is under a duty to provide necessaries of life

and would be responsible for the consequences on the life or health of the other if he omits to perform such duties. (Section 218 of the Penal Code).

These duties specifically extend to heads of the family: male or female, in respect of children under the age of 14 years and masters or mistresses in respect of servants or apprentices under the age of 16 years. (Section 219 and 220 of the Penal code).

In the same vein, dissatisfaction of children under the age of 14 years by parents, guardians or any person having charge of such children, neglecting to provide sufficient food and necessaries by parents, guardians, or persons having charge of tender age or unable to fend for themselves, or by masters or mistresses of servants or apprentices is an offence. (Sections 164, 165 and 166 of the Penal Code).

Further, Section 180 of the Penal Code makes any person who causes, procures or encourages any child or children to beg or gather alms, is liable to prosecution as an idle and disorderly person

Violence: Settings, Issues and Incidences in Malawi.

After discussions on the significant terms, definitions and perspectives, the consultant requested participants to divide into groups where they would identify instances of violence against children and the different settings in which these occur.

The consultant deliberately carried out this activity to establish the common issues and settings within which violence against children occur to enable participants focus into the field of study with a very broad and clear perspectives of the situation of violence against children pertaining to Malawi.

The plenary discussions that followed the group discussions came up with the following observations:

Violence in the Home and Family:

- Physical harm-canning; work overload; food deprivation
- Use of abusive language
- Child-beating
- Child labour
- Denying children the opportunity to enroll in school for several reasons (e.g., child labour, early marriages, collateral to debts etc)
- Early marriages and/or arranged marriages
- Using children as collateral to debt payment. (Usually girls are given into marriage to older men when their parents fail to pay back debts)
- Forcing young girls into prostitution to generate income for the home
- Pornographic incidences in the family
- Violence emanating from the effects of the HIV/AIDS illnesses;
 - Illness or deaths of caregivers/parents forces young children to take on the roles of caring for the sick or head whole families in worst case scenarios.
 - Dropping out of school or disturbances in school progress

- Stress
- Work overload leading to child labour
- Lack of food.
- Death of parents due to AIDS renders young children helpless and vulnerable due to lack of material and emotional support.
- Property grabbing by relatives
- Disintegration of the sibling fraternity
- Early marriage because of lack of support
- Delinquency due to the resultant development of defensive mechanism/survival instincts.

All the above outcomes of the HIV/AIDS epidemic give rise to increased poverty and increased violation of children's rights.

Violence in Schools.

Physical violence

Corporal punishment, excessive punishment, degrading treatment/ punishment or abusive language, gangster activities, bullying, teasing.

Sexual harassment

Defilement, sexual harassment, indecent assault, early marriages (teacher/pupil), forced sex amongst pupils themselves as well as sex between teachers and pupils, pornography

Emotional/psychological violence

Verbal abuse, verbal taunts, teasing, bias and favouritism, sending children back from school/suspension for minor offences.

Other forms

Children forced to carry out teachers' household chores during or after class times, unsafe and insecure learning environment; characterized by unhygienic toilet/bathroom conditions, unhygienic classroom or dormitory conditions e.g., congestion that facilitates the spread of diseases and infections, inadequate and poor quality bedding facilities, lack of access to proper ancillary services such as medical care, reproductive health services for youths, sporting equipment, library services, poor quality education services, drugs, alcohol, and other harmful substance abuse, etc

Violence in other Institutions and in all forms of Alternative Care

Hospitals

Unfriendly services; congestion; unhygienic environment; non-nutritious diets

Prisons

Mixture of juveniles with adults, sexual abuse (sodomy), poor diets, malnutrition, denying young children the opportunity to acquire some education, denying young

children exposure to stimulating environments that are conducive to child development, restrictive environments, corporal punishment, abusive language, different forms of exploitation, congestion, exposure to outbreaks of diseases and infections including HIV/AIDS, tuberculosis, typhoid, scabies, Sexually Transmitted Infections (STIs) etc due to extremely unhygienic environments.

Alternative Care; Orphanages/Foster Homes

Prone to child labour where orphans are used (abused) as cheap labour, deprived the opportunity to practice their cultural rights freely, deprived freedom of association with the outside world, prone to denying children the opportunity to enroll in school, to play, and other freedoms, prone to malnutrition.

Violence in Work Situations

Child labour (employing underage children in risky job that are hazardous to their growth, survival and development))

Lack of developmental rights e.g. access to education and medical care

Verbal abuse (insults)

Discrimination of domestic child labourers (where children employed as labourers in households do not have the same statuses and privileges as the employer's own children)

Defilement, rape, sexual harassment

Unpaid labour, less pay, payment in kind

Harsh working conditions e.g. long working hours, no holidays or off hours, no leisure time and heavy workload

Physical abuse e.g., beating

No job security (can be fired anytime)

Exposure to hazardous environment e.g. pubs/chemicals; no suitable protective wear

No forum for presenting grievances

Poor diets that can lead to malnutrition

Violence in the Community and on the Streets

Physical violence and theft perpetrated by older boys, adults including vendors, minibus-call-boys, police officers among others

Verbal abuse

Sexual violence and exploitation (prostitution)

Begging as a form of exploitation of children by adults (i.e., when adults use children to beg because child-beggars enlist more sympathy from potential alms givers).

In communities

Sexual violence by community members (e.g., ‘Sugar Daddies/Mummies)

Harmful cultural practices (e.g. ‘kuchotsa fumbi’)

Verbal abuse (insults, sexual innuendos)- especially against physically challenged children; schoolgirls walking home

Early marriages condoned by communities

Giving away girls in marriage as collateral when parents fail to pay back debts (Practice especially common in the northern region of Malawi – ‘kupimbira’)

Pornography in video shows

Violence in the Media

Low publicity given to cases of VAC

Overall implication of some publications- some perpetuating VAC

Use of inappropriate images of children to sell products

Biased/censored reporting of violence against children, especially those that involve influential people

Inadequate coverage on achievements by children-i.e, not adequately focusing on children

Media promoting sexual exploitation and pornography through cartoons

Media promoting physical violence through program in TV and pictures in papers

Media promoting violent language against children

Violence in Unstable Settings

Political situations

Exposing children to abusive language, use of young people to perpetrate acts of political violence e.g., Disrupting political rallies or other gatherings thus subjecting them to dangerous and volatile conflict situations, child exploitations that interfere with their time to engage in productive activities e.g. education, training, and career development

Disasters

(Floods, drought) – displacement of children, lack of food, clothes, shelter, among other needs, lack of parental care, disruption in school attendance, resultant child

labour, outbreak of disease (diarrhea, malnutrition, etc.), resultant child sexual abuse

HIV/AIDS

Issues raised under violence in the home and family as it applies to HIV/AIDS also apply to violence arising out of HIV/AIDS as an unstable situation.

The incidence of violence and the settings thus identified and discussed in plenary were used as a frame of reference when responding to the questionnaire.

Matrices on VAC in Malawi.

Upon completion of the discussions on the issues and settings, the consultant divided people into groups according to their specialization and explained that each group would work towards filling in a matrix that had been designed by the consultant to arrive at a comprehensive analysis of violence against children in Malawi.

The groups were divided according to some three thematic areas of the study as follows:

Legal Framework

The Role of Civil Society in Addressing VAC

Children as Actors in Addressing Violence

The thematic area on Institutional Framework and Resources to Address VAC was already incorporated into the design of the matrix, so too was the one on Policy and Programs to Address VAC. However, due to the design of the matrix, the thematic area on Data Collection, Analysis and Research could not conform to the matrix, as such, members of this group were requested to respond to the questionnaire directly. Similarly the group working on the thematic area on Awareness, Advocacy and Training were also requested to respond directly the questionnaire.

*(For details on the matrices, refer to **Appendix iii** of this report)*