

UN CRC	Accession Date	Care-Related Concluding Observations
	02 Jan 1991	<p>CRC/C/MWI/CO/2 27 March 2009</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2fCO%2f2&Lang=en</p> <p>D. Main areas of concern and recommendations</p> <p>1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)</p> <p>Legislation</p> <p>8. The Committee notes with appreciation that the State party has undertaken a Constitutional Review process through the Malawi Law Commission which has been highly participatory and very inclusive. Furthermore, the Committee notes with interest the various legislative reforms aimed at harmonizing existing legislation with the provisions enshrined in the Convention on the Rights of the Child and other international instruments, including the Child (Care, Protection and Justice) Bill, the National Registration Bill, the Deceased Estates (Wills, Inheritance and Protection) Bill, the Marriage, Divorce and Family Relations Bill, the Revised Penal Code Bill, the Criminal Procedure and Evidence Bill and Education Act Review. However, the Committee strongly regrets that none of these proposed bills has been enacted into law due mainly to the political situation in the State party.</p> <p>9. The Committee reiterates its previous recommendation (CRC/C/15/Add.174, para. 7) to undertake all necessary steps to harmonize existing legislation, including the Constitution with the Convention on the Rights of the Child. The Committee urges the State party to take, as a matter of urgency, all appropriate measures to expedite the adoption of the abovementioned bills, with priority to those affecting children, and ensure their compliance with the provisions of the Convention.</p> <p>National Plan of Action</p>

		<p>12. The Committee welcomes the adoption of the National Plan of Action for Orphans and Other Vulnerable Children in 2005. It also notes that a comprehensive National Action Plan for Children (NAPC) has been drafted; however the Committee regrets that the NAPC has not yet been finalized and that there is no comprehensive Children's Policy based on the Convention.</p> <p>13. The Committee encourages the State party to finalize the NAPC and adopt a comprehensive Children's Policy and that addresses fully all the rights of the child enshrined in the Convention, and take into account the outcome document "A World Fit for Children" adopted by the General Assembly at its special session on children in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation for the implementation of the NAPC and the establishment of an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies. The Committee encourages the State party to also monitor the implementation of the "Call for Accelerated Action" adopted during the mid-term review of "Africa Fit for Children", held in Cairo in November 2007.</p> <p>3. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>28. The Committee notes with appreciation the various policies and programmes aimed at addressing the issue of non-discrimination. The Committee also welcomes the Gender Equality Bill which proposes to abolish harmful gender related customary laws and practices, with specific reference to the girl child. However, the Committee continues to be concerned that de facto societal discrimination persists against girls and vulnerable groups of children, including children with disabilities and orphans.</p> <p>29. The Committee urges the State party to continue and strengthen its efforts to eradicate all discriminatory laws and expedite the adoption of the Gender Equality Bill. In particular, the Committee urges the State party to ensure that the practical application of its constitutional and legal provisions guaranteeing the principle of non-discrimination is in full compliance with article 2 of the Convention.</p>
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		<p>Best interests of the Child</p> <p>30. While noting that the Law Commission Review recommended that the principle of the best interests of the child be included in the Constitution, the Committee reiterates its concern raised in its previous concluding observations (CRC/C/15/Add.174, para.25) that the principle of best interests of the child is not fully taken into account in domestic legislation, programmes and services for children.</p> <p>31. The Committee urges the State party to ensure the integration of the principle of the best interests of the child in the Constitution. The Committee further recommends that the State party continue and strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes, and services that have an impact on children.</p> <p>Right to life, survival and development</p> <p>32. The Committee welcomes the existence of several programmes and policies (National Plan of Action for Orphans and Other Vulnerable Children, Nutrition Rehabilitation Programme as well as Cash Transfer Pilot Programme) with the aim to provide greater support to children whose right to life, survival and development is threatened. Nevertheless, the Committee is concerned about the lack of coordination of all these different initiatives and the limited impact they have so far on the overall socio-economic situation of children. In particular, the Committee notes the difficulty for children and families living in poverty to access basic social services.</p> <p>33. The Committee recommends that the State party develop a global strategy to address the problems of poverty, social security, nutrition and health in order to ensure the full exercise by children of the right to life, survival and development, and, in particular to continue and strengthen its efforts to coordinate the policies, plans and programmes. The Committee further recommends that the State party seek assistance in this regard through international cooperation.</p>
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		<p>party to support these families.</p> <p>42. The Committee recommends, in light of article 18 of the Convention, that the State party:</p> <p>(a) Strengthen its existing programmes at district and local level and ensure that these reach children in vulnerable families, particularly those affected by HIV/AIDS and families suffering from poverty;</p> <p>(b) Provide psychosocial and financial support to extended families that care for children whose parents have died of AIDS;</p> <p>(c) Develop at national, district and rural levels family education and awareness, including through training of parents, caregivers and traditional leaders;</p> <p>(d) Ensure the protection of property of orphans and their inheritance rights and in this regard enact the Deceased Estates (Wills, Inheritance and Protection) Bill.</p> <p>Children deprived of a family environment</p> <p>43. While noting the adoption of the Children's Homes and Orphanages Rules and Regulations in 2005, the Committee remains concerned at the increasing number of orphanages and children's homes often operating without being registered and regulated by the government.</p> <p>44. The Committee recommends that the State party:</p> <p>(a) Strengthen its efforts to effectively implement the Children's Homes and Orphanages Rules and Regulations of 2005;</p> <p>(b) Urgently develop an effective alternative care strategy and monitoring systems, taking into account the recommendations adopted by the Committee on 16 September 2005, following its day of general discussion on Children without parental care;</p> <p>(c) Promote and support family-type forms of alternative care for children deprived of parental care, including foster care in order to reduce the resort to residential care;</p> <p>(d) Ensure the registration and regulation, including regular reviews and inspections, of all orphanages and children's homes;</p> <p>(e) Provide training, including on the provisions of the Convention for care-givers and personnel of alternative care institutions;</p> <p>(f) Ensure the periodic review of placements in institutions in accordance with article 25 of the Convention;</p>
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		<p>(g) Establish an independent complaints mechanism for children in alternative care institutions.</p> <p>Adoption</p> <p>45. The Committee expresses concern at the legislation on adoption, which is not in compliance with article 21 and other relevant provisions of the Convention.</p> <p>46. The Committee recommends that the State party review and ensure that its legislation on adoption is in conformity with article 21 of the Convention. The Committee reiterates its previous recommendation (CRC/C/15/Add.174, para. 40) and in particular encourages the State party to ratify the 1993 Hague Convention on the Protection and Cooperation in Respect of Intercountry Adoption.</p> <p>Violence, abuse and neglect</p> <p>47. The Committee welcomes the adoption of the Prevention of Domestic Violence Act in May 2006. The Committee also notes with appreciation the adoption of the National Strategy to Combat Gender Based Violence and the successful implementation of the “Stop Child Abuse Campaign”. Nevertheless, the Committee notes with regret that violence against children continues to take place in the home, in schools, in children’s shelters and in the streets.</p> <p>48. The Committee urges the State party to actively implement the Prevention of Domestic Violence Act and the National Strategy to Combat Gender Based Violence and ensure that perpetrators are brought to justice.</p> <p>6. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)</p> <p>Standard of living</p> <p>60. The Committee notes with appreciation the introduction of a social cash transfer scheme in 7 of the 28 districts of the State party that targets children living in extreme poverty and encourages school attendance.</p>
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		<p>reformatory institutions meant for children who come into conflict with the law.</p> <p>69. The Committee recommends that the State party:</p> <p>(a) Take urgent measures to remove street children from reformatory institutions and provide all street children with adequate housing, nutrition, health care and educational opportunities including vocational and life skills training to support their full social development;</p> <p>(b) Provide street children with appropriate recovery assistance and promote their social reintegration within their families and communities;</p> <p>(c) Ensure full participation of children living in the streets in the planning, implementation and evaluation of programmes;</p> <p>(d) Undertake a study on the scope and causes of the phenomenon of children living in the streets with the aim of developing a policy and strategies to reduce and prevent the phenomenon;</p> <p>(e) Collaborate with non-governmental organizations working with street children in the State party and seek technical assistance from, among others, UNICEF.</p> <p>Child helplines</p> <p>74. The Committee takes note of the existence of several child helplines in Malawi and the efforts of the State party to consolidate them into one. The Committee recommends that the State party ensure that the national child helpline is allocated a 3 to 4 digit telephone number, which is easy to remember, operates 24 hours a day and is toll-free for the child and the child helpline. The Committee further recommends that the State party ensure that the child helpline has an outreach component for the most vulnerable and marginalized children and that funds are allocated specifically for the provision of services in remote areas.</p> <p>Juvenile justice</p> <p>75. The Committee notes the information in the State party's report that the Child (Care, Protection and Justice) Bill proposed to replace the Children and Young Persons Act would improve the administration of juvenile justice. It also notes the introduction of diversion programmes in four districts where there are child-friendly courts and the fact that a board of visitors visit regularly remand centres and reformatory schools as well as juvenile detention centers. However, the Committee remains concerned at the current situation of the</p>
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		<p>juvenile justice system. In particular, the Committee reiterates its previous concern that the minimum age of criminal responsibility, still set at seven years remains far too low. The Committee is also concerned that the new legislation proposes ten years which is still too low. It is further concerned at the increasing rate of crime perpetrated by children and that children in need of care and attention are kept in the same institutions as children in conflict with the law. It is also concerned at the practice of detention based upon the procedure of “at the pleasure of the President”.</p> <p>76. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee’s general comment No. 10 (2007) on the administration of juvenile justice:</p> <p>(a) As a matter of urgency, raise the age of criminal responsibility in accordance with general comment No. 10, notably paragraphs 32 and 33;</p> <p>(b) Implement alternative measures to deprivation of liberty such as mediation, probation and community services orders and extend diversion to the whole country;</p> <p>(c) Make sure that children in need of care are not treated as children in conflict with the law;</p> <p>(d) Ensure that cases involving children in conflict with the law are brought to trial as soon as possible;</p> <p>(e) Ensure that all children in conflict with the law have access to free legal assistance and to an independent and effective complaints mechanism;</p> <p>(f) Train all professionals working in the Juvenile Justice system on the Convention and other international standards;</p> <p>(g) Ensure that deprivation of liberty is used as a sentence of last resort and for the shortest period possible;</p> <p>(h) When a child is deprived of liberty (in pre-trial detention or after being sentenced), take all necessary measures to carry out this sentence in compliance with the Convention, in particular respect the following obligations: separation from adults, prohibition of illtreatment, visitation rights, and access to independent complaint mechanisms;</p>
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		<p>(i) Review the procedure of detaining children “at the pleasure of the President” with the view to eliminating it and ensure that children are protected in accordance with the Convention;</p> <p>(j) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.</p>
		Country Report
		<p>CRC/C/MWI/2 17 July 2008</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f2&Lang=en</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	07 Oct 2009	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	21 Sep 2010	
ICCPR	Accession Date	Care-Related Concluding Observations
CCPR/C/MWI/CO/1/Add.1	22 Dec 1993	<p>19 August 2014</p> <p>Child labour and children in street situations</p> <p>26. The Committee is concerned about the high prevalence of child labour. The Committee regrets the lack of information received by the State party with regard to children in street situations (art. 24).</p> <p>The State party should:</p> <p>(a) Strengthen its efforts to eliminate child labour by allocating adequate financial and human resources to the effective implementation of laws and relevant treaties;</p>

		<p>(b) Conduct a study on the scope and causes of the phenomenon of children in street situations and develop a policy to reduce and prevent it.</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMWI%2fCO%2f1%2fAdd.1&Lang=en</p>
ICESCR	Accession Date	Care-Related Concluding Observations
	22 Dec 1993	
CEDAW	Accession Date	Care-Related Concluding Observations
	12 Mar 1987	
CRPD	Ratification Date	Care-Related Concluding Observations
	27 Aug 2009	
UPR	Date of Consideration	Link to Page
	Tuesday 5 May 2015	http://www.ohchr.org/EN/HRBodies/UPR/Pages/MWSession22.aspx
Hague Intercountry Adoption	Accession Date	Link to Country Profile
	N/A	
CERD	Accession Date	Care-Related Concluding Observations
CERD/C/63/CO/12	11 Jun 1996	<p>10 December 2003</p> <p>8. The Committee is concerned that the registration of births is not compulsory, except for children of non-African</p>

		<p>origin.</p> <p>The Committee underlines the existing link between the registration of births and the ability of children to enjoy civil, political, economic, social and cultural rights, as enumerated under article 5 of the Convention. It recommends that the State party review the Births and Deaths Registration Act in order to make birth registration compulsory for all children without any discrimination.</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f63%2fCO%2f12&Lang=en</p>
CAT	Accession Date	Care-Related Concluding Observations
	11 Jun 1996	

Acronyms and Abbreviations:

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of all Forms of Racial Discrimination
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review