

**Investing in Malawi's National Child
Protection System to support
national social protection goals**

**the
business
case**

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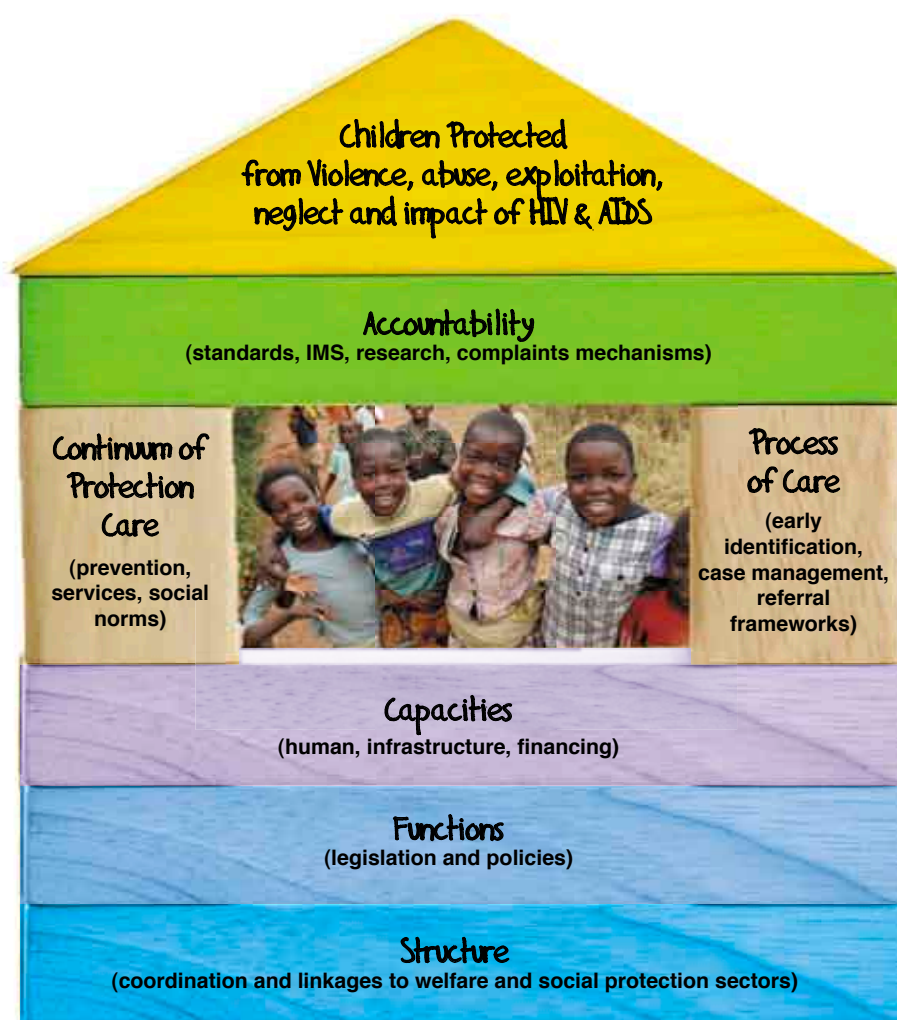
The United Nations System in Malawi recently concluded a technical review on how the United Nations could strengthen its support to national efforts to protect the rights of children affected by HIV and AIDS. The technical review team comprised UNICEF specialists from New York, Regional Office and the Country Office on HIV and AIDS, orphans and vulnerable children, social protection and child protection. The members were Rachel Yates, Thomas Fenn, Cornelius Williams, Nankali Maksud, Bruce Grant, Jacqueline Kabambe and Juliet Attenborough. The review team conducted three missions between November 2010 and May 2011 to gather information, carry out assessments and analysis, and formulate strategic action plans. One of the recommendations to come out of the review was the need to develop a business case to articulate why investing in Malawi's emerging child protection system would be good social protection practice - this paper presents the case. Thanks go to Juliet Attenborough for writing the paper and to Bruce Grant for editorial guidance and moving it forward to publication. Special thanks are due to the Ministry of Gender, Children and Community Development for making the review possible.

The report of the review, *Vulnerability & child protection in the face of HIV in Malawi* is available online at www.unicef.org/Malawi.

1.0 Purpose and timing of the business case

The purpose of this paper is to show that investing in Malawi's emerging national child protection system will support national social protection goals. This analysis is timely, as the child protection and social protection programmes in Malawi are both in a state of transition, with the development of a national child protection system and the national social support policy being finalised.

The Malawi Child Protection System



The business case shows how a strong child protection system can add value to social protection goals. It is hoped that the paper will help Government and civil society to strengthen the links between social protection and child protection interventions, and to mobilize resources for child protection within the broader social protection policy environment.

The Government of Malawi has developed a National Social Support Policy, which deals primarily with social transfers, to guide its social protection work. Malawi's social cash transfer programme is proving successful on many levels. It was found to assist households to '*transfer financial, material, environmental, human, social, cultural and political capital to children and youth*'. It also helped reduce children's vulnerability across a number of domains.¹ Accelerating social protection programmes is a Government priority.

The Government is bringing together its various responses to child protection and orphans and vulnerable children as the foundation on which to build the national child protection system. This will deliver a coordinated, harmonised and systematic approach to protecting children from violence, abuse, exploitation and neglect. In countries like Malawi, with a high HIV disease burden, a child protection system must also help mitigate the impact of HIV on children. A strong child protection system is guided by legislation and policy, and has the capacity (human resources, financing and infrastructure) to prevent and respond to children suffering harm. The starting point for a child protection system is community child-rearing practices, and the processes of care required to support children who are less valued by their communities. The child protection system should be accountable, rights-based, and child and family friendly. Such a system is the foundation of social welfare and transformative social protection. It can facilitate improved outcomes from social cash transfers such as legislation, services, case management and the skills of the social welfare workforce.

¹ Miller, C. et al. (2008) External Evaluation of the Mchinji Social Cash Transfer Pilot Available at <http://childresearchpolicy.org>

2.0 Why invest in Malawi's national child protection system?

2.1 Child protection issues can be exacerbated by poverty but they cannot be resolved through poverty reduction alone

Economic and social vulnerability can increase a child's risk of experiencing violence, abuse and exploitation. At the same time, protection issues often leave children more vulnerable to other social and economic hardship. For example, a child who is without parental care and living and/or working on the streets is more likely to live in poverty, with inadequate housing and food, and to be out of school and excluded from health services. Children's vulnerabilities and risks of abuse, violence, exploitation and neglect are multiple and overlapping. For instance, a child without parental care is more vulnerable to sexual exploitation.²

Policymakers are interested in social protection because it is effective in a number of poverty-related domains including education, health and nutrition. Initial analysis suggests that social protection can also have a beneficial, albeit indirect, impact on children's protection, particularly by providing a high-profile entry point from which components of a child protection system (such as birth registration) can be strengthened.³ Less research has been conducted on how social protection programmes might directly address poverty-related forms of violence, abuse, exploitation and neglect (such as child labour and early marriage), although Malawi's existing social protection programmes are beginning to demonstrate such child protection impacts.

Malawi's Social Cash Transfer Programme (which targets labour-constrained households facing extreme poverty) now reaches over 28,000 households across seven districts, with support from UNICEF. Plans are in place to expand the programme to more districts. An external evaluation of the pilot social cash transfer scheme in Mchinji District, on which the current programme was built, found a reduction in child labour as well as health, nutrition and education gains. The evaluation also found that beneficiary households were lifted above the ultra-poverty line, poor household who were previously left out had better access to credit, and local markets were strengthened.

2 Jones, N. (2009) Promoting synergies between child protection and social protection: West and Central Africa
UNICEF

3 Jones, N. (2009) Ibid

Overall, the villages and surrounding areas where transfers are received benefited from an economic multiplier effect.⁴ Cash transfer in Zomba District shows promise as a means of reducing rates of early marriage among out-of-school adolescent girls - it increases school attendance by linking cash transfer to continuing in education.⁵ Of course, child abuse is not simply a by-product of poverty: it happens globally across all socio-economic profiles. However, poverty exacerbates some risks for children and, conversely, poverty reduction strategies can provide some protection from violence, abuse, exploitation and neglect. Additional research into social protection and other poverty reduction strategies is highly recommended to demonstrate these links in Malawi.

Malawi is one of the world's Least Developed Countries, with a gross national income per capita of USD 290.⁶ An estimated 85 per cent of the population rely on subsistence farming for their livelihoods, with 39 per cent living on less than one US dollar a day. Approximately 15 per cent of Malawians are extremely poor, living on less than USD 0.33 per day.⁷ Poverty is a key driver of child protection issues, posing a significant risk for the 1.2 million children living in the lowest quintile of extreme poverty. Malawi's HIV epidemic has had a profound impact on children's protection, and is closely correlated with poverty: the majority of households in Malawi's Social Cash Transfer Programme are housing a child affected by AIDS. Of the total population of 14.4 million, 8.5 million are children.⁸ Malawi's human development challenges are reflected in its ranking of 153 out of 169 countries on the Human Development Index.⁹ For instance, infant, child and maternal mortality rates are among the 20 highest in the world. HIV prevalence among adults aged 15-49 is 10.6 per cent.¹⁰ This translates into one in ten people living with HIV.

4 Miller et al. (2008) Ibid

5 Baird, S., Chirwa, E., McIntosh, C. & Özler, B. (2010) The Short-Term Impacts of a Schooling Conditional Cash Transfer Program on the Sexual Behaviour of Young Women The World Bank

6 World Bank (2009) Malawi WB, Washington

7 Government of Malawi (2008) Welfare Monitoring Survey

8 Government of Malawi (2008) Population and Housing Survey

9 United National Development Programme (2010) Human Development Index New York

10 Government of Malawi (2011) Demographic and Health Survey 2010

Nearly 13 per cent of children have lost one or both parents, half of them to HIV-related illness, while a further 6 per cent live in households with a sick parent or other sick adult.¹¹ Many of Malawi's 1 million orphaned children live in poor communities that struggle to provide optimal care and protection, leaving the children vulnerable to neglect, abuse and exploitation.¹² Approximately 53 per cent of children possess three minimum material needs (a blanket, one pair of shoes and more than one set of clothing). This drops to 41 per cent for orphans and vulnerable children.¹³ The figure drops further to 29 per cent (non-orphans) and 18 per cent (orphans) for children in the lowest quintile. Property grabbing continues to be a major protection violation - 36 per cent of widowed women are dispossessed of their property but fewer than one in five women receive legal support or assistance in response.¹⁴

While there have been significant advances in mitigating the impact of HIV on children, major challenges remain.¹⁵ The majority of vulnerable children are still not being reached by impact mitigation services and those with the highest needs are unlikely to be service recipients.¹⁶ Approximately 90,000 children are living with HIV and one in six children (1.2 million) are growing up with reduced parental care in a wide range of formal and informal care arrangements. By 2015 there will be 155,000 children aged 0-14 living with HIV and approximately 476,000 children orphaned from AIDS-related causes.¹⁷ There are currently 12,000 children living in child-headed households and 6,000 children living in institutional care. Eleven per cent of children do not live with their parents even though both parents are living.¹⁸ Sixty-eight per cent of girls and 62 per cent of boys either do not enrol in school or exit the education system before the age of twelve.¹⁹ There is little data to support an evidence-based understanding of the cultural value of children, social norms, and community and household dynamics involving children.

11 Government of Malawi (2011) Demographic and Health Survey 2010

12 UNICEF (2010) Fifth Stocktaking Report New York

13 Government of Malawi (2011) Demographic and Health Survey 2010

14 Ibid.

15 UNICEF Malawi (2011) Vulnerability and Child Protection in the face of HIV

16 Fowler, D. (2011) Assessment of results achieved through Global Fund Round 5 UNICEF Malawi

17 UNAIDS (2011) Children and aids projections (unpublished) Malawi

18 Government of Malawi (2011) Demographic and Household Survey 2010

19 Government of Malawi (2010) Education Country Status Report

As Malawi faces both poverty and child protection issues, it is practical that social protection programmes, which make such an important contribution to poverty reduction, be designed to enable child protection outcomes. Social protection interventions, including cash transfers, are dependent on complementary essential services to maximise their impact. It is only possible to address the economic and social vulnerabilities of women and children through cash transfer if it is linked with other critical services. For instance, a child's access to education will not be improved by cash transfer in an area where there are no schools. Similarly if there are insufficient goods and services available for purchase, cash transfers will inflate costs rather than increasing consumption by vulnerable households.

For children, economic and social vulnerability comes with a risk of losing family care, either through stress on the family structure or, more directly, due to parents having to leave children untended in their search for income. Malawi's national child protection system will deliver vital promotive, preventative and responsive child protection services that complement social protection efforts to address social vulnerability. This includes, for instance, strengthening the resilience of families to prevent separation, and addressing harmful social norms that propagate vulnerability, including gender inequality.

Investment from the Government



2009

National
Registration Act

2011

Wills and
Inheritance Act

Mapping of Child
Protection System

2012

500 additional Community
Child Protection Workers to
be recruited

2010

Child Care, Protection &
Justice Act

300 Community Child
Protection Workers on
Government Payroll

Division of Child Protection
created in Ministry of
Gender to lead response

2012-2016

Child Protection System a
priority in the Malawi Growth
and Development Strategy



The gains made by Government and civil society in Malawi in preventing and responding to child protection issues highlight the potential of the child protection system to deliver social support and care services for children. Children's Courts are being progressively rolled out to ensure better justice for child offenders, witnesses and victims. There are fewer children in custody today than there were five years ago. The range and reach of child protection services has expanded considerably with the establishment of 101 Police Victim Support Units and three hospital-based One Stop Centres for women and children survivors of rape, family violence and child maltreatment. There are 300 Community Victims Support Units, 6,000 Community-Based Childcare Centres and 2,500 Children's Corners. The creation of district child protection committees, the deployment of 800 Community Child Protection Workers, and the creation of a Child Protection Division to coordinate the sector has ensured a stronger workforce actually delivering services. Further investment in these services, which form a large part of the child protection system's 'infrastructure' will help to ensure that social protection programmes can protect more children from violence, abuse, exploitation and neglect.

2.2 The child protection system can ensure that social transfers are protective and effective for children

A national child protection system can ensure that social transfers are protective for children and adopt a 'do no harm' approach. One concern of policy makers when developing cash transfer programmes is the fear that introducing cash into households will have unintended negative impacts for women and children, or that households will incorrectly be included in the programme. Child protection inputs can help anticipate these issues in the design and implementation stages, by supporting registration processes, linking child beneficiaries into complaint and response mechanisms, and by receiving and following up referrals for protection.

Child protection has taken the lead in strengthening birth registration systems in Malawi. This is critical for social transfers, as they often require strong birth registration systems to ensure equitable participation in programmes. One reason for pursuing community-based targeting for Malawi's cash transfer pilot was because birth registration systems were insufficient to enable age-based transfers (such as child or elderly grants). Investment to strengthen registration systems will ensure that Malawi can adopt whatever targeting approach will secure the best outcomes for children.

A child protection system that is working properly can deal with social protection complaints and provide ombudsman functions. It is child-friendly and capable of identifying and referring child protection issues to the system. Anecdotal evidence has shown that community volunteers encounter child protection issues while monitoring social cash transfers, but they have not been trained to report such encounters to a relevant professional within the child protection service. Nor are volunteers or cash transfer staff trained to analyse emerging trends that might require programme modifications to strengthen child protection. By linking the social cash transfer programme with Malawi's emerging case management framework, there is an opportunity to build the capacity of social cash transfer volunteers to identify and report child protection issues. There is also scope to better utilise the social cash transfer as a means of sensitising communities on child rights and child protection. For instance, social transfers can be accompanied by information on positive parenting skills and avenues for support if required. Another avenue of communication that could be strengthened is the referral mechanism between social cash transfer and the community-based childcare centres.

Child protection issues are exacerbated when certain children are valued less than others, leading to exclusion and inequity. Malawi's child protection system has a central role to play in addressing the underlying inequity of children within the framework of a protective environment. Child protection services are a core component of a functioning social welfare system and are key entry points for the provision of social welfare to vulnerable children and families. Good case management services run by a strong national child protection system can help vulnerable and eligible households to benefit from social protection programmes, minimising the number of vulnerable households excluded from these programmes. Conversely, many households that receive social support can also benefit from child protection systems, particularly early intervention approaches that provide specialised support to vulnerable children at high risk of violence, abuse and exploitation. Ensuring that the child protection system can interact proactively with social protection programmes will help to ensure such programmes are as equitable as possible.

The child protection system can also help overcome protection-related bottlenecks in social protection programmes. In Brazil, for example, it was found that the main reasons why children did not comply with educational conditionalities attached to cash transfer were domestic violence, bullying and child abuse. Clearly such issues are best addressed through referral to the child protection system, which can support such children and provide the care required to restore their wellbeing and protection. This in turn will enable these children to meet the conditionalities and thus benefit from the cash transfer. In Malawi, a comparative analysis of a conditional and unconditional cash transfer for adolescent girls found '*substantially elevated stress and psychological morbidity among adolescent girls in the conditional group relative to the unconditional arm*' and that '*the mental health of the conditional cash transfer recipients worsen when the transfer amount offered to the parents is larger, while the mental health of unconditional cash transfer recipients is uncorrelated with the transfers offered to the parents.*'²⁰ The child protection system is well placed to assist programme implementers to address such issues.

Attaching conditions in the hope of promoting certain behaviour from children, no matter how well intentioned, can create protection risks if it is done without due consideration. The child protection system adds value to the design and implementation of social protection interventions by identifying possible risks to children resulting from particular targeting approaches or from attaching conditions. It can also monitor children's protection throughout the lifespan of the intervention.

20 Baird, S., Chirwa, E., McIntosh, C. & Özler, B. (2010) The Short-Term Impacts of a Schooling Conditional Cash Transfer Program on the Sexual Behaviour of Young Women The World Bank

2.3 The child protection system can lead legislative and policy reform to address inequity and discrimination

Social and economic inequity and exclusion makes children and their families more vulnerable. It must be overcome if poverty reduction goals are to be achieved. A fair and inclusive agenda needs to be enforced through a strong rights-based legislative and policy framework. Child protection has traditionally taken a lead in initiating legal and regulatory reform to strengthen the overall protective environment as part of a transformative agenda for children's rights. In Malawi, the National Registration Act (2009), the Child Care, Protection and Justice Act (2010) and the Wills and Inheritance Act (2011) all prioritise a preventative and holistic approach to vulnerable children and their families. Using case management systems, fair access to services and economic opportunities can be incorporated into care plans for children living in higher risk families. Child protection's broader promotive agenda, which seeks to address social norms that devalue certain children whilst promoting a protective environment for all children, indirectly supports this component of social protection.

3.0 Where to invest to strengthen Malawi's national child protection system

Investment is required to support Malawi's emerging child protection system to prepare for – and contribute to – the implementation of the national social support policy. The capacity of the social support policy to deliver holistic gains for children will partly depend on the strength of the child protection system in place and the quality of the linkages between the child protection system and elements of the social support system. To maximise the capacity of the child protection system to support social protection objectives, the following specific investments (in the six components of Malawi's child protection system) are recommended.



3.1 Legal and regulatory frameworks

The legislative environment for child protection is strong, providing a sound framework to shape and guide the national child protection system. Relevant laws include the Child Care, Protection and Justice Act (2010), the National Registration Act (2009), the Wills and Inheritance Act (2011) and the Prevention of Domestic Violence Act (2006), the last of which is currently under review. The legislation on adoption and trafficking is also under review, which should improve protection in these areas. The key challenge is to find the financial and technical capacity to implement this enabling legislation.

Key areas for investment:

- ✓ Fast-tracking implementation of the Child Care, Protection and Justice Act (2010). The Act defines the mandate of partners, including social protection partners, to ensure children are protected from violence, abuse, exploitation and neglect.
- ✓ Providing high-level technical support to the Child Protection Division and the national coordination mechanism. This will allow the new legislation to be implemented and enforced, and the Child Care, Protection and Justice Act (2010) to be aligned with the Convention on the Rights of the Child (1989) and other international standards.
- ✓ Strengthening birth registration, under the National Registration Act (2009), to ensure all births are registered. This will allow social protection interventions to adopt age-based targeting where appropriate.
- ✓ Protecting children and women from property grabbing, under the Wills and Inheritance Act (2011), to minimise the economic shocks that often accompany a death in the family.
- ✓ Providing technical support for the design of standards and guidelines to bring the legislation into operation. This includes costing the implementation process, developing annual implementation plans, and allocating resources for high-impact interventions.



3.2 Institutional coordination

The national child protection system is coordinated by mechanisms at both national and district level. National coordination falls under the remit of three bodies - the National Technical Working Group for Child Protection, a corresponding technical working group for orphans and other vulnerable children, and the National Child Justice Forum. There is strong representation from Government and civil society, and some of the mechanisms have action plans to guide their work. These groups are supported by specific technical committees covering trafficking, child labour, children with a disability, and children in alternative care.

The key challenges with the current arrangements are that mandates are not harmonised, the terms of reference are not explicit, links between national and district-level coordination are weak and, most importantly, the lines between coordination and implementation are blurred. Many of these coordination mechanisms are replicated and thus duplicated at district level.

Key areas for investment:

- ✓ Supporting Government to simplify and streamline coordination efforts.
- ✓ Strengthening the capacity of the Child Protection Division so that it can act as overall leader and coordinator of the child protection sector.
- ✓ Providing technical support to the national coordination mechanism and member agencies from Government (the social services, justice sectors, HIV mitigation) and civil society to strengthen linkages with the social welfare and social protection sectors.
- ✓ Building capacity in the District Social Welfare Offices so that they can develop, implement and monitor district-wide plans that reflect local child protection and social protection priorities.
- ✓ Supporting partners and the Child Protection Division to develop and implement a child protection policy to help institutionalise coordination and effectiveness.



3.3 Human resource, infrastructure and financial institutional capacity

The capacity of the child protection sector has been substantially improved recently. With increased human resources, better infrastructure for protection services and a modest increase in financing, a solid foundation for the national child protection system has been created. In each district, there are currently (on average) four social workers, 28 community child protection workers and seven civil society organisations providing child protection support. The key challenge is that the child protection sector is fragmented, and there are few opportunities for the workforce to improve their skills.

Key areas for investment:

- ✓ Fast-tracking implementation of the capacity-building plan of the Ministry of Gender, Children and Community Development. This is vital, as the Ministry is the lead implementer of both the child protection system and the social cash transfer programme.
- ✓ Supporting human-resource planning and development, and a building-works programme to strengthen infrastructure at national and district levels, including services provided by civil society.
- ✓ Strengthening Magomero College (the national training institution for social work) to roll out the recently finalised certificate, diploma and degree courses in social welfare.
- ✓ Contributing to a fund for improving the knowledge and skills of the various levels of the child protection and broader social welfare workforce.
- ✓ Building capacity in training institutions to design, run, monitor and evaluate competency-based training that is both gender-sensitive and rights-based.



3.4 Protective continuum of care, including promotive, preventive and responsive services and interventions

Malawi's protection services, including justice services and behaviour-change interventions, are extensive. They are the core elements of the continuum-of-care component of the national child protection system. The key challenges are that the quality of these interventions is unknown, and they have limited scope and coverage. And, while many cultural practices have been mapped, little is known about the social norms that inform protective and harmful child-rearing practices.

Key areas for investment:

- ✓ Supporting Government and civil society to improve the quality of the existing portfolio of protection services and interventions, and to expand their scope and coverage to reach the most vulnerable women and children.
- ✓ Contributing to the design of a blueprint for the child protection sector. This would define the minimum level of services needed to cover prevention, mitigation and response.
- ✓ Accelerating the roll-out of community-based childcare centres (early childhood development centres for children aged 3-5) and linking them closely to the social cash transfer programme.
- ✓ Providing technical support for the design of a cost effective 'model of child protection' to be tested in seven districts by 2014.
- ✓ Supporting communities to adopt protective child protection practices, and investing in research into social norms and in large-scale behaviour change campaigns.



3.5 Early identification, case management and referral systems

The cornerstone of a child protection system is the process of care. This is one area where little progress had been made until recently. With the support of UNICEF and other partners, the lead ministry has developed a framework for case management, which will be tested in early 2012. The key challenge is that vulnerable children will remain out of reach of most protection services and interventions as long as the processes of care mechanisms remain virtually non-existent. Such children include those affected by an emergency, children who are HIV-positive, children living in households in receipt of social cash transfers, those with a disability, and those at risk of harm from violence, abuse, neglect and exploitation.

Key areas for investment:

- ✓ Formalising referral and case management pathways between social protection programmes and the child protection system. This includes developing mechanisms to identify and respond to protection risks.
- ✓ Training social cash transfer programme community volunteers and staff on child protection. This includes recognition of signs of abuse and exploitation, so that volunteers and staff can identify and refer children in need of protection.
- ✓ Supporting the taking to scale of core elements of the process of care (early identification, case management and referral frameworks).
- ✓ Developing interagency guidelines to clarify the roles and responsibilities of key agencies and set agreed standards and timeframes for responding to individual cases.
- ✓ Designing tools and standards for the early identification of vulnerable children.



3.6 Information management system and accountability mechanisms

Knowledge of child protection is growing, but there is still only limited evidence available, and the various sources of data are not necessarily linked. Accountability mechanisms include the Office of the Ombudsman and the Child Rights Desk at the Malawi Human Rights Commission. The Child Care, Protection and Justice Act (2010) establishes the Child Case Review Board for children in institutions. Together these elements constitute the sixth and final component of the emerging national child protection system. The key challenge is that there is no accountability framework for key agencies and actors, and no complaints mechanisms at the service-delivery or system level.

Key areas for investment:

- ✓ Building the capacity of core agencies so that they become properly accountable for their roles within the child protection system.
- ✓ Supporting operational research and in-depth analysis of the interaction between vulnerability, poverty and child protection in Malawi, including an analysis of the impact of HIV.
- ✓ Supporting partners to use smart phone technology in case management and data collection.
- ✓ Increasing the knowledge base and accountability of the child protection system, through the development of mechanisms, standards and frameworks.
- ✓ Providing technical support for the design of a National Child Protection Information Management System (IMS).



4.0 Conclusion

Child protection and social protection are distinct but overlapping priority areas for children and families. Investing in Malawi's emerging national child protection system is a strategic way to support the nation's social protection goals, because the child protection system is capable of supporting Malawi's National Social Support Policy in several ways, including by:

- ✓ Strengthening social transfers.
- ✓ Supporting excluded children and households to access economic and social services.
- ✓ Delivering social care and support services for children at risk of violence, abuse, exploitation and neglect.
- ✓ Strengthening the legislative and policy framework to promote equity and non-discrimination to by enshrining child rights and child protection into national legislation, primarily through the new Child Care Protection and Justice Act (2010).



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