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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

### Replies of Malawi to the list of issues in relation to its initial report\*

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Government of Malawi is pleased to submit responses to the list of issues and questions posed by the Committee on Economic, Social and Cultural Rights in relation to Malawi's initial report.

## **II. Replies to the list of issues (E/C.12/MWI/Q/1)**

### **General Information**

#### **Reply to paragraph 2 of the list of issues**

2. The Government of Malawi, in collaboration with Ministries, Departments, Agencies (MDAs), and Civil Society Organizations (CSOs), conducts awareness campaigns on the provisions of the Covenant, focusing on prosecutors and judges. The Ministry of Justice organizes workshops to educate prosecutors on Covenant provisions. The Law Commission promotes public awareness of Malawi's laws and international treaties, including the Covenant. Since 2019, the Commission has implemented awareness initiatives on economic, social, and cultural rights in ten districts.

3. The Malawi Police Service, Malawi Institute for Legal Education, University of Malawi, and other training and academic institutions have also incorporated a comprehensive array of human rights areas in their training curricula which include economic, social and cultural rights.

4. For lawyers, the Malawi Law Society, the regulatory body for lawyers in Malawi conducts continuous professional development courses which are a pre-requisite for practising licence renewal. These courses also cover economic, social and cultural rights.

5. For judges, judges conduct in-house refresher workshops where human rights are covered, including economic, social and cultural rights.

6. The domestic courts have referred to the provisions of the Covenant. Below are two examples:

7. In the case of *Gable Masangano and Others v Attorney-General and Another* (Constitutional Case 15 of 2007), the High Court of Malawi reviewed claims of inadequate nutrition, clothing, overcrowded cells, and limited medical care, assessing if these conditions violated Covenant provisions. The court affirmed that socioeconomic rights are enforceable in Malawi and specifically confirmed prisoners' entitlement to essential provisions like food, clothing, housing, healthcare, and cell equipment according to the standards outlined in the Prisons Act and Prison Regulations.

8. In another case, *S v The President of Malawi & Ors. ex parte Mponda, Soko & Ors.* (Judicial Review 13 of 2020), the High Court upheld the right to health. It referenced Article 12 of the International Covenant of Economic, Social and Cultural Rights, emphasizing the right to prevention, treatment, and control of diseases.

9. These cases reflect a growing acceptance of Covenant provisions in Malawi's courts. Efforts to educate judges and legal professionals on economic, social, and cultural rights have led to increased awareness and application of these rights. Government aims to further promote awareness and utilization of the Covenant in the country's legal landscape.

#### **Reply to paragraph 3 to the list of issues**

10. The Malawi Human Rights Commission (MHRC), since 2012, has been structured based on human rights "themes" and consequently has an Economic, Social and Cultural Rights Directorate. This shift has allowed the MHRC to specialize in protecting and promoting rights under each thematic area. Through collaborations with partners like the UNDP and the European Union, the MHRC has provided staff with capacity-building opportunities in economic, social, and cultural rights. Training includes investigative skills,

sexual orientation and gender rights, human rights reporting, land-related rights monitoring, business and human rights principles, development rights, budget analysis, and the Covenant.

11. The MHRC conducted consultations on the Covenant with Civil Society Organizations, supported by the EU, UNDP, and the Danish Institute of Human Rights. Collaborations with CSOs on State Party Reporting, Sexual and Reproductive Health and Rights initiatives, and contributions to the Law Commission on the Termination of Pregnancy Bill have strengthened the MHRC's advocacy efforts. A public inquiry on Sexual Reproductive Health and Rights was conducted, leading to recommendations for stakeholders, including MDAs.

12. In the formulation of new legislation or amendments to existing laws, obtaining approval from both the Cabinet and Parliament necessitates demonstrating stakeholder consultation, including Civil Society Organizations (CSOs). Similarly, government policies must provide evidence of engagement with stakeholders before adoption. This prerequisite extends to all laws and policies concerning economic, social, and cultural rights, ensuring that marginalized groups like persons with disabilities, individuals in poverty, women, and children are actively involved in the consultation process. Feedback gathered from these consultations is integrated before the final approval stages of the law or policy.

### **Reply to paragraph 4 to the list of issues**

13. The Government of Malawi has adopted various legislative and policy measures to ensure that businesses exercise human rights and practice due diligence in the conduct of their operations. Government has adopted a regulatory environment that ensures that every aspect of the conduct of business operations ranging from labour rights, favourable working conditions, health, social security, adequate standard of living, health, education and career advancement and social and cultural rights are respected. Some of the legislation the Government has enacted to cover the above-mentioned aspects include—

- (a) Labour Relations Act (Cap.54:01);
- (b) Occupational Safety, Health and Welfare Act (Cap. 55:07);
- (c) Competition and Fair Trading Act (Cap.48:09);
- (d) Workers' Compensation Act (Cap. 55:03);
- (e) Employment Act (Cap. 55:01);
- (f) Consumer Protection Act (Cap. 48:10);
- (g) Financial Services Act (Cap. 44:05);
- (h) Insurance Act (Cap. 47:01);
- (i) Public Health Act (Cap. 34:01);
- (j) Pharmacy and Medicines Regulatory Authority Act (No. 9 of 2019);
- (k) Malawi Bureau of Standards Act (Cap.51:02); and
- (l) Pension Act (No. 6 of 2023).

14. Regulatory bodies have been established under the abovementioned laws to ensure that businesses adhere to the provisions in those laws and, keep them accountable to the population they serve.

15. Government has not adopted a policy on business and human rights. However, Government, with technical assistance from the United Nations Development Programme (UNDP), is in the process of developing a Business and Human Rights Action Plan. This process is being led by a multi-stakeholder National Steering Committee led by the Ministry of Justice and the MHRC. The Committee has been oriented on UN Guiding Principles on Business and Human Rights and Business and the development of Human Rights National Action Plans. Government is working towards finalising the Plan by the end of 2025.

16. The Legislature was involved in the development of the initial report through its Committees. Information to feed into the report was solicited from the Members of Parliament, through their Committees.

### **Reply to paragraph 5 to the list of issues**

17. The Government of Malawi has implemented three major mitigation measures to address climate change issues. These measures include increased uptake in renewable energy, implementing afforestation and reforestation programs, and adopting sustainable agricultural practices.

18. Regarding the increased uptake of renewable energy, the government has opened up its power generation sector to private sector participation as Independent Power Producers (IPPs) in solar and hydropower. Currently, there are signed Power Purchase Agreements with IPPs for solar generation totalling 216 MW. Notably, three IPPs are operational in mini-hydropower and Solar Power Plants. In Mulanje District, there are two mini-hydropower plants managed by Mulanje Hydro Limited (8.2MW) and Cedar Energy Limited (3.2 MW), along with the 20MW Golomoti Solar Power Plant. Additionally, Serengeti Energy is in the process of constructing a 20 MW Solar Power Plant in Nkhotakota. While other IPPs are yet to commence power generation, the primary electricity generating company, EGENCO, operates 1.3MW solar-generated power plants on Likoma and Chizumulu Islands in Lake Malawi. The utilization of renewable energy sources aims to bolster the national grid's power supply and foster a cleaner environment.

19. In terms of implementing afforestation and reforestation initiatives, the Government of Malawi collaborates with the Ministry overseeing natural resources, regulatory bodies, CSOs, and development partners. These efforts focus on increasing forest cover, combating deforestation, and advocating for sustainable land management practices to sequester carbon effectively. In 2016, Malawi committed 4.5 million hectares to the African Forest Landscape Restoration Initiative and the Bonn Challenge, aiming to restore 150 million hectares of degraded and deforested land by 2020 and 350 million hectares by 2030. Subsequently, in 2018, the country adopted a National Forest Landscape Restoration Strategy to guide large-scale restoration efforts. This strategy emphasizes addressing the root causes of degradation and deforestation.

20. Furthermore, sustainable agricultural practices are being promoted to address climate change impacts. Given agriculture's significant contribution to Malawi's GDP, the government prioritizes adopting climate-smart agriculture (CSA), agroforestry, and improved land management techniques. These practices encompass soil management, crop diversification, water management, agroforestry, water harvesting, livestock management, forestry, fisheries, aquaculture, and energy management. The government continues to assess the impact of these practices on agricultural sustainability as they are relatively new in Malawi.

21. Malawi is making strides in reducing per capita greenhouse gas emissions, currently ranking among the lowest globally. However, without intervention, emissions are projected to triple by more than three times by 2040, rising from around 9 million tCO<sub>2</sub>e in 2017 to over 34 million tCO<sub>2</sub>e, driven by energy use, waste generation, livestock, and crop management. To address this, Malawi's updated Nationally Determined Contribution (NDC) sets ambitious economy-wide targets to cut emissions by 51% by 2040. The energy sector offers the most significant mitigation potential at 86%, with the NDC outlining a detailed implementation plan across priority sectors. The cost of implementing all mitigation measures up to 2040 is estimated at USD 41.8 billion.

22. In the realm of climate change adaptation policies and measures, Malawi evaluates the impact of climate change on economic, social, and cultural rights, especially for marginalized groups, through consistent monitoring and evaluation mechanisms. These mechanisms assess the efficacy of climate change adaptation policies in enhancing the rights of disadvantaged individuals. Vulnerability assessments are routinely conducted to identify areas, communities, and populations most vulnerable to climate change effects. Risk maps are developed to encompass various climate-related factors like extreme rainfall, heatwaves, droughts, and floods. For instance, risk maps have been created for districts in the southern

region, such as Chikwawa, Mulanje, Nsanje, Phalombe, and Zomba, identified as highly prone to climate-related disasters. These maps depict the status of weather parameters and outline hazard distribution within each district.

23. Moreover, annual Agricultural Production Estimates Surveys are carried out to provide current information on national food security and agricultural production. This data informs planning and policy decisions related to agriculture, food security, and nutrition, enabling a timely response to climate-related events affecting food availability for vulnerable communities.

24. The Government of Malawi established the National Adaptation Programmes of Action (NAPA) in 2006, revised in 2015, to address immediate climate management needs. These programs involve collaboration between government stakeholders and non-state actors, with funding from the Global Environment Facility (GEF) through the Least Developed Countries Fund. Financial support from the Green Climate Fund is aiding in preparing a National Adaptation Plan (NAP) to address medium to long-term climate impacts, enhancing the economic, social, and cultural rights of vulnerable communities. Gender issues and marginalized groups are integrated into the NAPA and forthcoming NAP, benefiting disadvantaged individuals through project initiatives.

25. To strengthen preparedness for and responses to natural disasters, in 2015, the Government of Malawi adopted a National Disaster Risk Management Policy and a National Resilience Strategy spanning from 2018 to 2030 to enhance coordination for disaster preparedness and response. Local disaster risk management teams were established to coordinate climate and natural disaster responses. The adoption of a National Meteorological Policy in 2019 aims to improve meteorological services supporting Malawi's socio-economic development. The policy focuses on key areas such as weather monitoring, data management, technology development, research, financing, capacity building, and awareness. Additionally, a National Climate Change Fund was set up to facilitate resource mobilization for climate change initiatives, funded initially by the carbon levy on fuel sales.

26. The Ministry responsible for natural resources and climate change, through its departments of Environmental Affairs, Forestry, Fisheries, Climate Change, and Meteorological Services, plays a key role in coordinating environmental conservation, natural resources management, and climate change adaptation efforts. The Department of Climate Change and Meteorological Services monitors climate change impacts and provides vital meteorological information for adaptation planning. The Department of Environmental Affairs formulates and implements policies for environmental protection, sustainable development, and climate change adaptation initiatives like NAPAs and national adaptation plans (NAPs). The Department of Forestry focuses on conserving and sustainably managing forests and natural resources through policy development and implementation. The Department of Disaster Management Affairs under the Office of the President and Cabinet leads disaster response coordination in Malawi by collaborating with government agencies, Non-Governmental organizations (NGOs), and international partners to ensure a unified disaster response. NGOs and faith-based organizations in Malawi actively participate in community-level climate change adaptation projects, with some engaging in advocacy on environmental, natural resource, and climate change issues. The National Climate Change Management Policy of 2016 integrates gender and other cross-cutting thematic areas to address climate change challenges comprehensively.

## **A. Issues relating to the general provisions of the covenant (arts.1–5)**

### **Maximum Available Resources (Art. 2(1))**

#### **Reply to paragraph 6 of the list of issues**

27. 70 percent of Malawi's population is living on less than \$2.15 a day, as estimated using data for 2019. Even though this percentage has been almost unchanged since 2010 (68 percent), with the population growth, the number of poor people has increased by 3 million, reaching 13 million in 10 years.

28. Government will provide the remaining information under this paragraph, during the review.

### Reply to paragraph 7 to the list of issues

29. To implement the Corrupt Practices Act (Cap 7:04), the Government of Malawi established the Anti-Corruption Bureau (ACB) as a statutory body responsible for investigating and prosecuting corrupt practices. The ACB's functions include preventing corruption in public and private entities, receiving and investigating complaints or reports of corrupt practices, and prosecuting alleged offences.

30. The ACB is currently executing the National Anti-Corruption Strategy (NACS II), which began in 2019 and runs until 2024. This Strategy builds upon its predecessor (NACS, 2008–2013) by emphasizing that combatting corruption is a collective responsibility that requires coordination among stakeholders to achieve a corruption-free Malawi. NACS II serves as a blueprint for creating a corruption-free society by involving all sectors in anti-corruption efforts. By addressing key drivers of corruption and areas of heightened risk, NACS II aims to dispel the notion that fighting corruption is solely the ACB's responsibility. The NACS II adopts a multistakeholder approach inviting the Executive, Legislature, Judiciary, Local Government, Private Sector, CSOs, Faith-Based Organisations, media, traditional leaders; youth; and academia to actively participate in the fight against corruption. The implementation of NACS II is being coordinated by a multi-sectoral National Integrity Committee (NIC).

31. The ACB has also revitalised its Whistleblowing Campaign, which encourages any person who is of the view that they have witnessed any suspected corrupt practices to report to the ACB. In addition, the approach adopted by the NACS II to make every stakeholder responsible for fighting corruption is proving effective. Civil Society Organisations such as the Human Rights Defenders Coalition also initiated a Whistleblowing campaign in July 2020 inviting any person to report to them any suspected corrupt practices; to relay the same to the ACB. Government also intends to adopt legislation on whistleblowing. A special Law Commission has been empanelled to develop recommendations on how the law can be crafted.

32. Further, each Ministry, Department or Agency is mandated to establish an Integrity Committee to prevent and fight corruption and ensure the prudent use of resources at the Ministerial, Department or Agency level.

33. Malawi has also enhanced its public finance management system to address past corruption cases, including the implementation of the Integrated Financial Management Information System (IFMIS). IFMIS aims to enhance fiscal management by ensuring expenditure control, timely financial reporting, and promoting transparency and accountability. Additionally, the Government repealed and replaced the Public Finance Management Act (No. 4 of 2022) aimed at strengthening the legal framework for transparent, efficient, and responsible management of public resources.

34. The table below shows the number of corruption cases prosecuted, completed, convictions secured, acquittal and cases awaiting judgment since the 2017/2018 financial year.

Figure 1  
Number of complaints received and investigated (Source: ACB)

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Total received</b>	<b>877</b>	<b>805</b>	<b>642</b>	<b>1 217</b>	<b>990</b>	<b>1 211</b>	
Authorized for investigation	279	232	187	399	329	391	
Not authorized	598	573	455	818	661	820	
% recommended for investigations	32%	29%	29%	33%	33%	32%	

Figure 2

**Percentage of complaints recommended for investigations** (Source: ACB)  
**Percentage of complaints recommended for investigations**

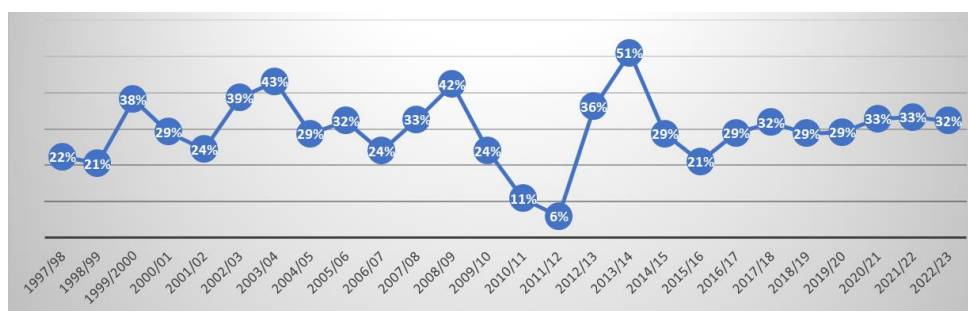


Figure 3

**Corruption cases being litigated by the ACB** (Source: ACB)

Year	Cases Prosecuted	Cases Completed	Convictions	Acquittals	Cases Awaiting Judgment	% of completed cases resulting in convictions
2017/18	45	7	5	2	6	71
2018/19	74	11	6	3	16	55
2019/20	50	18	9	3	14	50
2020/21	103	16	4	1	13	67
2021/2022	83	10				

35. Regarding the type of sanctions imposed, the courts typically impose prison sentences averaging less than five years. Asset recovery, a newer form of punishment, has resulted in the recovery of properties worth K700 million (USD415,844) and vehicles valued at K34.5 million (USD20,495) to date. However, the main challenge lies in the complexity and lengthiness of the asset recovery process.

### Non-Discrimination (Art. 2(2))

#### Reply to paragraph 8 to the list of issues

36. The principle of non-discrimination is enshrined in section 20 of the Malawian Constitution. Malawi primarily utilizes constitutional provisions to uphold non-discrimination, complemented by specific legislation, when necessary. Key legislation includes the Gender Equality Act (Cap 25:06), the Persons with Disabilities Act (Cap 33:06), and the HIV AIDS (Prevention and Management) Act (No. 9 of 2018). The Gender Equality Act tasks the MHRC with its implementation, working closely with the Ministry of Gender, Community Development and Social Welfare (MoGCDSW), CSOs, and cooperating partners.

37. The Gender Equality Act Implementation and Monitoring Plan (2016–2020) has expired, prompting plans for a review before adopting a successor plan. Stakeholders actively disseminate and provide training on the Gender Equality Act to various professionals and the public. The MHRC monitors compliance, including gender quota implementation and sexual harassment policies, with ongoing investigations and litigation. Stakeholder engagement exercises have been conducted to involve organizations working on gender issues. MHRC has facilitated the development and review of sexual harassment policies in over 25 institutions, providing training and investigating cases of sexual harassment, with four cases currently in litigation.

38. The HIV/AIDS (Prevention and Management) Act (No. 9 of 2018), aims to, among other things, prevent discrimination against persons living with HIV in Malawi. The National AIDS Commission (NAC) conducts awareness campaigns and every Government Ministry, Department, and Agency has an HIV/AIDS Coordinator to coordinate any HIV-related

issues. In the private sector, the Malawi Business Coalition against AIDS (MBCA) ensures that every company has an HIV/AIDS policy that adheres to the provisions of the Act and the National HIV/AIDS Policy.

39. To protect persons with disabilities from stigma and stereotypes, the Government of Malawi, in collaboration with various stakeholders, conduct sensitization campaigns in communities to dispel misinformation. Furthermore, persons with disabilities through education and vocational training promote employment opportunities. This empowerment is having the effect of dispelling stereotypes and stigma against them. However, more work is required, especially in the hard-to-reach rural areas, to sensitize those communities as well on the prohibition of stigma and stereotyping of persons with disabilities.

40. To protect persons with disabilities, in particular persons with albinism, from any forms of violence and, harmful practices, including ritual killings of their body parts, some legislative measures have been adopted. The Anatomy Act (Cap 34:03), was amended in 2016 to broaden the offences of removal and unauthorised possession of human tissue and enhance the penalties for offences under the Act. Section 18 of the Act now provides for an offence of possession of a body of a deceased person or human tissue and the penalty is imprisonment for life without the option of a fine. Furthermore, a Handbook for Investigators, Prosecutors and Magistrates Concerning offences against persons with albinism was launched, to strengthen the legal response to crimes against persons with albinism. The Handbook consolidates relevant provisions from the Penal Code (Cap 7:01), the Anatomy Act (Cap 34:03), the Child Care, Protection and Justice Act (Cap 26:03), the Trafficking in Persons Act (Cap 7:06) and the Witchcraft Act (Cap 7:02). It outlines in a simplified form all offences likely to be committed against persons with albinism. From a policy perspective, the MoGCDSW adopted the National Action Plan on Persons with Albinism (2018–2020). The Action Plan is still in use. It provides a comprehensive, multisectoral blueprint for ending violence against persons with albinism and ensures that they equally enjoy their rights. The key stakeholders in implementing the Plan are various MDAs, including the Department of Disability Affairs, MHRC, Police, the Judiciary and NGOs such as the Association of Persons with Albinism (APAM). As a result of the implementation of the Plan, in-service training for prosecutors and magistrates in the prosecution of cases of atrocities against persons with albinism has been conducted across the country. Furthermore, the office of the Director of Public Prosecutions appointed a Special Counsel to work on cases against persons with albinism. The Chief Justice also issued a practice direction that all albinism-related cases must solely be handled by professional magistrates. The Judiciary has been giving priority to cases involving offences against persons with albinism and consistently imposing severe penalties, including the maximum sentence of life imprisonment. As a result of these efforts, the number of attacks on persons with albinism is decreasing, reflecting the government's commitment to reducing such incidents to zero.

Figure 4  
**Number of reported attacks on persons with albinism**  
(Source: Department of Disability Affairs)

<i>SR</i>	<i>Year</i>	<i>Total</i>
1	2013	1
2	2014	7
3	2015	50
4	2016	60
5	2017	29
6	2018	24
7	2019	20
8	2020	5
9	2021	5
10	2022	8
11	2023	5
<b>Total</b>		<b>214</b>



41. With regard to addressing stigma and stereotypes against persons affected by leprosy, a multi-sectoral approach has been adopted involving, government agencies, CSOs, healthcare providers, and affected communities working together to create positive change. Government adopted the National Tuberculosis and Leprosy Control Strategic Plan which started to run in 2021 and will expire in 2025. Under the Plan, the National Leprosy Control Programme is being implemented. The Programme actively works to raise awareness through Public education campaigns and community dialogue sessions which aim to dispel myths and misconceptions about leprosy, promoting understanding and reducing fear; conduct early detection and treatment for free, accessible diagnosis and treatment services are crucial to prevent disability and transmission; provide rehabilitation by providing physical, emotional, and social support to individuals affected by leprosy, including physiotherapy and skills training to facilitate reintegration into society and conducting advocacy for the rights and inclusion of people affected by leprosy. The latest statistics on leprosy were published in 2022, where Malawi reported 612 leprosy cases (379 males and 233 females) with a prevalence rate of 0.3 percent.

42. The Government of Malawi, in partnership with CSOs and cooperating partners, is actively working to improve the welfare of refugees and asylum seekers at Dzaleka Camp, their primary residence. Various initiatives are being implemented to integrate refugees and asylum seekers, including providing support through effective Refugee Status Determination (RSD) procedures and a structured Resettlement programme. Refugees and asylum seekers are also encouraged to participate in socio-economic activities within the camp. Government sensitizes the communities surrounding the camp to prevent the stigmatization of refugees and asylum seekers. However, there is a need for further work to dispel misinformation and address stereotypes about this group. Government is collaborating with diverse stakeholders to tackle these challenges.

### **Equal rights of men and women (Art. 3)**

#### **Reply to paragraph 9 to the list of issues**

43. In addition to the measures mentioned in paragraph 38, the Malawi Growth and Development Strategy (MGDS III) (2017–2022) has been replaced by the first 10-year Implementation Plan for Malawi 2063 known as Malawi Implementation Plan-1 (MIP-1). The MGDS III aligned its priority areas with international and national frameworks like the Sustainable Development Goals, Agenda 2063, the Istanbul Plan of Action, and the International Conference on Population and Development to achieve gender equality and empower women and girls. Government integrated gender perspectives into all activities, budgeting, and implementation processes under the MGDS III. The MIP-1 recognizes the detrimental effects of gender inequality on development and aims to improve the Gender Gap Index from 0.664 in 2020 to 0.832 by 2030. It has established a Gender Empowerment and Social Inclusion Working Group, mainstreamed gender into national development programs, and prioritized activities related to gender policy implementation, access to finance for women entrepreneurs, increasing women and youth representation in decision-making roles, enforcing laws protecting rights against violence, ending child marriage, and eradicating harmful cultural practices.

44. The gender-responsive budgeting guidelines have been renewed and are being utilized by Government Ministries, Departments, and Agencies, with District Councils developing budget by-laws and implementing these guidelines. This has led to increased investment in social protection, particularly benefiting women. The recruitment of gender officers at district levels has also increased, although further training is needed to enhance understanding of gender-responsive budgeting concepts.

45. The MoGCDSW has introduced a web-based Integrated Information Management System (IIMS) to manage data, with implementation ongoing in 16 out of 28 districts. One module of the system focuses on Gender-Based Violence (GBV), capturing detailed information on victims or survivors of GBV reported to authorities and tracking cases. Plans are underway to expand the system to the remaining districts and integrate it with the National

Statistical System managed by the National Statistical Office through the National Hub on GBV and harmful practices.

46. With regard to female representation in decision-making, currently, 40 per cent of the Ministers in Cabinet are women. 23 per cent of the 193 legislators in Parliament and 14.6 per cent of the 462 councillors in local government are women. The Speaker of the National Assembly and the Clerk of Parliament are female. In Malawi's public service, there are several high-ranking female officials, including the Secretary to the President and Cabinet (who heads the public service), the Deputy Secretary to the President and Cabinet, the Ombudsman, the Executive Secretary of the Human Rights Commission, and the Law Commissioner. Additionally, 28 per cent of all Principal Secretaries and 30% of all directors in the public service are female, while 50 per cent of ambassadors are female. Although the overall percentage of females in the public service is less than 40 per cent, the Government is committed to implementing the gender quota prescribed in the Gender Equality Act as evidenced by the number of women who hold key positions in the public service. In the judiciary, 50 per cent of all recently appointed judges are women.

47. With regard to statistics on the participation of women in decision-making at the household level, a survey is underway, the Government will share the findings of the survey in its periodic report.

## **B. Issues relating to the specific provisions of the covenant (arts. 1–5)**

### **Right To Work (Art. 6)**

#### **Reply to paragraph 10 of the list of issues**

48. Government is in the process of conducting the impact assessment of the National Employment and Labour Policy and will share that information when the assessment is completed.

49. With regard to the Jobs for Youth Project, which is still under implementation, 10,549 graduates have participated in the Programme. Currently, there are 4000 interns placed in various public institutions. The next cohort shall be delayed due to budget constraints among others. The project includes components for Entrepreneurship Education & Sustainable Enterprises Development and Institutional Support & Project Management to enhance youth involvement in small business creation and improve employability. So far, 566 out of 1,228 targeted businesses have been reached, with 222 completing the incubation programme. Of these, 107 were in agriculture and 62 in manufacturing.

50. In the latest study conducted in 2022 and published in 2023, it was found that 24,763 jobs were created through different job creation initiatives, with 11,143 (45%) being female and 13,620 (55%) male. Unfortunately, the data collected has not been disaggregated to capture the number of persons with disabilities in the abovementioned number. These initiatives include the Jobs for Youth Project. Additionally, a total of 7,000 new youth enterprises have been established through skills development and entrepreneurship programmes.

#### **Reply to paragraph 11 of the list of issues**

51. Noting that females are more likely to participate in the informal economy, the Ministry of Labour and Ministry of Education is currently implementing the Skills for a Vibrant Economy (SAVE) project, which is funded by the World Bank. This five-year project to increase access, particularly for females, to labour market-relevant skills development programs, in participating institutions, targeting universities, technical colleges, and other educational and training institutions in Malawi. The project aims at supporting increased access to skills development programmes in higher education and supporting an increase in access to Technical, Entrepreneurial, and Vocational Education and Training (TEVET) skills development. The project targets 58, 388 young people enrolled in vocational training, skills development and vocational education. As of September, 2023, 34, 282 youth have been enrolled in various institutions, with 37%, being female.

52. Additionally, Government is executing the National Job Creation Strategy of 2021 to facilitate employment generation, thereby reducing the size of the informal economy within a framework of inclusive and sustainable economic growth. Recognizing job creation as a multi-sectoral issue, a joint sector review was conducted on September 8, 2022, sponsored by cooperating partners and private sector companies and TEVETA. Two key outcomes of the review highlighted access to affordable financing and skills development as crucial factors for driving economic growth among Small and Medium Enterprises (SMEs) to create employment opportunities. The 24,763 jobs mentioned above, include jobs created through the implementation of the Strategy.

## **Right to Just and Favourable Conditions of Work (Art. 7)**

### **Reply to paragraph 12 of the list of issues**

53. The Ministry of Labour has introduced the EU-funded Zantchito Programme, which focuses on investing in education and skills, as well as enhancing the business environment and investment climate. The goal is to enhance employability and self-employment opportunities, fostering a culture of job creators rather than job seekers. The program aims to train over 150,000 TEVET students and support more than 3,000 entrepreneurship ventures. Additionally, the project has initiated a nationwide labour inspection exercise targeting the informal economy to identify decent work deficiencies and provide access to essential services for individuals working in the informal sector, including domestic workers. Furthermore, labour law provisions guarantee basic rights for workers in both the formal and informal sectors without discrimination, ensuring that those in the informal economy, such as domestic workers, have access to fundamental rights.

### **Reply to paragraph 13 of the list of issues**

54. Malawi has made significant strides in promoting occupational safety and combating hazardous work by ratifying several international conventions, including C155 - Occupational Safety and Health Convention, 1981 (No.155); C 184 - Safety and Health in Agriculture Convention, 2001 (No. 184); and C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No.187). To implement these conventions domestically, a National Occupational Safety & Health Policy has been developed and validated. The policy aims to manage occupational safety and health to prevent work-related accidents and injuries by minimizing workplace hazards. Moreover, regulations on Hazardous Substances and Medical Examination have been established under the Occupational Safety, Health, and Welfare Act.

55. Malawi is actively working towards eradicating the worst forms of child labour and is recognized as a pathfinder country for accelerating the achievement of SDG Goal 8, target 8.7. The government is dedicated to eliminating the worst forms of child labour, eradicating forced labour, ending modern slavery, and combating human trafficking.

56. The Ministry of Labour is engaged in various projects like Accelerating action for the elimination of child labour in supply chains in Africa (ACCEL AFRICA). This regional initiative focuses on specific supply chains such as Cacao, Coffee, Cotton, Gold, and Tea, with Malawi concentrating on the tea sector and some tobacco-growing districts. The ACCEL Africa project emphasizes public policy, good governance, empowerment, representation, partnership, and knowledge sharing among global supply chain actors in Africa.

57. Additionally, Malawi is implementing a project to address decent work deficits in the tobacco sector by promoting a conducive policy environment for decent work, enhancing social dialogue, and assisting tobacco-growing communities in transitioning to sustainable alternatives to address decent work deficits, including child labour. The Ministry of Labour conducts regular labour inspections to combat child labour, identify decent work deficiencies, and address occupational safety and health issues. Annually, between 1500–2000 inspections are conducted nationwide.

58. To promote occupational safety in extractive industries, the Mines and Minerals Act empowers the Minister to establish regulations tailored to address safety concerns in these sectors. Despite this provision, specific regulations focusing on occupational safety in extractive industries are pending. The Ministry of Labour is actively raising awareness among employers and employees regarding workplace safety measures. However, Government has yet to conduct a study to assess the impact of the initiatives implemented.

### **Trade Union Rights (Art. 8)**

#### **Reply to paragraph 14 of the list of issues**

59. Section 31(2) of the Constitution guarantees the right to form and join a trade union, while section 32 ensures freedom of association. The Labour Relations Act stipulates these rights, reinforcing the freedom to form, join, bargain collectively, and strike. The legal framework supports Trade Unions' autonomy and shields them from unwarranted reprisals, with recourse available at the specialized Industrial Relations Court for any breaches. However, many workers, particularly in rural or informal sectors, lack awareness of their labour rights, rendering them vulnerable to exploitation. Legal restrictions on the right to strike, like lengthy notice requirements or sector-specific prohibitions, are perceived as excessive. To address these challenges, Government plans to enhance labour inspectorate capacity for prompt complaint resolution and impose substantial penalties for violations. Collaboration with employers and CSOs to facilitate social dialogue among stakeholders can aid in dispute resolution and trust-building. Educating workers on their rights, encouraging reporting of abuses, and establishing mechanisms to safeguard whistle-blowers from retaliation are crucial steps in protecting worker rights.

### **Right to Social Security (Art. 9)**

#### **Reply to paragraph 15 of the list of issues**

60. Currently, there are no specific social assistance programs in place to address income loss situations. However, individuals or households that fall into the ultra-poor category would qualify for the Social Cash Transfer Programme (SCTP) and other social security initiatives like the Access to Insurance Program (AIP) as outlined in paragraphs 68 to 77 of the State Party report. Additionally, the Pensions Act (No. 6 of 2023) mandates pension contributions for both formal and informal sector workers. In cases of income loss lasting three months, employees can access fifty percent of their pension contributions. Government is also establishing a Workers Compensation Fund under the Workers Compensation Act to offer social protection to workers against workplace hazards such as accidents and significant health risks.

### **Protection of Family and Children (Art. 10)**

#### **Reply to paragraph 16 of the list of issues**

61. The main harmful practice being suffered by children is child marriages. The Government of Malawi is actively combating child marriages by engaging traditional and religious leaders to raise awareness about the minimum age for marriage and prohibiting child marriages through district by-laws enforced by chiefs. Chief forums and community structures like Mother Groups, Child Protection Committees, and Safe Space Mentorship Programmes are pivotal in raising awareness. 28 District Chief Forums and 310 community Chief Forums are currently leading the fight against child marriages, and modifying and eliminating harmful practices. Regional training sessions have been conducted on child marriage laws, and a community awareness handbook was developed in 2019.

62. A midterm assessment of the National Strategy for Ending Child Marriages revealed a slight decline in child marriage rates among girls but not meeting the target reduction. The report found that, based on the 2019 Traditional Practices Study and Multiple Indicator Cluster Survey (MICS, 2019/20), the percentage of girls who marry before age 18 declined

from 41.5 per cent in 2018 to 37.7 per cent in 2020 while that for boys increased marginally from 6.2 per cent to 7.0 per cent during the same period. Similar trends were documented for girls and boys who married before 15 years. While the decline in child marriage prevalence among girls reflects some progress, the Strategy's aim to reduce child marriage by 20 per cent was not achieved and the prevalence remains higher than the Southern African Development Community (SADC) average at 37 per cent. Overall, child marriage below the age of 15 remains widespread in the Southern region of Malawi while marriage below 18 is highest in the Northern region of Malawi, at 51 per cent, followed by the South region at 47 per cent and finally, the Central region at 36 per cent. The Assessment also revealed that while there is a high correlation between child marriage and poverty rates, the decision to marry is often taken by the individual children themselves.

63. Reported child marriage cases increased post-2018 due to heightened public awareness campaigns. The COVID-19 pandemic exacerbated the issue, with a surge in reported cases. This was confirmed by the Rapid Assessment Study on Teenage Pregnancies and Child Marriages during COVID-19 in Malawi which reported 19,480 cases of child marriage in the country and found that COVID-19 had worsened the twin problems of teenage pregnancies and child marriage. Noting the findings of the Assessment of the Strategy, the Government of Malawi intends to work on the weaknesses identified so that these issues are addressed in the successor strategy.

64. Mass sensitization campaigns on the dangers of child marriages are ongoing, with annual symposiums involving stakeholders to discuss the impacts of child marriages.

65. The National Symposium on ending child marriages is now a regular platform for stakeholders to assess progress, share practices, and address challenges.

66. Traditional and religious leaders continue to be engaged to highlight the criminality of harmful practices through community dialogues. 34 Paramount and Senior Chiefs and 156 Chiefs are now engaged through National and district Chief forums. Financial resources for front-line staff implementing legislation are being increased.

67. Gender-related laws protecting women, girls, boys, and men from violence are disseminated through various forums to promote social justice and economic empowerment.

68. Communities are educated on domestic violence prohibition, encouraged to report cases, and police officers and social workers receive training on handling such cases. This has led to more empowered women to report incidents of domestic violence, consequently leading to an increase in the number of GBV cases reported.

Figure 5

**Number of GBV cases reported between 2019 to 2022 distinguished by the form of violence** (*Source: Ministry of Gender and Malawi Police Service*)

	<i>Physical</i>	<i>Sexual</i>	<i>Emotional</i>	<i>Economic</i>	<i>Total</i>
2019					
2020	3 380	2 684	7 617	3 380	17 061
2021	2 499	3 729	7 737	2 819	16 334
2022 (reported up to August)	7 204	1 220	2 896	2 535	13 855

69. Despite the rise in domestic violence cases, efforts have been ramped up to ensure the availability of 20 One-Stop Centres in key hospitals and health posts nationwide. The Victim Support Units (VSU) established in 135 police stations offer a wide range of services to gender-based violence (GBV) survivors, including investigation, referrals, counselling, mediation, legal advice, psychosocial support, repatriation, and rehabilitation.

**Reply to paragraph 17 of the list of issues**

70. The Child Care Protection and Justice Act (Cap 26:03), the Trafficking in Persons Act (Cap. 7:06), and the Employment Act (Cap. 55:01) safeguard children in Malawi from sexual exploitation and abuse, trafficking, and forced labour, irrespective of their citizenship status. Additionally, national policies such as the National Action Plan on Child Labour Elimination

(2019–2025), the National Child Policy, and the National Child Protection Strategy (2022–2026) extend protection to all children within Malawi’s borders, including child refugees and unaccompanied migrant children. The Department responsible for child affairs at the MoGCDSW collaborates with the Refugee Determination Department at the Ministry of Homeland Security, CSOs, and cooperating partners to address the needs of child refugees and unaccompanied migrant children.

71. To combat trafficking in persons, the Ministry of Homeland Security and the Malawi Police Service have established a dedicated Trafficking Unit responsible for investigating trafficking cases. This unit monitors the number of cases under investigation and tracks prosecutions. Specifically, the Malawi Police Service is actively investigating and prosecuting cases related to child trafficking. In the 2021/2022 financial year, the reporting capacity of the Malawi Police Service increased from 10 to 24 district-level police stations. In 2022, there were 81 trafficking cases under investigation involving 46 suspects, compared to 82 cases with 82 suspects in 2021. In 2022, 46 alleged traffickers were being prosecuted and 24 were convicted, a significant increase from the previous year’s figures of prosecuting 27 traffickers and securing 7 convictions.

72. Moreover, in collaboration with an international organization, Government continues to train staff at Dzaleka Refugee Camp, including international organization staff and government officials, to implement Standard Operating Procedures (SOPs) to screen for trafficking victims. Camp staff identified 137 trafficking victims and referred them for care in both 2021 and 2022. The government also increased the police presence in the camp from two to fifteen officers, who received training to identify and refer trafficking victims; however, there were concerns that this number of officers was insufficient. In response to this, police focused on training community police members to patrol the camp, identify crimes including human trafficking, and report them to the police. Nevertheless, there were reports of potential corruption among community police members leading to underreported crimes.

73. Cooperation and information exchange mechanisms have been established with neighbouring countries to combat trafficking in persons. Annually, a SADC Forum convenes to facilitate the sharing of trafficking information among member countries. The Malawi Police Service utilizes platforms such as the Southern African Regional Police Chiefs Cooperation Organisation and INTERPOL to address trafficking issues. INTERPOL has been instrumental in rescuing victims and apprehending perpetrators beyond Malawi’s borders. The International Organization for Migration provides substantial assistance to the Malawi Police Service in combating trafficking. Additionally, the establishment of the National Coordinating Committee against Trafficking enhances coordination among various stakeholders involved in anti-trafficking efforts. Community policing structures play a significant role in detecting trafficking activities and providing support to child victims of trafficking.

74. Government is implementing the National Action Plan on Child Labour (2020–2025) to enforce the National Child Labour Policy. This plan outlines strategies to eliminate the worst forms of child labour, focusing on key areas such as laws and policy, enhancing stakeholder capacity, public education, prevention, rehabilitation, addressing health issues, and improving information availability on child labour. Additionally, the Ministry of Labour is executing the National Child Labour Mainstreaming Guide to integrate child labour elimination strategies into key policies for improved planning, service delivery, and collaboration. According to the latest Multiple Indicator Cluster Survey, 14% of children aged 5–17 were engaged in child labour, with 22% working under hazardous conditions. Children from the poorest quintile had a higher likelihood of being in child labour (15%) compared to those from the richest quintile (10%). Rural areas had double the rate of child labour (15%) compared to urban areas (7%). Additionally, 10% of children aged 5–17 were involved in child labour related to economic activities. This is considered as a moderate advancement in combatting child labour though more is required to be done to eliminate child labour.

## **Right to an Adequate Standard of Living (Art. 11)**

### **Reply to paragraph 18 of the list of issues**

75. The latest poverty statistics from 2022 indicate that 50.7% of the Malawian population lives in poverty, consistent with the 2020 report. Malawi is ranked as the fourth poorest country globally, with 70% of its population surviving on less than \$2.15 per day. The Second Malawi Multidimensional Poverty Index Report released in November 2022 shows that 58.8% of the population is classified as multidimensionally poor, with a higher incidence in rural areas (65.7%) compared to urban areas (20.0%). Female-headed households experience higher multidimensional poverty at 71.4% compared to male-headed households at 53.9%, while 63.5% of children aged 0–9 years are classified as multidimensionally poor.

76. To address poverty, especially child poverty and the plight of disadvantaged and marginalized families, the Government of Malawi will continue implementing social protection programs like the SCTP and the AIP. With support from the World Bank through the Malawi Social Support for Resilience Project (MSSRLP) grant, the government has more than doubled the social protection allocation in the national budget from MK 52 billion in 2022/23 to MK 130 billion in 2023/24. This increase has allowed for more beneficiaries, including children. In 2023, the SCTP focused on alleviating acute food insecurity exacerbated by environmental challenges like droughts, providing cash transfers to approximately 214,000 households across 20 districts. As of 2022, 583,174 children in over 303,800 households have benefited from monthly cash transfers through the SCTP.

### **Reply to paragraph 19 of the list of issues**

77. The Constitution of Malawi mandates the Government to develop policies ensuring adequate nutrition for promoting good health and self-sufficiency. Legislation to regulate activities in the nutrition sub-sector will soon be initiated. The Malawi Growth Development Strategy III (MDGS III) recognizes that eradicating all forms of malnutrition is crucial for building a resilient, productive, and competitive nation. The Government has established comprehensive policy frameworks to guide nutrition services delivery in Malawi, including the Malawi National Multi-Sector Nutrition Policy (2018–2022) operationalized through the National Multi-Sector Nutrition Strategy (2018–2022). Various complementary strategies across sectors, such as the Nutrition Education Communication Strategy, Multi-sectoral Adolescent Nutrition Strategy, Agriculture Sector Food and Nutrition Strategy, National Micronutrient Strategy, and Multi-Sector Maternal, Infant, and Young Child Nutrition Strategy, have been implemented due to the multi-sectoral nature of nutrition.

78. To implement the National Nutrition Strategic Plan 2018–2022 and the Community-based Management of Acute Malnutrition (CMAM) Guidelines targeting Severe Acute Malnutrition (SAM) and Moderate Acute Malnutrition (MAM), the Government of Malawi has taken several steps. Children are screened, and caregivers of children diagnosed with malnutrition receive one-to-one counselling covering topics such as breastfeeding, complementary feeding, nutritional care for sick children, hygiene, sanitation, family planning, and other relevant subjects. Caregivers receive support to identify reasons for malnutrition, prevent relapse, and ensure proper feeding practices and health for their children.

79. Most children admitted to CMAM are under 2 years old. Promoting optimal breastfeeding practices and educating caregivers on age-appropriate complementary feeding practices are essential in preventing growth failure, stunting, and acute malnutrition.

80. Growth targets for children aged 0–59 months are regularly assessed through weight and height/length measurements at designated growth monitoring clinics. Monthly growth monitoring sessions not only track growth progress but also enhance community engagement in health and nutrition programmes. Growth monitoring encourages caregivers, families, and communities to adopt behaviours that support adequate child growth and prevent malnutrition. Additionally, the Government operates a Supplementary Feeding Programme (SFP) for treating MAM in children aged 6 months–15 years and pregnant or lactating women with dry take-home food rations. Children attend SFP sites every 2 weeks for medical check-ups and food ration resupply. The Outpatient Therapeutic Programme (OTP) addresses SAM

in children aged 6 months–15 years without medical complications by providing routine medications and Ready-to-Use Therapeutic Food (RUTF) as outpatients. Children visit OTP sites weekly for medical check-ups and RUTF resupply.

81. According to Malawi’s Ministry of Health, severe acute malnutrition (SAM) admissions decreased from 25,006 in 2019 to 24,249 in 2020, a 3% decline. However, due to economic challenges, SAM cases increased in July 2023, with 2,493 children admitted for treatment, up from 2,379. Additionally, moderate acute malnutrition (MAM) cases rose by 16.2% in the same month. Government remains committed to addressing malnutrition through ongoing initiatives.

### **Reply to paragraph 20 of the list of issues**

82. To improve access to safe drinking water and sanitation in informal settlements and rural areas, the Ministry of Water and Sanitation is implementing the National Water Policy and the National Sanitation Policy. These policies include adopting the Community-Led Total Sanitation (CLTS) approach, mobilizing communities to end open defecation and promote latrine construction, empowering communities to take ownership of sanitation improvement efforts.

83. Additionally, Government, alongside NGOs and partners, conducts water point mapping to identify existing water sources, assess functionality, and plan for new water points where needed. Investments are made in drilling new boreholes and rehabilitating existing ones to provide safe drinking water.

84. Awareness campaigns and training programs promote household water treatment methods to improve water quality. Initiatives also aim to promote the adoption of improved sanitation technologies through sanitation marketing strategies, creating demand within communities.

85. WASH programmes in schools ensure access to safe water and sanitation facilities, including gender-sensitive latrines and handwashing stations. Efforts are made to integrate WASH services into rural healthcare facilities, providing clean water and sanitation for medical procedures, infection prevention, and patient comfort.

86. With regard to statistics, the percentage of access to improved water sources in rural areas increased from 64 per cent in 2014 to 88.3 per cent presently and the main source of potable water is the borehole which is used by 73.9 per cent of the households. Currently, the country has about 60,300 boreholes; 13,200 protected dug wells; 100 rural gravity-fed water schemes; and 265 protected springs. However, 11.7% of the population is still accessing water from unprotected sources of water.

87. With regard to water borne sanitation, access to improved sanitation (toilet facility) was at 61.9 per cent in 2014, however, this has declined to 35.2 percent, partly due to weak and poor-quality latrines and poor access to potable water. The decrease in sanitation coverage could be attributed to among other things, low investment in the subsector despite population increase, low uptake of improved sanitation facilities and poor quality of latrines not befitting the improved toilet facility definition as stated in the Technical Manuals for National Sanitation and Hygiene and the National Sanitation Policy. Despite these challenges, the Government remains committed to improving access to water and sanitation.

88. With regard to access to affordable housing, due to funding constraints, Malawi isn’t implementing specific social housing programmes for poor families. However, the government occasionally builds housing for ultra-poor individuals with disabilities, the elderly, or families caring for orphans on an ad-hoc basis.

### **Right to Physical and Mental Health (Art. 12)**

#### **Reply to paragraph 21 of the list of issues**

89. Despite a multisectoral approach to the pandemic, Malawi faces challenges in maintaining essential health services and addressing the backlog of medical procedures. The pandemic disrupted routine health services, with hospitals and clinics struggling due to



resource reallocation, staff shortages, and infection prevention measures. This led to postponed or cancelled procedures, particularly in rural areas where access to care was limited. Primary health care facilities experienced strain, and health workers faced increased workloads, compounded by human resource challenges and supply chain disruptions. Community health services were also impacted, although adaptations such as telemedicine and mobile clinics helped bridge gaps in accessing care. Addressing the backlog of procedures and strengthening health systems for future resilience are crucial post-pandemic priorities which Government is still grappling with.

90. The drafting of the Mental Health Bill is in progress, and the government anticipates its adoption by the time we submit our periodic report. More details will be shared at that time.

91. In pursuit of a healthy and prosperous nation free from HIV and AIDS, Malawi has prioritised the following key interventions:

- (a) Differentiated HIV Testing services;
- (b) Provision of condoms and lubricants;
- (c) Providing comprehensive HIV services for key populations;
- (d) Encouraging voluntary medical male circumcision;
- (e) Pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP);
- (f) Elimination of mother-to-child transmission;
- (g) Comprehensive HIV services for adolescent girls and young women;
- (h) Provision of sexually transmitted infection (STI), sexual and reproductive health (SRH), and gender-based violence (GBV) services;
- (i) Provision of safe blood and blood products;
- (j) Providing social and behavioural change communications;
- (k) Treatment, care and support for HIV/AIDS and related diseases including TB/HIV coinfection;
- (l) Services for vulnerable children; and
- (m) Development of Resilient and Sustainable Systems for Health (RSSH).

92. From the latest official statistics, (2022), the implementation of the aforementioned interventions has resulted in:

- (a) 23,140 individuals receiving PreP;
- (b) Condom use at last high-risk sex among adults aged 15 to 49 (%) is at 61.9%;
- (c) 32,950 pregnant women who received ARV for PMTCT;
- (d) The vertical transmission rate, including during breastfeeding, is at 7.7%;
- (e) 570,000 children who were exposed to HIV but are uninfected;
- (f) A total of 927,310 people living with HIV taking life-prolonging Anti-Retroviral drugs (ARVs); and
- (g) A total of 871,672 PLHIV on ART with suppressed viral load.

### **Reply to paragraph 22 of the list of issues**

93. In line with global best practices, Malawi recognizes prisoners as a key population group at an increased risk of acquiring and transmitting HIV due to specific higher risk Behaviours. The strategic interventions include:

- (a) Promoting the operationalization of existing prisons' international HIV guidelines (Mandela Rules and SADC minimum standard package);

- (b) Scaling up comprehensive prevention and treatment package of services in all prisons using a 3-phase intervention model;
- (c) HIV and TB Testing on entry, during stay and on exit;
- (d) Conducting annual HIV and TB screening on all prisoners;
- (e) Recruiting and training more human resources for health to be deployed in prisons; and
- (f) Supporting District Health Offices to conduct outreach services in prisons.

### **Reply to paragraph 23 of the list of issues**

94. Due to the criminalization of drug use, obtaining accurate statistics on drug-related deaths is challenging, as such deaths often go unreported and are subject to cover-ups by family or friends due to fear of law enforcement, stigma, and discrimination. Currently, there are no public harm reduction programmes for persons who use drugs or are dependent on controlled substances. However, the current draft drug policy includes a policy priority area on harm reduction, and stakeholders such as the Ministry of Health and the National AIDS Commission (NAC) have developed a roadmap and minimum package on harm reduction, which will be implemented soon.

### **Reply to paragraph 24 of the list of issues**

95. Efforts to improve sexual and reproductive health in Malawi have led to significant benefits. These include lower maternal mortality rates, reduced teenage pregnancies, and increased contraceptive use. Integrating HIV/AIDS services has also helped prevent transmission and support those affected. These initiatives have enhanced maternal and child health, empowered women, and promoted community well-being. Challenges remain, such as ensuring equal access and maintaining quality care amidst resource limitations. Continued investment is crucial for advancing sexual and reproductive health rights in Malawi.

96. Educational programs on sexual and reproductive rights in schools, such as the Safeguard Young People Programme, have made a significant impact in Malawi. Projects like the Spotlight Initiative and the Malawi DREAMS Curriculum have reached many adolescents and young women with vital information and services. Initiatives like the Securing Child Rights through Education and Protection Project and the Joint Program on Girls' Education-II Programme have also played a crucial role.

97. Data collected by the Ministry of Health shows that the number of young people who accessed family planning information and services increased by 23 per cent from 683,866 in 2018 to 840,021 in 2021. The number of girls who accessed family planning services fluctuated slightly but generally increased by 32.7 per cent from 536,330 in 2018 to 711,502 in 2021. During the same period, the number of boys who accessed the same services declined by 12.9 per cent from 147,536 to 128,519. Continued efforts are essential to sustain and expand these positive outcomes in sexual and reproductive health education and services in Malawi.

98. With regard to decriminalizing abortion, while sections 149, 150, and 151 of the Penal Code criminalize attempts to procure abortion or the supply of drugs for abortion, section 243 allows for abortion in cases where a woman's or girl's life or health is at risk. A 2021 High Court ruling upheld this exception, requiring women seeking an abortion to consult a doctor and explain the threat to their life or health. The Court emphasized that safeguarding mental and physical health is part of preserving life.

99. The Ministry of Health has developed Post Abortion Care (PAC) Guidelines to ensure safe abortions. Decriminalizing abortion entirely requires citizen consensus on amending the law. Only when such consensus is reached will the Government of Malawi initiate legislative processes to decriminalize all abortion cases.

100. With regard to the physical and mental health of persons deprived of liberty, The Malawi Prisons Service is also rehabilitating prison structures to ensure they are health-friendly, including installing whirlybirds and larger windows. To improve access to health services, a doctor has been seconded by the Ministry of Health to Malawi Prisons Service to

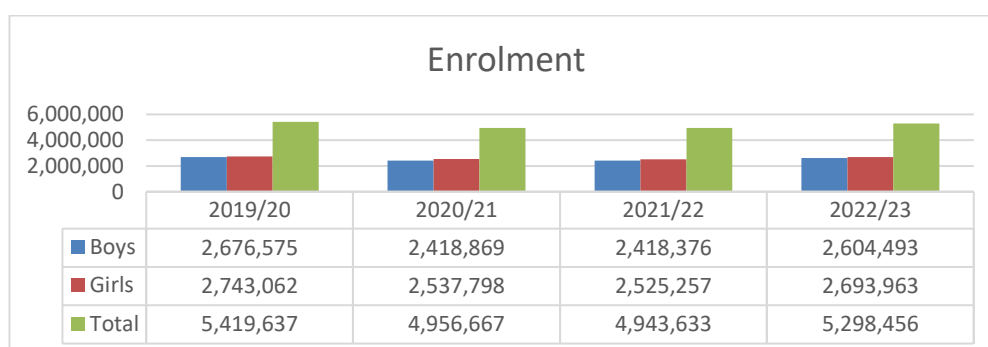
be the medical officer who oversees medical officers, posted in various prisons across the country, such as nurses, nutritionists, and pharmacists just to mention a few. The Malawi Prisons Service has adopted the Southern African Development Community (SADC) minimum standard package to prevent the transmission of communicable diseases, including TB and HIV.

## Right to Education (Art. 13–14)

### Reply to paragraph 25 of the list of issues

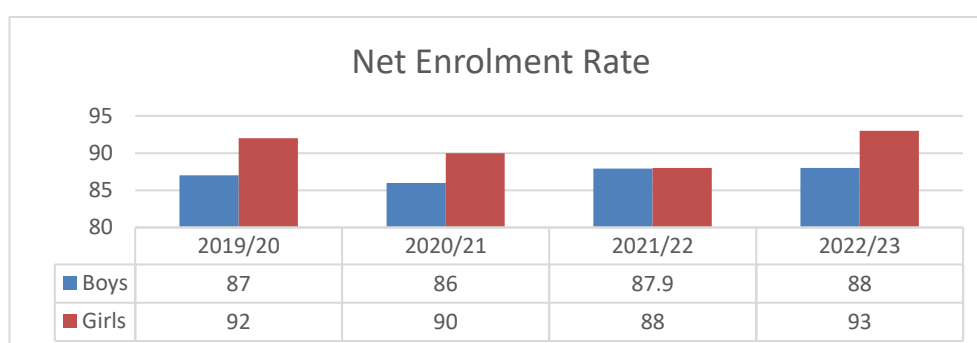
101. Regarding the impact of the Education Act on school enrolment rates, in the 2022/23 academic year, primary school net enrolment in Malawi reached 5,298,456 learners. Of these, 2,604,493 were boys and 2,693,963 were girls. This marks an increase from the previous year, where there were 4,943,633 learners, with 2,418,376 boys and 2,525,257 girls enrolled. Over the years from 2019/20 to 2022/23, girls' enrolment has been slightly higher at 51% compared to boys at 49%. The total enrolment growth is depicted in the accompanying figure.

Figure 6  
Net enrolment (Source: EMIS)



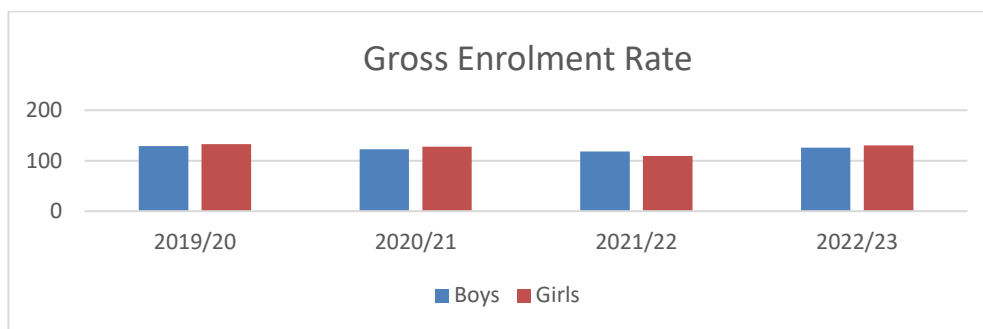
102. Net Enrolment Rate (NER) is, however, the best way of measuring organized on-time school participation by the learners. It is a more refined indicator of school and enrolment coverage and explains the proportion of students enrolled in terms of official age group. Below is a figure depicting the changes in NER over the years.

Figure 7  
Net Enrolment Rate (Source: EMIS)



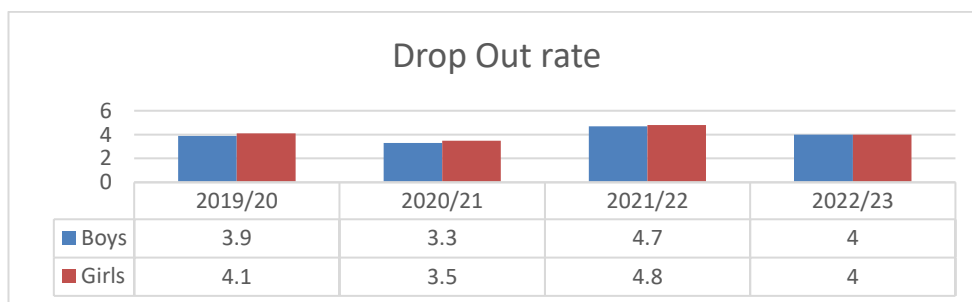
103. The gross enrolment rate for the country, which is the total enrolment regardless of age expressed as a percentage of eligible official school-age population, has been above 100 for several years. This shows the general level of participation of primary school by all learners and includes both under and over-aged pupils.

Figure 8  
**Gross Enrolment Rate** (Source: EMIS)



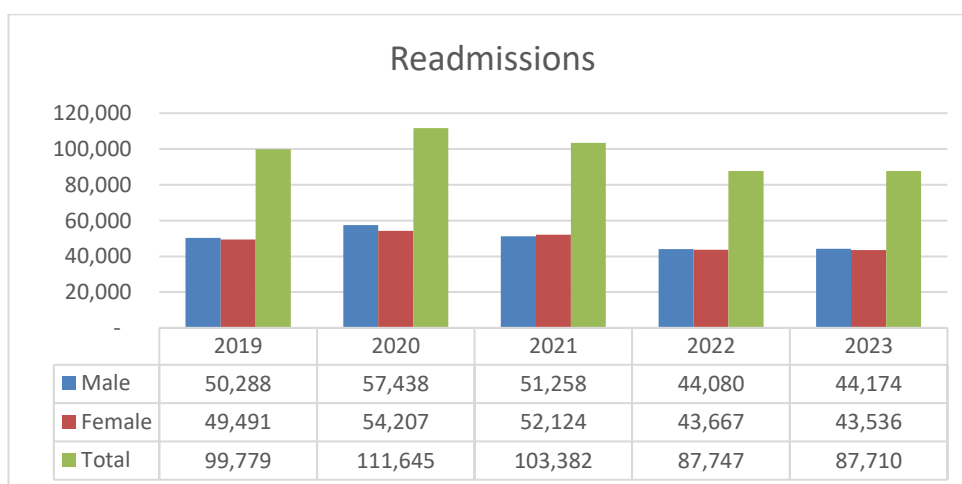
104. Despite Government’s efforts to enhance access to education and increase school enrolment, some learners in Malawi still drop out of school for various reasons. These include school violence, illness, pregnancy, inadequate facilities (especially for girls), early marriages, and financial constraints. The figure below illustrates the fluctuations in dropout rates in primary schools over the years.

Figure 9  
**Dropout rate** (Source: EMIS)



105. Despite the dropout rates, Government recognizes the importance of education continuity and hence is implementing a readmission Policy. The Policy creates a supportive framework to facilitate the return of learners who discontinued their education due to various reasons. 501 Mother groups were trained to implement the readmission policy and support the readmitted as well as the needy. Below is a presentation of the trend of learners readmitted in primary schools over the years.

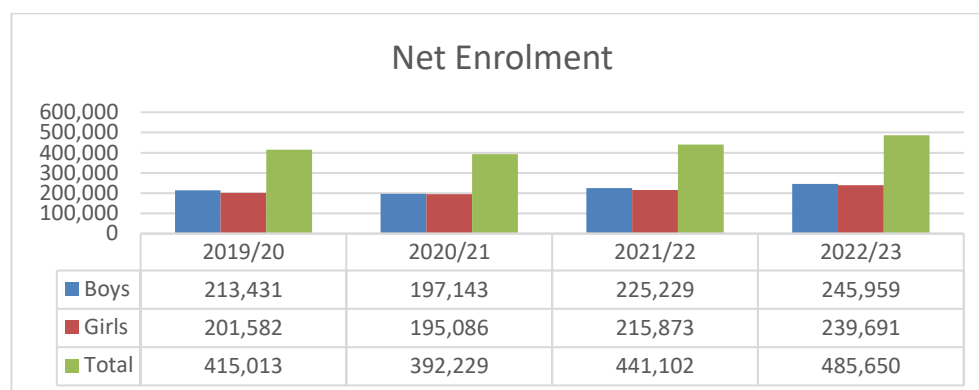
Figure 10  
**Readmissions in Primary schools** (Source: EMIS)



106. For secondary education, in 2022/23, net enrolment was at 485,650 learners of which 245,959 were boys and 239,691 were girls. This is an overall increase from 441,102 learners

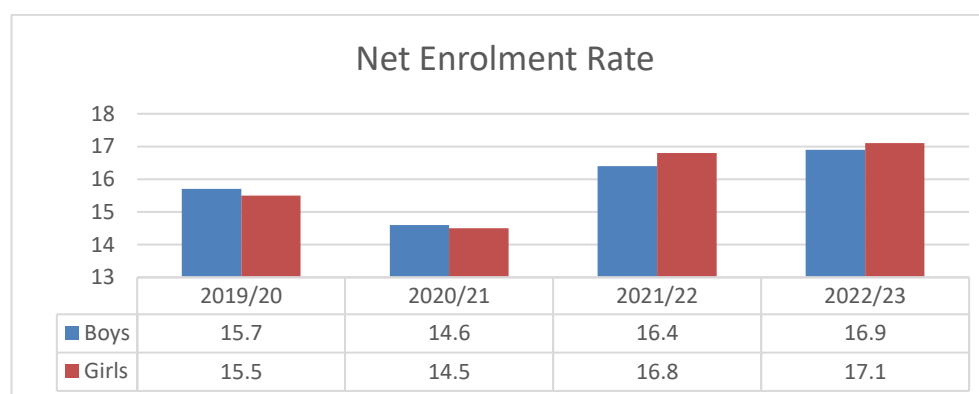
in 2021/22 of which 225,229 were boys and 215,872 were girls. The trend in total enrolment is highlighted in the figure below.

Figure 11  
**Net enrolment** (Source: EMIS)



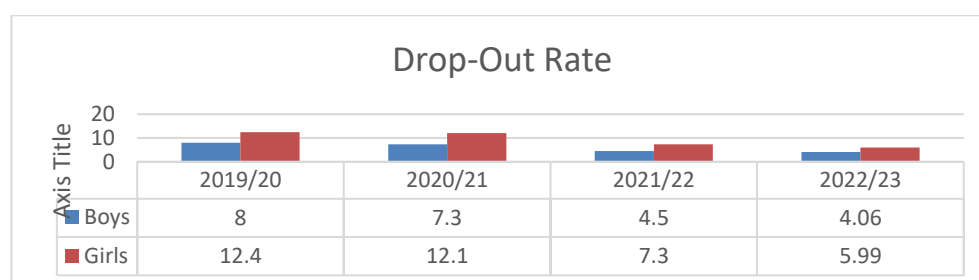
107. The NER has been steadily increasing over the past 2 years as presented in the figure below.

Figure 12  
**Net enrolment Rate** (Source: EMIS)



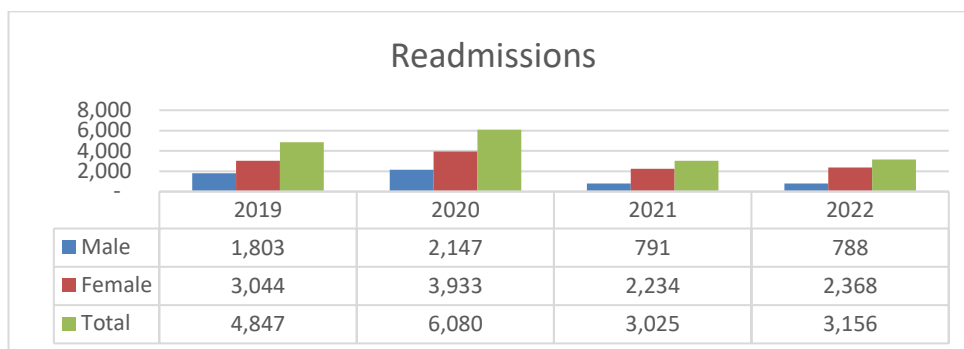
108. Due to various interventions, Government has put in place, there has been a steady decrease over the years. The trend in dropout rates is presented in the figure below.

Figure 13  
**Drop-out rates** (Source: EMIS)



109. Government in its efforts to implement the Readmission Policy has registered a rise in readmissions over the years in Secondary schools. The trend in readmissions is presented in the figure below.

Figure 14  
**Readmissions in Secondary Schools** (Source: EMIS)



110. To address the impact of COVID-19 school closures on children's education, especially disadvantaged and marginalized students, the Ministry of Education distributed interactive radio instructions in braille, large print, and normal print formats for learners with special needs to use at home. They also provided 38,480 supplementary readers in braille and large print to enhance literacy skills during the closures. Additionally, 4,778 parents and guardians received training on supporting children with disabilities at home and improving literacy skills for students with disabilities.

### Reply to paragraph 26 of the list of issues

111. The Government is actively implementing the Malawi Education Reform Programme (MERP) to expand access and enhance the quality of primary education. Under MERP, 4,200 auxiliary teachers have been recruited, and construction has begun on 10,900 classrooms and 1,000 sanitation blocks in 3,539 schools nationwide. Additionally, 2,257 primary school teachers have been permanently employed. Continuous professional development is provided to teachers, with over 7,300 head teachers and deputies trained in school leadership programs. Teaching materials are consistently provided to schools.

112. In the secondary education sector, the Government is increasing access by expanding existing schools and constructing new ones nationwide. Projects like the Secondary Education Expansion for Development (SEED) and Equity with Quality at Secondary (EQUALS) have led to the expansion and construction of community day secondary schools. Recruitment of 2,293 secondary school teachers is ongoing, along with the provision of teaching materials.

113. To combat illiteracy, the government has implemented interventions such as the National Reading Program (NRP) and initiatives to improve learning environments, resulting in a 93% Net Enrolment Rate. Efforts to reduce violence against women in schools include training Primary School Education Advisors in Comprehensive Sexuality Education. Inclusive education for children with special needs is being facilitated through the National Inclusive Education Policy. Teachers have been trained in sign language to support students with deafness, and assistive devices have been distributed to enhance learning outcomes.

114. The Ministry of Education's initiatives include distributing Malawi Sign Language Dictionaries, providing various assistive devices, refurbishing resource rooms, and training mainstream teachers in Inclusive Education. These efforts have improved learning outcomes for learners with special needs, with pass rates increasing from 61.7% in 2022 to 68.3% in 2023 across all education levels.

### Cultural Rights (Art. 15)

#### Reply to paragraph 27 of the list of issues

115. Government has taken specific steps to safeguard and enhance the cultures of diverse religious, ethnic, and linguistic groups in Malawi. These measures focus on preserving, developing, and sharing information about their identities, histories, languages, traditions, and customs. A Cultural Policy has been established to acknowledge and honour cultural

diversity, guiding the protection and promotion of various cultural practices and traditions. Malawi celebrates cultural festivals showcasing the heritage of different ethnic groups, providing a platform for communities to express their identities and traditions. Cultural centres are set up nationwide as hubs for preserving and promoting cultural heritage, offering resources and programs for public education. Efforts include preserving indigenous languages through education programs, language courses, and initiatives to document and revitalize endangered languages. Preservation of cultural sites is vital for safeguarding the history and traditions of ethnic groups, with these sites safeguarded and promoted for future generations. Awareness campaigns raise consciousness about cultural diversity and heritage preservation. Support for traditional arts, crafts, music, dance, and storytelling aids in preserving cultural expressions. Community involvement in cultural activities instils pride and ownership in upholding cultural traditions. Through these targeted actions, Malawi strives to protect and celebrate the rich cultural heritage of its diverse religious, ethnic, and linguistic groups, ensuring the preservation and appreciation of their unique identities, histories, languages, traditions, and customs.

### **Reply to paragraph 28 of the list of issues**

116. The Government of Malawi is committed to providing access to recreation, culture, and sports facilities for persons with disabilities. New sports complexes are being constructed with universal design considerations, ensuring physical access. Efforts are underway to strengthen obligations for accessibility. Children with disabilities are encouraged to participate in play, leisure, and sports activities, including in schools. The National Sports Policy, implemented by the Ministry of Youth and Sports, emphasizes inclusive participation based on motivation, with a focus on vulnerable groups. Collaboration with disability organizations ensures children with disabilities are included in leisure and recreation activities. Further work is needed to fully integrate children with disabilities into leisure and recreation, and the government remains dedicated to this goal.

### **Reply to paragraph 29 of the list of issues**

117. Efforts to enhance internet coverage and ensure affordable access, particularly for disadvantaged and marginalized groups in rural areas, are being made through the Digital Malawi Project. With support from the World Bank, this initiative focuses on expanding telecommunications infrastructure by building network towers, laying fibre-optic cables, and establishing satellite connections in remote regions. Additionally, the project includes setting up community telecentres and digital hubs to provide internet access and digital services, while collaborating with mobile network operators to improve mobile internet coverage in rural areas. Digital literacy programmes are integrated to promote digital skills, and public-private partnerships are utilized to accelerate internet infrastructure deployment, bridging the digital gap in underserved regions.

## **III. Conclusion**

118. The Government of Malawi looks forward to providing any more information the Committee may require, during the review of the initial report.

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