

MALAWI HUMAN RIGHTS COMMISSION



**MHRC RESPONSES ON LIST OF ISSUES BY THE AFRICAN COMMITTEE OF EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD TO THE GOVERNMENT OF THE
REPUBLIC OF MALAWI**

APRIL 2024

1. INTRODUCTION

The Malawi Human Rights Commission (MHRC) is pleased to submit its responses to the list of issues that were raised by the Committee of Experts on the Rights of the Welfare of the Child (ACERWC) on Malawi's first periodic report that was submitted by the state in 2022. This is in line with the constitutional and statutory mandate vested in the Commission. The Commission is mandated by the Constitution of the Republic of Malawi (Constitution), and the Human Rights Commission Act (Chapter 3:08 of the Laws of Malawi), to promote and protect human rights in the broadest sense possible, including, contributing to Malawi's state party reporting processes. The responses are submitted by the Commission to compliment Malawi's initial report which will be considered by the ACERWC in April 2024, and its responses to the list of issues that were issued by the Committee to the Government. The Commission has provided responses and a perspective to a selected list of issues that Malawi is not meeting the obligations under the ACERWC.

2. LIST OF ISSUES

a. General measures of Implementation

i. Delays in the enactment of the Adoption Act

Malawi is using an archaic law of 1949 to process adoptions. This law does not adequately respond to the emerging issues of adoption in the country. The act does not adequately incorporate the principle of the best interest of a child in matters of adoption of children, it does not utilize the internationally recognized standards and policies, and fails to expressively provide for offences and rescission of the adoption order. The act does not provide for inter-country post adoption follow up, which is a key component under the Hague convention.

Having noted this gap, the Malawi Law Commission produced a law review report in 2013 to modernize this law. However, up to date, the bill to enact the new law is yet to find its way to parliament. The draft bill is still with the Ministry of Justice and Constitutional Affairs and the process has stalled since 2017. The delay in finalization of this law is a huge concern to the Commission considering that adoptions, especially intercountry are on the rise. According to an assessment conducted by the Commission, data from the courts revealed that, for every child adopted locally, there are 4 children adopted internationally. The data further shows that between

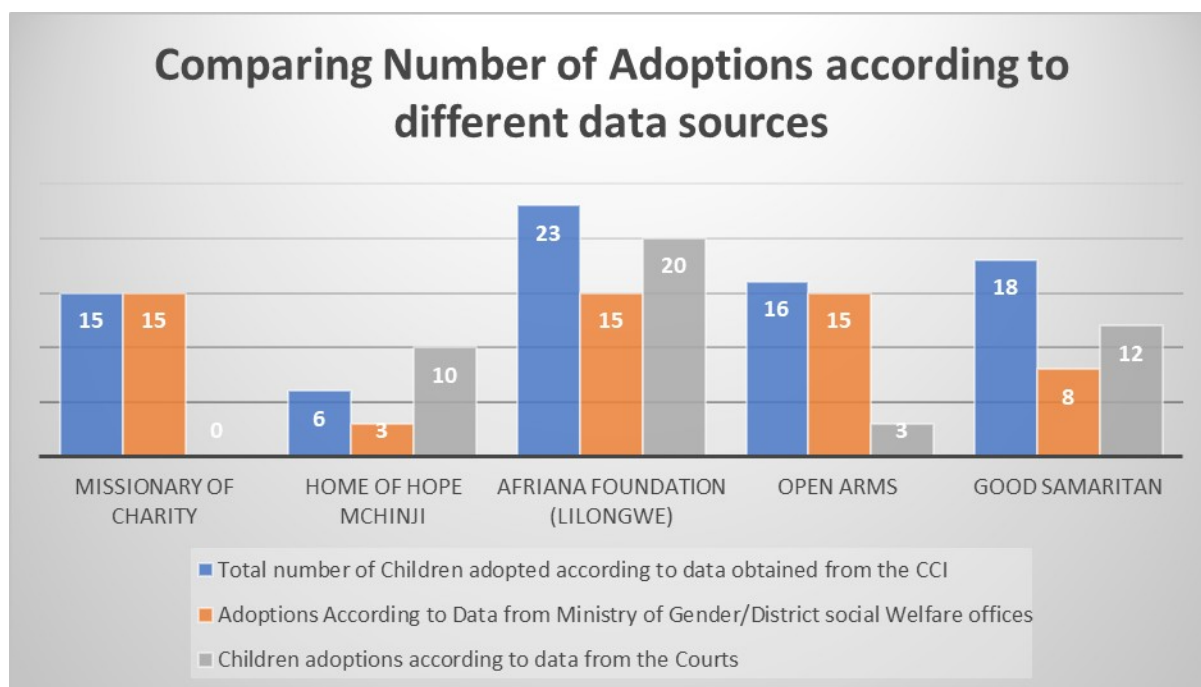
2017-2022 a total of 130 children were adopted, in which 51% were girls while 49% were boys. Absence of the adoption law hinders the protection of children from possible illicit adoption practices especially under inter-country adoptions.

During the 2023 International Human Rights Day Commemorations, the state president made five commitments on matters of priority in furtherance to the promotion and protection of human rights in the country. The Adoption Act whose absence facilitates suspected trafficking of children was not among the priorities thereby frustrating hopes of having the Adoption Act enacted in the near future.

The Commission urges the state to reconsider its position on Adoption law and put up measures to ensure that vulnerable children who need care and protection and find themselves in the center of alternative care are protected from possible situations of trafficking. The Malawi government must prioritize ratification of the Hague Convention and implement comprehensive measures to protect the welfare of children involved in intercountry adoption.

ii. Poor Data management of data on adoption of children

Aside from the archaic law on adoption of children, the country also faces challenges with data management on adoption. The assessment exercise conducted by the Commission to assess the compliance with the adoption process covering a period between 2017 to 2022 revealed huge discrepancies in the data for adoption of children in the country. According to information provided by the Ministry in charge of children, 97 children comprising 58% girls and 42% boys, were adopted between 2017-2022. However, information gathered from the courts indicates that 130 children were adopted during the same period. This shows data inconsistency between the ministry and the courts. Furthermore, when this data is compared with the data produced by the CCIs, it reveals more glaring gaps. The figure below illustrates the inconsistencies in the data.



As can be observed, Child Care Institutions (CCIs), the responsible Ministry and the Courts all have different data regarding the number of children that have been adopted through local and intercountry adoptions from the sampled CCIs.

In some instances, CCIs reported high numbers of children being adopted compared to the data possessed by the ministry and the courts and vice versa. These discrepancies show lack of a proper data management system to ensure that the data speak to each other from the individual CCIs to the national level. As a result, some children may be adopted without the systems recording their adoption, making it challenging for the state and responsible Ministry to determine the precise number of children who have been adopted both locally and internationally. It also raises genuine concerns about possible trafficking of children through the adoption process.

The Commission recommends for a data capture system where all adoptions are recorded and followed up from the originating home or through the court system

iii. **Financial allocation on Child Protection programming**

At national level, the Ministry of Gender, Community Development and Social Welfare (MoGCDSW) is responsible for coordinating all child protection programmes, development of policies, capacity building and setting standards. Other Ministries, Departments and Agencies (MDAs) including the Malawi Human Rights Commission (MHRC), Malawi Police Service (MPS) and the Judiciary offer critical complementary child protection services.

The Commission noted that determination of a total percentage of allocated resources towards child protection in Malawi's National budget proves difficult as matters of child protection are integrated into various programme areas in different sectors. The assessment done by the Commission in 2023 in Mzuzu, Mzimba, Blantyre, Chiradzulu, Zomba and Nkhata-Bay failed to establish definite and direct budgetary allocation towards child protection as most of them were implied interventions. The exercise targeted district sectors of Education, Social Welfare, Gender, Labour, Health, Police, and Prisons. The exercise noted that most sectors do not have clearly designed child protection programmes thereby making it hard to identify resource allocations specifically targeting child protection.

Child protection programmes by various sectors are independent of each other hence lacking coordination at national level. This makes it hard to calculate total allocation to child protection and promotion even from the district budgeting.

The Commission is of the view that proper coordination and mainstreaming of child protection and promotion interventions by the ministry responsible for children would support reporting hence being able to collect information on financial allocation to child protection and promotion by various sectors.

iv. Human and financial resources for Malawi Human Rights Commission

Currently, the Malawi Human Rights Commission (MHRC) has a total establishment of 124 personnel of which 64 positions are filled representing a 51% staffing level. This means the Commission is not adequately provided with enough human resources. The Commission, promotes and protects the rights of children through the fully fledged Child Rights Directorate within the Commission which has a total establishment of 10 positions of which only 3 are filled, representing a 30% staffing level within the directorate. There are plans to increase the number of personnel in the Child Rights Section to enable it to function effectively.

With regard to funding, the Commission is still not adequately funded. The Commission is primarily funded by Government of Malawi. The annual budget for the Commission is currently at K3 billion of which K12,000,000 is for the Child Rights Directorate representing 0.4% of the total budget. The 3 billion includes funding for personal emoluments and whilst the 12 million is funding for programmes only, making it difficult for the Commission to carry out its mandate as provided for in the Constitution of the Republic of Malawi.

v. Establishment of the MHRC regional office in the North

With regard to the process of establishing MHRC regional offices, MHRC began the process of establishing its regional office in the northern region of the country in order to make the Commission accessible to all children in all districts of the country. The process was expected to complete in the 2022/2023 financial year, however due to financial challenges, the process is yet to be completed. At the moment, MHRC has a designated officer and support staff for the regional office in the North. In the 2022/23 financial year, the Government allocated funds for

the operationalization of the regional office in the Northern region. However, at the district level, MHRC utilizes the District Social Welfare Officers in collaboration with the NGOs like YONECO and National Initiative for Civic Education (NICE) to handle matters on its behalf. Furthermore, the MHRC entered into a memorandum of understanding with the above-mentioned organizations to use their offices at the district and community level. With this arrangement, the Commission is accessible in areas it cannot physically be available and able to handle more child-related complaints. However, the highlighted challenges make it difficult for the Commission to access remote areas; and limitations in access to the most effective channels of mass communication.

The Commission recommends for the expediting of staff recruitment on all vacancies in the child rights directorate and ensuring that the Regional Office in the North is operationalized through recruitment of staff and provision of other necessary resources. Taking into account financial challenges the country currently faces, the Commission recommends for progressive implementation of the developments to show its commitment.

b. Definition of the child

i. Harmonization of the legal age of a child

The government of Malawi adopted a two-staged approach in the harmonization of all legislation to conform with the definition of a child; the first stage was to tackle the substantive amendments and the second stage of the harmonization was to amend the definition of the child in other pieces of legislation where it is used. However, in the first stage, a holistic review of the Child Care Protection and Justice Act was employed which has proved to take as long as it involves a review of the whole Act. The Commission is of the view that, for speedy harmonization, the definition of a child be added in the interpretation section of the Act as was done in the penal code.

ii. Access to public Education by the Moslem and Rastafarian children

Malawi has made profound progress towards promotion and protection of children who were being discriminated against from accessing education on the basis of their religious dress code. Access to public education for Moslem children is currently not a problem as girls are allowed to put on the Muslim head gear (Hijab) in schools.

Matters of denial of access to education by Rastafarian children were first brought to court in 2017. The Commission has handled 5 cases of Rastafarian children being denied access to education at both primary and Secondary school between 2021-2023 where after engagement with the education authorities the children were accepted back into class.

For a longtime, Rastafarians have been pushing the government to let children with dreadlocks access education in public schools but the request was rejected on several accounts. In 2017 Ishmael Nansolo who was refused enrolment at Malindi Secondary School in Zomba due to his

dreadlocks brought the matter before Zomba High court. Another case was brought before the High court about a young girl Makheda Mbewe who was denied access to education at Blantyre Girls Primary school due to her dreadlocks. In 2020, the high court sitting in Zomba granted an injunction against the Ministry of Education's rejection.

In May 2023, the High Court in Zomba made a determination that ruled out all actions aimed at preventing Rastafarian children from accessing public education as unconstitutional. This pronouncement was made following an application by a girl who was denied enrollment at Blantyre girl's primary school. The court's decision ordered the school to arrange for make-up classes to allow the child to catch up on the time lost during the court battle.

The battle for Rastafarian children seems not conclusive as to date, the Ministry of Education has not issued any circular instructing education managers to allow Rastafarian children access education without cutting off their hair. As such, the government needs to put in place guidelines to implement the court order.

iii. Prosecutions and convictions made with regard to crimes committed against children with albinism

According to statistics from the Malawi Police Service (MPS), as of October 2023, Malawi had a total of 215 registered cases. Among these cases, 80 have been concluded, 20 remain undetected, 28 are still in progress in courts, 6 are awaiting judgement, and 79 are still under investigation. As the statistics indicate, it is evident that our justice system is yet to reach a point where we can celebrate the attainment of justice as far as attacks against persons with albinism are concerned.

Malawi experienced a resurgence of attacks against persons with albinism from 2022. For example, In December 2022, we were heartbroken to share breaking news of the mutilation and murder of a three-year-old girl with albinism in the Kasungu district of central Malawi, who was asleep in bed with her grandmother when an unidentified assailant broke into the house, stabbing the young girl and amputating her arm.

Through the standing Voice's helpline, 11 out of 17 cases reported in 2022 on security threats were attempted attacks on children.

The Commission expects the government to be more vigilant in responding to risks children with albinism face in wake of increased attacks mostly recorded during periods closer to elections considering that Malawi goes to polls next year in 2025. Additionally, the government of Malawi should come up with a successor plan to the National Action Plan for Albinism which expired in 2022. The expired plan proved to be crucial tool in the protection of people living with albinism.

iv. Establishment of child-friendly facilities in the courts.

Tremendous efforts in establishing child friendly facilities in the courts have been made by the government of Malawi and other partners. Despite child friendly facilities being established, the enjoyment of the right to access justice by children remains compromised as cases of child rights violations continue to face a lot of delays in the courts. For example, the Commission is currently handling a case of defilement involving high-profile personnel of a public office, the case which entered court in 2022, has not been concluded despite all witnesses testifying in court. On the other hand, the accused is on bail and still holds public office. Delays in conclusion of this case is due to several adjournments and change of magistrates handling it. The Commission believes that this is being done deliberately to frustrate the process and compromise justice. The government needs to put in place strong measures to ensure speedy prosecution and conclusion of cases of child rights violations to ensure justice.

Furthermore, cases of child maintenance continue to face problems in court specifically with enforcement of court orders on maintenance. The Commission currently has a total of 7 cases of child maintenance that require enforcement by the court.

Additionally, missing court dockets remain a critical issue compromising justice and the best interest of the child. The Commission is currently handling three cases of child rights violations whose court dockets went missing and the cases are stuck with no direction. The viable option is to restart the case which means that the victim who is a child will have to testify in court again. This will be revictimizing them and can be traumatic. The Commission is of the view that the court needs to be more vigilant when handling cases of child rights violations.

v. Refugee Children

According to 31st March, 2024 statistical tabulation by UNHCR, Malawi has a total of 53,579 refugees and asylum seekers out of which over 20 thousand are children below the age of eighteen. Refugee Children face a lot of challenges starting from the time that they are coming to Malawi from their home countries. Their safety is at risk considering that they use uncharted routes as a result they face abuses along the way before they even reach their destinations.

The assessment that was conducted by MHRC on the situation of refugees at Dzaleka camp revealed that cases of abuse on refugee children are on the rise as children especially unaccompanied/separated minors and orphaned children are more prone to these abuses. The assessment further revealed that girls are more vulnerable to these abuses than boys.

There is insecurity at the camp as the environment is not child friendly, limited space for dwelling shelters and water points where children, especially girls are abused. This perpetuates these children to indulge in prostitution, drug and alcohol abuse and has influenced a lot of children to drop out of school. There is also harassment of girls by all groups, especially men who use their power, cases of sexual exploitation of girls in the camp are rampant because most of these victims are living in destitution. Girls are forced to have relationships with men for

economic reasons and these relationships lead to pregnancy and early marriages. In some contexts, men are the ones that offer to help girls in return for sex. Forced/Early marriages as some parents do not allow their girls as young as the age of 13, to go to school but rather groom them for marriage and marry them off in exchange of money. Many of these cases are not reported because they are told that this will affect their case for resettlement at UNHCR. Girls are raped in the camp when they are sent to fetch water at the borehole and when they are sent on errands during late hours. Cases of rape are mostly not reported as parents prefer to get pay out from the man or force them into marriage. This is also because the parents do not want to be the talk of the camp as to having their child raped. The girls are also forced not to complain about it and regard it as a normal thing that happens in the camp.

Children as young as 5 years old are also being subjected to child labour, and sent to the market to sell stuff, especially during market days, where a lot of children do not go to school as they are at the market. As a result, a lot of children have dropped out of school. There are trucks that are seen at night with children that are referred to as “*akatundu*”. These children are seen for some short while in the camps before they go missing and it is rumoured that they are sent to South Africa in a typical case of child trafficking. Discrimination in the camp and surrounding communities is also an issue that children at the camp are facing. MHRC assessment further revealed that there are people from different countries who come to the camp for various reasons and end up segregating and discriminating against each other based on the countries that they came from.

The situation of unaccompanied/separated and orphaned children is also problematic as they are neglected or exploited by foster parents who do not treat them as their own children and most times deny them access to basic needs. These children find it hard to access their food ration because of the system of getting food ration that is used at the centre. Unaccompanied minors also face a lot of challenges on entry at the border and along the way as they come without anyone to look after them and some come with people who abandon them when they get to the camp.

The Malawi government's enforcement of its refugee encampment policy does not respect and protect the rights of refugees and asylum seekers. Between May 17th to 9 October 2023, over 2296 refugees were forced to evacuate their homes; 505 individuals were detained in prison, including 117 children; over 20 people were physically assaulted by law enforcers and hundreds lost their businesses and cash through theft including by law enforcement officers without accountability.

The forced relocation exercise also aggravated the already overcrowded and dehumanizing situation at Dzaleka camp negatively impacting shelter, health services, sanitation, livelihood, and protection risks. The camp, designed to accommodate 12,000 refugees, now accommodates over 52,678 comprising 45% women and 48% children with 300 new arrivals monthly from the Democratic Republic of Congo, Rwanda, and Burundi, thereby aggravating their dependence on food assistance and negative coping mechanisms.

Despite being a party to the 1951 convention and its 1967 protocol and the Organisation of African Refugee Convention (OAU) 1969, Malawi made nine ‘reservations’ to the 1951 convention¹ by limiting refugees' right to right to work, education, social security, housing, freedom of movement and naturalization.² Again, the country's Refugee Act does not explicitly cover these rights. Moreover, despite the country's commitment to the Comprehensive Refugee Response Framework and the Global Compact framework, the slow reform process has left archaic laws in place.³

Hence, the Commission shares the UN High Commissioner for Human Rights' 2021 recommendation for Malawi to withdraw its reservations to the 1951 refugee Convention, improve refugee status determination, and increase support for Dzaleka Camp refugees.⁴ Likewise, the UNHCR's call to state parties to withdraw their reservations and create an enabling environment for refugees to exercise their “basic rights” and contribute to the social and economic growth of the “host communities”⁵.

The Commission further supports calls from international civil society organizations like Human Rights Watch, the UN High Commissioner for Refugees, and the Youth and Society Organization (YAS) for the government to abandon the encampment policy and reform its laws.⁶

The Commission calls for the government to implement the following:

- Reverse the enforcement of the refugee encampment policy
- Withdraw all the reservations to the 1951 Convention
- Accelerate the comprehensive reforms on the legal and policy framework in line with commitments under the Comprehensive Refugee Response Framework and the Global Compact on Refugee Forum in December 2018.
- Investigate all the cases of theft and hold all perpetrators accountable including law enforcers

¹ UN High Commissioner for Refugees (UNHCR), ‘State Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol’ (UNHCR, updated on 17 April 2015) <<https://www.unhcr.org/media/states-parties-1951-convention-and-its-1967-protocol>> Accessed on 15 November 2025;

² United Nations Treaty Collections, ‘Chapter V:2: Refugees and Stateless Persons; Convention relating to the Status of Refugees, Geneva, 28 July 1951’ <https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtmsg_no=V-2&chapter=5&Temp=mtmsg2&clang=_en> accessed on 18 November 2023.

³ *ibid*

⁴ UN High Commissioner for Human Rights (OHCHR) ‘Letter by the High Commissioner to the Foreign Minister’ (17 May 2021) <<https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/MW/HCLetter-Malawi.pdf>> accessed on 14 November 2023

⁵ UN High Commissioner for Refugees (UNHCR), “Why withdraw the to the Status of Refugees Convention 1951 and its optional protocol 1967” (UNHCR, November 2023) <<https://www.unhcr.org/media/withdrawing-reservations-1951-convention-and-its-1967-protocol>> accessed on 18 November 2023

⁶ See the following websites for their Statements: UNHCR; <<https://www.unhcr.org/uk/news/press-releases/unhcr-warns-human-suffering-due-malawi-s-back-camp-refugee-policy>>, Human Rights Watch (HRW); <<https://www.hrw.org/news/2023/06/05/malawi-refugees-including-children-forcibly-relocated>>, Youth and Society (YAS); <https://yasmw.org/index_htm_files/YAS%20Statement%20-%202077th%20Session%20of%20ACHPR.docx.pdf>.

vi. Stateless children

Furthermore, there is a good number of children that are considered to be stateless at refugee camp. These children do not have any effective national protection and face discrimination when it comes to accessing rights generally available to nationals. This means that the rights of these children are being infringed upon by the government which has failed to address it. In addition, there are children who were born in the country but had their refugee status taken away and as a result they remain stateless. This removal of refugee status adversely affects the children in question in that they are left without a nationality which is an infringement of their right to a nationality.

The Constitution of the republic of Malawi provides that every child has the right to a nationality, and that citizenship shall not be arbitrarily deprived or denied. Malawi's nationality legislation is regulated by the 1966 Citizenship Act, as amended in 2018. The Citizenship Act is the principal law that enables one to become a citizen and without following the Act's provisions, one can be a stateless person. Although the Act contains some safeguards against statelessness, gaps remain with regard to ensuring that children who are otherwise stateless can acquire a nationality. For instance, children born in Malawi to parents who are not of African race are explicitly excluded in the Malawi Citizenship Act from the right to acquire Malawian citizenship by birth.

The special law Commission on the Review of the Citizenship act finalized its work and a report has been compiled and submitted to the relevant Ministry of Home affairs and Ministry of Justice for further processes to take place. As of now, the status of and progress on these internal processes is unclear.

The Commission urges the Government to finalize the review of the Citizenship Act to address issues closely related to refugee and migrant children born in Malawi and prevent statelessness. This will ensure that children born in its territory who would otherwise be stateless are granted nationality.

The Commission further urges the Malawi Government to address the issue of children born to refugee parents who are at risk of being stateless. There is therefore, a need for speedy finalization of the review of the Refugee Act which is currently under review.

vii. Ratification of the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

Malawi ratified the 1954 Convention Relating to the Status of Stateless Persons in 2009, but has not acceded to the 1961 Convention on the Reduction of Statelessness. Although Malawi has not yet acceded to the 1961 Convention on the Reduction of Statelessness, the Ministry of Homeland and International Security conducted a national study to measure the magnitude of statelessness issues in Malawi. The refugee population was part of the targeted population noting that there is

an average of 150 children born in the camp every month. The Population was targeted to get recommendations on how to avoid children born in Malawi to refugee parents losing their identity. The outcome of the study helped with strategizing the review of the Refugees Act. The Ministry further conducted consultations with various stakeholders on the ratification of the Convention in 2022, and reportedly agreed to accede to the 1961 Convention on the Reduction of Statelessness. Currently, the report for the consultations with stakeholders and its recommendation to accede to the Convention was submitted to the relevant authorities at the Ministry of Homeland pending a go ahead.

The Commission recommends that the Government of Malawi should accede to the 1961 Convention on the Reduction of Statelessness.

F. Family environment and alternative care

i. Delay in the Finalization of the Child Care Protection and Justice Act (Foster homes) Regulations

The monitoring exercise conducted by MHRC focusing on the impact of Covid-19 on children under institutional care in 2021, established that there was a total of 5789 children in the 122 residential CCIs. A total of 2765 were boys and 3024 were girls. This represents a 23% decrease from the 2017 monitoring exercise which found 8,048 children. The data indicates that 61% of the children under institutional care were in the Southern region, 4% in the Eastern region, 28% in the Central Region, and 6% in the Northern region. Blantyre had the largest number of children under residential care, representing 27% of the total number of children under residential care in Malawi.

An Assessment further revealed that there is a total of 122 residential CCIs in Malawi of which a total 6 CCIs are in the Northern region, 36 CCIs in the Central region, 14 CCIs in the Eastern Region, and 66 CCIs in the Southern region. All these institutions are not registered with the government as per the requirements of the Child Care Protection and Justice Act 2010. This is due to the fact that the regulations on foster care homes are yet to be finalized. The process started in 2012, however, the process appears to have stalled. The delay in gazetting the regulations implies that CCIs are operating without proper registration in line with the CCJPA Act 2010, including the handling of the adoption processes. This is a pressing issue with potential consequences for child welfare and protection. Without clear guidelines and oversight, there's a risk of exploitation and inadequate care for vulnerable children including exposing our children to poor conditions as there are no clear standards to be followed.

The Commission urges the committee to issue another strong recommendation to the state to prioritize the finalization of the regulations with clear time frames in order to bring sanity on alternative care management.

ii. The Deinstitutionalization programs

Although there is a downward trend in the number of children in residential care institutions, from 10,136 in 2014 to 5,789 in 2021, the deinstitutionalization program is still facing a number of challenges. There is a lack of clear and decisive stand regarding the deinstitutionalization program on the part of the state. MHRC has noted that new Child care institutions are being established, some of which are not properly accounted for by the government. In addition, there is inadequate political will to scale up the deinstitutionalization process. Besides, CCIs are reluctant to embrace the deinstitutionalization program due to lack of adequate knowledge on the benefits of re-integration and deinstitutionalization on children's welfare hence the number of CCIs and children remains high.

The Commission calls upon the government of Malawi through MoGCDSW to have a clear stand on deinstitutionalization and the future of CCIs in Malawi and promote the delivery of community-based care for children deprived of parental care.

iii. Mechanisms put in place to address the issue of children in street situations.

Malawi continues to be plagued with the presence of street connected children despite policies being put in place. With the National Strategy on Street Connected Children (2021-2023) expiring, the government needs to take a closer look at the background of the issue, its ramifications and work towards effective solutions to the push factors. A conference which was organized by the Commission with the street connected children in December, 2023 revealed that the children are drawn to the streets due to poverty, lack of access to education and dearth of basic necessities. In these streets, the children are exposed to a lot of abuses; physical, sexual, emotional and psychological. Incidents of theft and physical abuse are rife because this is how they survive on the streets.

It is crucial for the Government to take a comprehensive approach that prioritizes the welfare and wellbeing of the children; invest in social welfare programmes that focus on providing basic needs such as food, shelter and education to vulnerable children in order to break the cycle of depending on handouts. Furthermore, the government should ensure adequate funding to rehabilitation centers to help provide counselling and support to street connected children helping them reintegrate into society and avoiding life of crime.

The Commission reaffirms that it is crucial for the Government to take action and implement the strategies. For instance, creating a database for street connected children. This requires concerted efforts and collective responsibility for state and non-state actors in the child rights sector.

3. CONCLUSION

Malawi, as a state party to the ACRWC, is duty bound to promote and protect rights of children in Malawi. On the one hand, the country has made considerable progress in the realization of children rights, while on the other hand, there are significant challenges that hamper the effective

realization of children's rights in the country. These responses have provided additional, credible and objective information, corroborating or complementing information provided by the State.