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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Information presented by the Malawi Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Malawi Human Rights Commission,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Annex

[English only]

Contribution of the Malawi Human Rights Commission to the Panel Discussion on Human Rights Mainstreaming at the 22nd Session of the Human Rights Council

I. Introduction

1. The Malawi Human Rights Commission (MHRC) in its capacity as a National Human Rights Institution with an “A” Status is making this submission to the 22nd Session of the Human Rights Council to highlight the situation of human rights in Malawi in light of the Vienna Declaration and Programme of Action, (VDPA).
2. Mainstreaming of human rights refers to the overall process of integrating the realization of human rights through development programming. Premised on this understanding Malawi has various mechanisms for human rights mainstreaming at the normative as well as programmatic level as outlined below:

II. Human Rights Mainstreaming in Malawi

3. Primarily, human rights mainstreaming is demonstrated by the entrenchment of a progressive and comprehensive bill of human rights in the 1994 Constitution of the Republic of Malawi and the ratification of a number of international human rights instruments. This has been followed with a comprehensive law reform process whereby various statutes are among other things aligned to applicable human rights standards and principles. The Constitution also establishes a National Human Rights Institution with a broad mandate of the promotion and protection of human rights. Government Ministries and Departments also have specific human rights related objectives, for example the Malawi Police Service.
4. Malawi has adopted several policies that entrench human rights. For example, the Malawi Growth and Development Strategy II (MGDS) which is Malawi’s overarching policy for attaining accelerated economic growth and sustainable development, in the medium term has a human rights component. Theme five of MGDS II addresses the issue of good governance under which strategies for the promotion and protection of human rights are outlined. Under this component, the policy emphasises that the promotion and protection of human rights contributes to good governance practices which in turn underpin the achievement of economic growth and social development objectives. Several other sectoral policies in critical sectors such as: health; water; education; disaster management and relief; also address issues of human rights.
5. At the programme formulation and implementation level the Malawi Human Rights Commission has taken a pro-active role of working with various stakeholders at national and district levels on the adoption of human rights-based approaches to programming. This includes collaboration with the Malawi Police Service and Malawi Prison Service in capacity building activities aimed at entrenching human rights standards in the work of these institutions, working with traditional leaders and communities through awareness raising and human rights accountability programmes. MHRC has also collaborated with Malawi Institute of Education in the entrenchment of human rights in the primary school

curriculum and capacity building of primary school teachers and primary school advisors on human rights knowledge and skills.

6. Various Civil Society Organisations working in the area of human rights and good governance also contribute to the entrenchment of human rights in development programmes of various service providers.

Some of the outcomes of human rights mainstreaming at programmes level are that: people are recognized as key actors in their own development, rather than as passive recipients of commodities and services; participation is taken as a means and a goal (both processes and outcomes are important); and the programmes focus on marginalized disadvantaged, and excluded groups.

III. Challenges

7. The various efforts on human rights mainstreaming at the conceptual and practical level are hampered with the following challenges:

8. **Limited levels of knowledge on human rights on the part of both the duty bearers and claim holders:** Malawi is still experiencing problems with respect to significant gaps on the part of the populace with respect to knowledge of human rights in a manner that effectively empower right holders to claim their respective rights. For instance, while studies have shown that over 80% of the Malawi population have heard about the word human rights, fifty percent still don't understand what these human rights are. This poses challenges in mainstreaming human rights in development processes as effectively as the knowledge gap limits peoples' ability to participate in development processes and press for accountability from duty bearers. The knowledge gap or lack of appreciation on the part of some duty bearers has led to tendencies of relegating human rights to a secondary position as opposed to being central to the formulation and implementation of some service delivery programmes. This in turn has led to negative consequences for the ability of people to fully participate and or benefit from such programmes and to demand accountability.

9. **Low Illiteracy Levels:** Malawi has high illiteracy levels. The year 2008 Population and Housing Census established that 36% of the population is illiterate (i.e. persons aged 5 years and older who cannot read and write.)¹ Of the illiterate population 31% are males while 41% are females.² The high illiteracy rate contributes to the limited levels of understanding of human rights.

10. **Lack of Resources:** Although Malawi has ratified a significant number of human rights instruments and has obligations under the Constitution on a number of human rights related service delivery, limitations in human, technical and financial resources limit Government's capacity to effectively fulfil these obligations.

11. In light of the above challenges, the human rights mainstreaming initiatives are yet to bear gains as human rights violations and abuses continue to be experienced by people, exemplified by issues of inequitable development programmes and essential service delivery; challenges related to land; unmet needs in the area of health, water, and education, among others.

¹ Government of Malawi, National Statistics Office, the Year 2008 Population and Housing Census Report

² *Ibid*

IV. Conclusion

12. The case of Malawi illustrates that Government of Malawi and other duty bearers recognise that human rights mainstreaming is pivotal to the attainment of sustainable development. Further that while integration of human rights can be realised at the normative level, a lot of efforts are required for the effective fulfilment of the human rights obligations by duty bearers. In this regard, it is critical that countries, especially developing countries continue to benefit from assistance in the area of technical and financial resources from UN Agencies and other partners.
