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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Malawi**

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## List of acronyms

Adolescent Girls and Young Women	AGYW
African Charter on the Rights and Welfare of the Child	ACRWC
African Committee of Experts on the Rights and Welfare of the Child	ACERWC
Child Labour Elimination in Action for Real Change	CLEAR
Civil Society Organisations	CSOs
Clean Development Mechanisms	CDM
Community Health Services	CHS
Community-based Management of Acute Malnutrition	CMAM
Criminal Justice Coordinating Committee	CJCC
United Nations Framework Convention on Climate Change	UNFCCC
Department for Planning and Policy Development	DPPD
Essential Health Package	EHP
Federation of Disability Organisations in Malawi	FEDOMA
Health Sector Strategic Plan	HSSP
Infant and Young Child Feeding	IYCF
Institute for Human Rights and Development in Africa	IHRDA
Legal Aid Bureau	LAB
Malawi Communication Regulatory Authority	MACRA
Malawi Decent Work Country Program	MDWCP
Malawi Growth and Development Strategy III	MGDS III
Malawi Human Rights Commission	MHRC
Malawi Law Commission	MLC
Malawi Police Service	MPS
Mines and Minerals Act	MMA
Ministry of Education, Science and Technology	MoEST
Ministry of Gender, Children, Disability and Social Welfare	MGCDWS
Ministry of Justice and Constitutional Affairs	MoJCA
Ministry of Lands, Housing and Urban Development	MLHUD
National Action Plan on Child Labour Elimination	NAP
National Community Health Strategy	NCHS
National Multi-Sector Nutrition Policy	NMNP
National Registration Bureau	NRB
National Statistics Office	NSO
Non-Communicable Diseases	NCDs
Nutrition Care Support and Treatment	NCST
Office of the Ombudsman	OoO
Payments for Ecosystem Services	PES
Persons with Disabilities	PwDs

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Reduced Emissions from Deforestation and Forest Degradation	REDD+
Sustainable Development Goals	SDGs
Teachers Training Colleges	TTCs
United Nations Convention on Biological Diversity	UNCBD
United Nations Convention on International Trade in Endangered	UNCITE
United Nations Convention on the Rights of Persons with Disabilities	CRPD
United Nations Convention on the Rights of the Child	CRC
United Nations Convention to Combat Desertification	UNCCD
World Health Organisation	WHO

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## Introduction

1. Malawi underwent the second cycle Universal Periodic Review (UPR) in 2015. At the end of the process, recommendations were made to Malawi. The accepted recommendations were in relation to the following areas: civil and political rights; women's rights and gender equality; child rights; disability rights; rights of vulnerable groups; extractive industries and human rights; and human rights and governance institutions.
2. The Human Rights Section in the Ministry of Justice and Constitutional Affairs has been coordinating the implementation of the recommendations through the National Task Force on Universal Periodic Review. Malawi's third cycle presents the achievements on the implementation of the recommendations as well as an update on the general human rights situation in Malawi between 2015 and 2020.
3. This National Report was prepared by the National Taskforce on UPR chaired by the Ministry of Justice and Constitutional Affairs. The Task Force comprises Government Ministries, Departments and Agencies, Governance institutions and Civil Society Organizations (CSOs). The full list of members of the Task Force is attached hereto as **Annex 1**.

## Report compilation process

4. The Ministry of Justice and Constitutional Affairs (MoJCA) conducted consultations and a data collection exercise in all the four regions of the country. The consultations were conducted in selected districts (three in the northern region, three in the central region, three in the eastern region and four in the southern region). Each regional consultation exercise culminated into a regional consultative working session. Resultantly, four regional workshops were held. Additionally, the Human Rights Section within the MoJCA has been holding periodic working sessions of the Taskforce on UPR since 2015. These sessions were used to update the implementation of the 2015 recommendations as well as prepare for the 2020 report. We also circulated questionnaires to various stakeholders for their views on the 2020 report.

## Implementation of 2015 recommendations and general human rights update since 2015

5. Attached hereto as **Annex 2** which shows the status of implementation of the 2015 recommendations. The status shows the recommendations which have been implemented, the recommendations which have been partially implemented and recommendations not yet implemented. The assessment of implementation status was guided by the National Task Force on UPR, in consultation with various rights stakeholders.
6. We refer to Malawi's Common Core Document which gives the status of Malawi's historical, Constitutional and demographic set up.

## Political developments

7. On 21<sup>st</sup> May 2019, Malawi held her second tripartite General Elections, electing the President, Members of Parliament and Local Government Councillors. Professor Arthur Peter Mutharika was declared the winner of the elections. Parliament also elected a female Speaker for the first time in Malawi's history.

## Constitutional and legislative framework

8. Since 2015, Malawi has enacted and amended key legislation in the promotion and protection of human rights as follows:
  - (a) Constitutional amendment to raise the age of a child from 16 to 18, 2017;

- (b) Access to Information Act, 2017;
- (c) HIV/AIDS (Prevention and Management) Act, 2018;
- (d) Trafficking in Persons Act, 2015;
- (e) Marriage Divorce and Family Relations Act, 2015;
- (f) National Planning Commission Act, 2017;
- (g) Electronic Transactions and Cyber Security Act, 2016;
- (h) Courts Amendment Act, 2016;
- (i) Land Act, 2016;
- (j) Customary Land Act, 2016;
- (k) Physical Planning Act, 2016;
- (l) Land Survey Act, 2016;
- (m) Political Parties Act, 2018;
- (n) National Intelligence Service Act, 2018;
- (o) Citizenship Amendment Act, 2019;
- (p) Mines and Minerals Act, 2019; and
- (q) National Children's Commission Act, 2019.

### **Policy framework**

9. The following policies and human rights related action plans have been adopted during the reporting period:

- (a) National Cultural Policy, 2015;
- (b) The Gender Equality Act Implementation and Monitoring Plan, (2016-2020);
- (c) National Forest Policy, 2016;
- (d) National Agriculture Policy, 2016;
- (e) National Agriculture Investment Plan, 2018;
- (f) National Fisheries and Aquaculture Policy, 2016;
- (g) Malawi Growth and Development Strategy, (2017–2022);
- (h) National Action Plan on Persons with Albinism, (2018–2020);
- (i) Handbook for Investigators, Prosecutors and Magistrates Concerning offences against Persons with albinism;
- (j) National Peace Policy, 2017;
- (k) Accelerating Inclusive Local Governance and Participatory Democracy for Effective Social Economic Development, (2017-2023);
- (l) Integrated Rural Development Strategy, 2017;
- (m) National Action Plan on Trafficking in Persons, (2017–2022);
- (n) National Multi Sector Nutrition Policy, (2018–2022);
- (o) Health Sector Strategic Plan II, (2017–2022);
- (p) National Health Policy, (2018–2030);
- (q) National Strategy for Adolescent Girls and Young Women, (2018–2022);
- (r) National Strategy on ending child marriages (2018-2022);

- (s) National Policy for Older Persons, 2016;
- (t) National Strategy on Inclusive Education, (2016–2020);
- (u) National Public Sector Reforms Policy, (2018–2022);
- (v) Public Service Management Policy, (2018–2022);
- (w) National Action Plan on Child Labour, (2019–2025);
- (x) National Employment and Labour Policy, 2018;
- (y) National Sexual and Reproductive Health and Rights Policy, (2017–2023).

10. Below is an update of the human rights situation in Malawi since 2015, divided into thematic areas.

## **Civil and political rights**

### **Access to information**

11. The Access to Information Act was passed in December 2016. The enactment of the Act will improve transparency and accessibility of information. The Malawi Human Rights Commission has so far oriented and trained stakeholders including media, CSOs, traditional leaders, directors and heads of departments in the civil service. Additionally, it will carry out awareness programs on all media platforms and mapping of all information holders for the purposes of developing a comprehensive database. When the database is operationalized, the Act will be implemented with the gazetting of a commencement date.

12. Furthermore, Malawians have access to general information through radio stations. At the time of preparing this report, the Malawi Communication Regulatory Authority (MACRA) had granted operating licenses to 16 private radio stations, 21 community radio stations and 22 community of interest radio stations.

### **Freedom of association and assembly**

13. The Constitution of Malawi and the Police Act guarantee freedom of assembly and people's right to demonstrate. The Police Act provides for procedures to be followed by organizers, people demonstrating and law enforcement agencies in the course of demonstrations. The year 2017 and 2018 saw a number of demonstrations held by CSOs which were largely peaceful. However, the demonstrations held after the May, 2019 elections have been violent. Notwithstanding, Malawi reiterates her commitment in ensuring that its citizens are free to express themselves, through peaceful assemblies and demonstrations. Albeit, the organizers and participants of such events have an obligation to ensure that the law and the rights of other citizens and participants are respected.

14. Malawi's constitutional and legislative framework adequately protects all Malawians, including human rights defenders. There are no specific laws for the protection of human rights defenders. However, the Government of Malawi reiterates its commitment to ensure that human rights defenders are fully protected and work in a conducive environment. Regrettably, during the reporting period, there were several incidents of attacks on human rights defenders.

### **The status of democracy and management of elections**

15. In 2018, Malawi enacted the Political Parties Act. This Act regulates the registration, financing and functioning of political parties. The Act guarantees the freedom by all persons to form a political party; cease to be a member of a political party and prohibits the compulsion of any person to belong to a political party. The Act also promotes the principle of non-discrimination in the enjoyment of rights and privileges of membership to a political party. Further, the Act buttresses civil and political rights of women by highlighting the consideration of the principle of gender equality in political party representation.

16. The Act further guarantees the right to freedom of assembly of political parties without unlawful interference from the State, other political parties, or any person.

17. The right of access to information is also promoted under the Act by guaranteeing any person access to information received by the Registrar for Political Parties. The Office of the Registrar of political parties operates independent of the interference or direction of any other person or authority.

18. The Act criminalises the act of political parties issuing monetary inducement to voters. Failure to adhere to this provision attracts a fine of K10,000,000 and imprisonment for five years.

19. After the May 21<sup>st</sup> 2019 tripartite General Elections, about 20 petitions challenging the parliamentary results were filed in the High Court of Malawi. Two candidates challenged the presidential elections. In its decision of 3<sup>rd</sup> February 2020, the High Court nullified the May 21 Presidential elections results, and ordered the holding of fresh elections within one hundred and fifty days.

## **Child rights**

20. The Constitution was amended in 2017 to raise the age of the child from 16 to 18. The amendment was enacted to adhere to the Convention on the Rights of the Child (CRC); the African Charter on the Rights and Welfare of the Child (ACRWC) and the 2015 UPR recommendations. Following the amendment, the process to harmonise all laws on the age of the child is at an advanced stage. This process is being led by a Task Force chaired by the Ministry of Justice and Constitutional Affairs and the Ministry of Gender, Children, Disability and Social Welfare. The amendment is also a fulfillment of the amicable settlement of the case of Institute for Human Rights and Development in Africa (IHRDA) versus Malawi before African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

21. Since 2015, Malawi has continued its efforts in relation to children's rights, specifically in birth registration, eradicating child marriages, child trafficking and child labour.

### **Birth registration**

22. In August 2015, Malawi shifted from optional birth registration to universal compulsory birth registration as stipulated in the National Registration Act. The National Registration Bureau (NRB) is mandated to administer the Act. The Government of Malawi has shown commitment to compulsory registration by including NRB in its reform programme where the issuance of birth certificates is among the priorities to be fulfilled.

23. Since October 2018, the NRB, devolved the registration of births and children under the age of 16 to all the district councils in the country. The District Registration Offices in the office of District Commissioners perform this function through the decentralized structures at district level. Registration of births is being done at Health Centres. The registration of children will ensure that children have an identity as well as formal proof of their age to help protect them from early marriages, trafficking, under-age recruitment into armed forces, engagement in labour and being prosecuted and sentenced as adults. The registration of children at birth complies with the CRC and the African Charter on the Rights and Welfare of the Child (ACRWC) which recognise the right of every child to be registered after birth.

24. There are national wide campaigns through radios, television stations, newspapers, magazines, loud hailer and public meetings sensitizing the general public on the importance of birth registration.

### **Child marriages**

25. The 2017 Constitutional amendment setting the age of a child at 18 from 16 reinforced Malawi's commitment to end child marriages. Furthermore, Malawi adopted the Marriage, Divorce and Family Relations Act 2015 which prohibits marriage of persons under the age of 18. At the policy level, the Ministry of Gender, Disability and Social Welfare (MGCDWSW) adopted a National Strategy on Ending Child Marriages (2018-2022). By December 2018, the population of children married between the ages of 12 and 14 was 4228. 1,678 children

are recorded to have been married by the age of 12, 1,337 children were married at the age of 13, and 1,213 were married at the age of 14.

### **Child trafficking**

26. The Constitution of Malawi, under section 27 prohibits slavery, servitude, and forced labour. This provision is further fortified by the Trafficking in Persons Act which was passed in 2015. It protects children against exploitation, abuse, slavery, servitude and forced labour by criminalising such acts. In line with the Act, the MGCDSW adopted the National Action Plan on Trafficking in Persons, (2017-2022) which lays out priority action to combat trafficking in persons.

27. Furthermore, the Malawi Police Service (MPS) through their Child Protection Section in the Community Policing Services Branch, plays a crucial role in protecting children from trafficking. In 2017, the MPS rescued 121 victims of trafficking. Out of this number, 35 were children.

28. Traditional leaders, members of the public and Community Policing Structures are also playing a vital role in identifying trafficking perpetrators and rescuing victims. Phalombe and Mchinji districts are among the districts with strengthened community policing structures assisting in curbing trafficking in persons.

29. Cooperation and information exchange mechanisms have also been established with border countries, and there is an annual SADC Forum where countries meet to share trafficking in persons information. The MPS also makes use of mechanisms such as Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) and INTERPOL. INTERPOL has played a crucial role in rescuing victims and arresting perpetrators outside Malawi.

### **Child labour**

30. In order to establish the extent of child labour, the Government through Ministry of Labour, Skills and Innovation with support from the International Labour Organisation (ILO-FUNDAMENTALS) engaged National Statistics Office (NSO) to conduct the National Child Labour Survey which was done in 2015 and the results were released in 2017. The Survey revealed a 38% (thirty-eight percent) magnitude of child labour among children aged between 5–17 years.

31. As part of the Government of Malawi's efforts to eradicate child labour, the first National Action Plan on Child Labour Elimination (2012-2017) (NAP) was adopted. It was widely disseminated and adopted by partners. Several programmes were implemented using the Plan. However, it had challenges notably, the lack of funding which necessitated the review of the NAP. A reviewed NAP was adopted in 2019 and it will run from 2019 to 2025. The revised NAP has included areas like Chronic illnesses and child labour, Tenancy system and trafficking.

32. Malawi ratified the Protocol to the Forced Labour Convention of 2014 in 2019. This protocol is a new legally binding instrument that requires Malawi to adopt measures regarding prevention, protection of persons from forced labor. Malawi is reviewing the Malawi Decent Work Country Program (MDWCP) which has a pillar on child labour elimination, rights at work and social protection. The MDWCP promotes decent work for adults so that they are able to support their children attending school and avoid engaging on activities that border on child labour. A successor project to Child Labour Elimination in Action for Real Change (CLEAR) is commencing in 2020 and will run for 4 four years funded by Elimination of Child Labour in Tobacco Growing (ECLT) Foundation.

### **Gender equality and the rights of women**

33. As the MGCDSW continues its efforts in implementing the Gender Equality Act, the Ministry has put in place several policies and programmes. In 2018, the Ministry launched the National Strategy for Adolescent Girls and Young Women (AGYW) (2018–2022). The aim of the strategy is to ensure that AGYW in Malawi are safe and protected from all forms

of violence and discrimination. AGYW should be empowered to demand sexual reproductive health rights, and make their own informed choices. They should also have access to quality education and be protected from child marriages.

34. The Ministry also launched the Gender Equality Act Implementation and Monitoring Plan (2016-2020). The goal of the plan is to provide gender equality, integration, influence, empowerment, dignity and opportunities for men and women in all functions of society. The plan has five thematic areas. These are:

- Gender in education and training;
- Gender in health services and sexual reproductive health rights;
- Mainstreaming gender in development sectors;
- Gender in governance and human rights;
- Capacity of the National Gender Machinery.

### **The economic and social rights of women**

35. Malawi has made strides in ensuring that women enjoy their social economic rights. The Constitution of Malawi under section 24 guarantees women the same legal status and rights as men and may not be discriminated against based on gender or marital status, including in health, education and in the workplace.

36. According to Malawi Housing and Population Census, there is a total number of 5,108,766 literate women in Malawi, whereas the number of illiterate is at 2,647,088. A total number of 23,075 have reached tertiary education, 55,934 females have attained secondary education, 298,181 were recorded to have attained primary education and 237,134 have only reached as far as pre-school.

37. The 2019 Gender Profile indicates that there are fewer women than men in decision-making positions) in the civil service and oversight institutions. The profile indicates that women occupy 33% of the positions at the head of public service level, and 8% at the deputy head level. At the principal and senior officer level, the Gender Profile shows that women hold 33% and 30% of the positions respectively. Annex 3 shows Tables 1 and 2 on Gender Profiling in decision making and non-decision making positions in the civil service and oversight institutions as of March 2019.

38. With regard to women's rights in land matters, the Customary Land Act, 2016 provides for the inclusion of women in Land Committees. The Customary Land Committees are responsible for the management of customary land. This is a new institutional framework replacing the previous regime where traditional leaders were custodians of customary land. To ensure that women's interests are adequately reflected in such committees, section 5(2) (b) of the Act provides that at least three of the six members of the committee must be women. Similarly, membership of the customary land tribunals requires that at least three of the six members must be women.

## **Rights of vulnerable groups**

### **Persons with disabilities**

39. The Constitution of Malawi under Section 13 (g) obliges the State to adopt policies and legislation to enhance the dignity and quality of life of persons with disabilities (PwDs) by providing adequate and suitable access to public places fair opportunities in employment, and the fullest possible participation in all spheres of Malawian society. Section 30 (1) of the Constitution which provides for the right to development states that women and PwDs in particular, should be given special consideration in the application of this right.

40. According to the 2018 national census, Malawi has a total of 1,556,670 PwDs. About 10.4% (ten-point four percent) of the population aged 5 years and older in Malawi had at least one type of disability. 10% (ten percent) were males and 11% (eleven percent) females. Out of the 1,556,670 persons with at least one type difficulty, 49% (forty-nine percent) had

difficulty seeing, 24% (twenty-four percent) had difficulty hearing, 27% (twenty-seven percent) had difficulty walking, 9% (nine percent) had difficulty speaking. 16% (sixteen percent) of PwDs, had intellectual difficulties while 8.5% (eight-point-five percent) had problems with safe care. The 2018 Housing Population Census also collected information on persons with albinism. Of the total population, about 0.8 percent (134,636) were persons with albinism. **Annex 4** provides further details.

41. Malawi enacted the Disability Act in 2012. It is a comprehensive statute on the rights for PwDs. It aims at equalizing opportunities for PwDs through the promotion and protection of their rights. The Act provides for the establishment of the Disability Trust Fund whose main purpose is to support implementation of disability programmes and services for all PwDs. The Government of Malawi has made a commitment to operationalize the fund by 2022. Currently, the Disability Act is under review to provide for operationalization of the Fund as well as to domesticate provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). At the time of reporting, Malawi was taking steps to ratify the African Disability Protocol and is preparing for consultations towards the ratification of the Optional Protocol to the CRPD.

42. Section 10(a) of the Disability Act provides that PwDs shall not be excluded from the general education system at all levels. To give effect to this provision, the MGCDSW in conjunction with the Ministry of Education, Science and Technology (MoEST) are currently implementing programmes and policies to ensure inclusive education for all in both public and private schools. One of the policies currently in operation is the Inclusive Education Strategy; which seeks to promote access to quality and equitable early childhood development, primary, secondary and tertiary and higher education.

43. Section 14 of the Disability Act recognizes the right of PwDs to social protection. In that regard, they are provided access to the social cash transfer programme run by the MGCDSW. Although the program does not specifically target PwDs, they are included as vulnerable persons category. Malawi has also developed a National Social Support Policy (2018-2023) aimed at facilitating implementation of programmes that will provide income or consumption transfers to the poor; protect the vulnerable against livelihood risks; and enhance the rights and social status of the marginalized. The policy notes that PwDs are among the vulnerable.

44. Furthermore, the MGCDSW in corroboration with the Federation of Disability Organisations in Malawi (FEDOMA) educates the general public on the rights of PwDs.

45. Cooperating partners are also assisting the Government of Malawi in ensuring the rights of PwDs are realized. The Department for International Development (DFID), through its global poverty action fund supplied £768,666 to the Motivation Charitable Trust. The Trust funds a project which targets some of the poorest and most marginalized groups in Malawi; including 1,000 children with cerebral palsy, 1,000 mothers/caregivers and 2,000 women and men with disabilities. The project aims to empower mothers to care for their children more effectively and pursue opportunities for income generation. As a result, children with disabilities and adults have greater mobility and independence through sustainable wheelchair services, accessible schools and peer support, leading to increased school enrolment rates, reduced mortality rates.

46. In relation to persons with albinism, the MGCDSW adopted the National Action Plan on Persons with Albinism (2018-2020). The action plan provides a comprehensive blueprint for ending violence against persons with albinism and ensuring that they equally enjoy their rights.

47. Malawi has registered cases of attacks against persons with albinism over the past four years. These have been in form of abductions, killings and exhumation of their remains for body parts. As highlighted above, the Constitution of Malawi explicitly guarantees the protection of persons with disabilities including those with albinism. The Plan introduces strong measures designed to put an end to these attacks which have become a scar on our collective conscious.

48. Additionally, a handbook for Investigators, Prosecutors and Magistrates Concerning offences against Persons with albinism was launched, with the aim of strengthening the legal

response to crimes against persons with albinism. The handbook, drawing from relevant provisions in the Penal Code, the Anatomy Act, the Child Care, Protection and Justice Act, the Trafficking in Persons Act and the Witchcraft Act; outlines in a simplified form all offences likely to be committed against persons with albinism.

49. The MGCDSW also launched a National Disability Mainstreaming Strategy and Implementation Plan, (2018-2023). The Strategy outlines key areas requiring the mainstreaming of disability issues in line with other national and international policies and strategies. The key areas are health, education, means of livelihood, employment and means of social inclusion. The strategy also highlights mainstreaming disability issues in critical cross-cutting areas such as HIV and AIDS, gender and research. The Strategy will also require both public and private sector institutions to have disability desk officers.

### **The youth**

50. Malawi recognises that the youth have previously been side-lined in the development agenda of the country. One of the strategies employed to ensure inclusion of the youth is developing a socially inclusive urban development programme. This is contained in the National Urban Policy 2019 adopted by the Ministry of Lands, Housing and Urban Development (MLHUD). Under priority area number 7 (seven) of the programme, the youth are included as vulnerable groups that have been socially marginalized and discriminated against in the area of urban development. This priority area will promote social inclusion through by expanding and targeting civic engagement programs with special provisions for the youth; provision of spaces and places for social, health, educational programs; and urban design that addresses the special needs of the youth. The policy will promote the participation of the youth in the formulation and implementation of urban development programs.

### **The elderly**

51. Section 13 (j) of the Constitution obliges the State to adopt policies and legislation to respect and support the elderly through the provision of community services and to encourage participation in the life of the community. In 2016 Malawi adopted a National Policy for Older Persons. The policy is consistent with the strategic objectives of the National Social Support Policy. Through this Policy, the Government intends to achieve its national goals of guaranteeing and protecting the basic and inalienable rights of older people; promoting their independence, care, participation, self-fulfillment and dignity; safeguarding them against the insidious age discrimination that they face in their access to economic and social support services; and protecting them from the physical and psychological abuse they are subjected to resulting from societal prejudices.

52. A notable feature of the policy is its provision for the establishment of Community Elderly Committees which will be responsible for implementation of the policy in liaison with all other stakeholders under the coordination of the MGCDSW. Membership of the Committees will adhere to considerations of gender equality and age by providing for not more than 10 older persons. Through such Committees representation, the policy ensures that the design and implementation of programmes is age, gender sensitive and inclusive.

53. In addition, the National Social Cash Transfer programme the MGCDSW is implementing also extends to ultra-poor and labour constrained older men and women.

54. Following the developments from the African Commission on Human and People's Rights, Malawi has taken positive steps towards signing and ratifying the Protocol to the African Charter on Older Persons. The Government of Malawi reiterates its commitment in protecting and promoting the rights of older persons as well as improving the quality of their lives in general.

### **Widows**

55. In order to protect the rights of surviving spouses, widows in particular from discriminatory and illegal inheritance practices, Malawi passed the Deceased Estates (Wills, Inheritance and Protection) Act 2011 (DEWIPA). The Act provides for protection of deceased estates; the administration of deceased estates and the prosecution of offences relating to deceased estates. In relation to testate succession, a widow may where she has not

been adequately provided for under a will, make an application to the Court for reconsideration of the share of the deceased estate. The Act has been particularly instrumental in protecting the property rights of widows and children.

56. In cases where an individual passes on intestate, the Act provides for principles of distribution of property which particularly state that a spouse of the deceased is entitled to inherit any property of the deceased. Under Section 3, the Act has significantly narrowed down primary beneficiaries to the deceased estate to immediate family, namely spouse and children. This has helped in strengthening protection of women's property as an economic resource. Where the deceased was in a polygamous union, the Act protects the surviving widows by providing every widow with a share of the property of the intestate in their locality in accordance with the Act. No widow and her children shall have a claim to any share of the property of the intestate in the locality where another widow lives. If the intestate left more than one widow surviving him all living in the same locality, each widow and her children by the intestate shall be entitled to a share of the property of the intestate proportionate to their contribution. Furthermore, customary law which perpetrated property grabbing in the absence of a will no longer applies in the distribution of deceased estates. Instead, the distribution of property follows the principles of fairness set out in the Act. This ensures the protection of widows from property grabbing. The Act also criminalizes property grabbing.

### **Extractive industries and human rights**

57. The Mines and Minerals Act (MMA) (2019) regulates exploration of minerals in Malawi. Section 3 of the Act highlights the importance of adherence to development principles when engaging in mineral exploration in order to:

- benefit the economy and promote the economic growth of Malawi;
- protect and improve the welfare of the present and future citizens of Malawi;
- provide an attractive and conducive environment for investment in the mining sector; and
- minimise or prevent economic declines related to decreased mining activity by creating through training and other means a foundation for the future, social economic empowerment, uplifting and development of local communities and regions affected by mining.

58. The Act also promotes the right to equality (non-discrimination) under section 20 of the Malawi Constitution as it states under section 43 that "...any person may make an application for prospecting, reconnaissance, exploration or mining operations". Under Section 43 of the Act, any person who intends to carry on prospecting, reconnaissance, exploration or mining operations shall apply in the manner prescribed by the Act. The licence is granted by the Mineral Resources Committee whose decisions are appealable under Section 53 of the Act.

59. Section 56 of the MMA enshrines the human right principle of accountability and transparency by criminalising corruption and bribery. The punishment for violation of the provision is payment of a hefty fine of K30,000,000 and imprisonment for 10 years.

60. Additionally, section 56 of the MMA promotes the right to economic activity enshrined under section 29 of the Constitution of Malawi by stipulating that any part of a Geological Survey Reserve Area shall be available for competitive tendering. The Mineral Resources Committee oversees the competitive tender process for mineral tenement. The Committee may approve a competitive tender process to allocate mineral tenement areas located within a Geological Survey Reserve Area. Any person, including a public officer, who influences or seeks to influence the outcome of a competitive bidding process, commits an offence and shall, upon conviction, be liable to a fine and imprisonment for 10 (ten) years.

61. The MMA also provides for administrative justice enshrined under section 43 of the Constitution to any person aggrieved of a decision made by a public officer in administering provisions of the Act. The Act also contributes to the achievement of the Sustainable Development Goals (SDG) number 9 on Industry, Innovation and Infrastructure and Malawi

Growth and Development Strategy, III (MGDS III) priority area of promotion of Malawi's industry. By licensing 211 companies for mineral exploration and mining in Malawi, it has enabled the creation of jobs.

## **Human rights and governance institutions**

62. In 2018, the National Statistical Office in corroboration with MOJCA conducted a Justice and Democratic Accountability Survey to assess the impact of sector policy goals and strategies in increasing access to justice and improving accountability and track progress made on set of indicators laid in the Democratic Governance Sector Strategy Monitoring and Evaluation Framework.

63. At national level, the results of the survey show that, 90.7 percent of all respondents are aware of their basic human rights and freedoms. The results further reveal that the proportion among members of the public who are aware of human rights and freedoms has almost doubled in the past seven years, rising from the 45.8 percent reported in the 2011 Malawi Justice Baseline, to the 90.7 percent reported in the current survey. The evidence of the high levels of awareness of human rights and freedoms reported above is reinforced by the findings from focus group discussions which also reflected very high levels of general awareness of human rights in general across all regions and in both rural and urban areas.

64. The results further show that 79.8 percent of the respondents mentioned the right to food as most important human right; 69.9 percent mentioned the right to life as most important, 21.1 percent stated the right to personal liberty as most important; the right to education stood at 23.6, while rights to housing was least mentioned at 28.5 percent.

65. In relation to violation of human rights, the survey shows that 13.0 percent of respondents experienced physical forms of violation, 12.6 percent had their rights verbally violated while 11.0 percent experienced psychological forms of violation and another 2.5 percent experienced sexual forms of violation.

66. In relation to the rights of communities around mining project sites, most locals around the mining project sites are peasant farmers and a few are employed in surrounding schools and medical health centers, among other employment offering institutions. Population rises in the communities range from tens to thousands.

67. Malawi has several institutions which play significant roles in the protection of human rights. These include the MoJCA; the Human Rights Commission (MHRC); the Office of the Ombudsman (OoO); and the Law Commission. During the last reporting period, the MoJCA and the MHRC were leading the process of drafting a National Human Rights Action Plan. The action plan was completed and will be launched after approval by the Cabinet. MoJCA continued its role of coordinating the compilation of State party reports. During the reporting period, Malawi submitted reports on the Convention against Torture, the African Convention on Human and People's Rights, and Maputo Protocol. Reports on the International Covenant on Civil and Political Rights and International Convention on the Elimination of All Forms of Racial Discrimination were also concluded and will be submitted soon. At the time of writing this report, reports being drafted are on the Convention on the Elimination of All Forms of Discrimination Against women and the African Charter on the Rights and Welfare of the Child.

68. The Office of the Ombudsman (OoO) has been involved in various activities in order to promote good administrative practices, rule of law, good governance and respect of human rights. The most notable determination of the Ombudsman pertains to the manner in which the executive and the National Assembly procured and dealt with tractors bought using a USD50,000,000.00 line of credit from an Indian Bank. The Ombudsman determined that; all loan authorisation bills should not be subjected to the waiver of notice without vigilant deliberations on the justifications given; Loan Authorisation Bills should be specific on details; the Principal Secretaries of the Ministry of Finance and Ministry of Agriculture should apologise to Malawians for buying equipment with archaic technology. This was upheld by the Malawi Supreme Court of Appeal in the case of *Ombudsman (Exparte*

*Principal Secretary for Finance) MSCA Civil Appeal No. 24 of 2017 [Being High Court, Lilongwe Registry, JR Cause Number 152 of 2016].*

69. In 2015, the Ombudsman issued a total of twelve determinations after holding Public Inquires. Out of these, one case was dismissed and eleven complaints were successful. Out of the successful cases four cases were complied with, and seven cases are yet to be complied with. In 2016, the OoO registered 200 cases. In 2017 the Office received and opened 219 files representing a 9.2% increase from the case load of 2016. Out of the said case files, 25 cases were dismissed after screening for various reasons such as lack of merit, lack of jurisdiction and some were referred to other institutions. Out of the 219 opened files, 139 were labour related and 56 focused on service delivery. During 2018, the OoO closed 563 complaints of which 214 complaints were from Blantyre, 175 complaints from Mzuzu, 81 complaints from Headquarters, 71 complaints from Lilongwe and 22 complaints from Balaka office.

70. The Malawi Judiciary has witnessed improved service delivery during the reporting period. These include the introduction of specialised high court divisions, introduction of e-case management system, developing capacity of judicial officers and members of staff especially that of magistrates in areas such as gender, establishment of a committee to address outstanding court judgements, expediting the process of confirmation of criminal cases from magistrate courts, revamping camp courts, and facilitating the establishment of the Malawi Institute of Legal Education. In order to address the challenges, the institution faced in the implementation of the 2011–2017 strategic plan, the Judiciary adopted a 2019-2024 Strategic Plan. The overarching goal of expanded, inclusive, accessible and speedy justice for all. The strategic plan also considers the operationalization of Local Courts to enable access to justice to persons in the rural areas.

71. The Legal Aid Bureau (LAB) introduced Legal Aid Committees in 2017 at District, Regional and National levels as coordinating bodies of all legal aid service providers. LAB has also opened district offices in the eastern and central region of the country.

72. The MHRC has the mandate to protect human rights and investigate violations of human rights. The Commission has recently been given additional mandates over the implementation and enforcement of the Gender Equality Act and Access to Information Act. The Commission has also played a vital role in the development, validation and launch of the National Action Plan on Albinism, the readmission policy and the National Disability Mainstreaming Strategy. The Commission also contributed to the review of Bills and Acts of Parliament such as the merging of the Disability Act (2012) and Handicapped Persons Act (1971); the Penal Code (especially Section 139 and 155A); the NGO (Amendment) Bill and the National Children’s Commission Bill.

73. The Malawi Law Commission (MLC) completed the Review of Electoral Laws, the Prisons Act and the law on abortion. The Commission has also completed developing legislation on sentencing guidelines and legislation on spent convictions. These Reports are presently under consideration by Cabinet. The Commission completed the Citizenship Act but has not yet published a report on the review. The process of reviewing the Witchcraft Act is still on-going and it is expected that the process will be completed by mid-2020 when the Commission will submit its findings and recommendations to the Government through enactment.

### **Access to justice**

74. Malawi enacted the Legal Education and Legal Practitioners Act in 2018. The Act has helped in the provision of legal representation by mandating the provision of pro bono services by all lawyers as a prerequisite for holding a practicing licence.

75. The judiciary established the Criminal Justice Coordinating Committee (CJCC) in 2017. The Committee is currently lobbying for the introduction of paralegals in the formal and informal justice systems to provide legal representation to vulnerable groups.

76. The Immigration Act is currently under review to provide for matters relating to the handling of illegal immigrants and the procedures to be followed when in detention or appearing before court.

## **Social economic rights**

77. Malawi has made strides in the promotion and protection of the economic, social and cultural rights for all people including children, persons with disabilities, women, youth, elderly and other vulnerable and marginalised groups. Some of the measures adopted by Malawi in implementing social and economic rights are highlighted above.

### **Education**

78. The MoEST has adopted the National Education Standards to enhance the quality and access to education in primary and secondary schools. There are twenty-six standards which specify the expected outcomes for students which should be delivered by all education providers in public and private institutions. They also identify the leadership, management and teaching processes which are essential in the achievement of the outcomes. The formal education system in Malawi follows an 8–4–4 structure: 8 years of primary, 4 years of secondary and 4 years of tertiary level education. Tertiary education is provided by an array of education institutions including primary and secondary teacher training colleges (TTCs), Technical and Vocational Education Training (TVET) schools, and university colleges. For entry into public universities and TTCs, a Malawi School of Education Certificate (MSCE) with a specified number of credits is required while TEVET enroll students with either JCE or MSCE.

79. Table 4 in **Annex 5** indicates a summary of the status of education in Malawi at 2018 in terms of access, quality, efficiency, equity and budgeting expenditure.

### **The right to health**

80. The HIV/AIDS (Prevention and Management) Act was passed in 2018. This Act provides for the prevention and management of HIV and AIDS while at the same time ensuring the rights and obligations of persons living with HIV or affected by AIDS. It also establishes the National Aids Commission which oversees all issues regarding HIV/Aids. Section 4 of the Act prohibits harmful cultural practices which could lead to the transmission of the HIV virus. Section 6 of the Act prohibits discrimination of any person on the basis of one's HIV and AIDS status and related infections. Additionally, section 9 gives an infected person the right to privacy and confidentiality with regard to information concerning their status while section 26 prohibits an employer from requiring any person to undergo HIV testing as a pre-condition for recruitment.

81. Furthermore, the Government of Malawi has since 2015 adopted several policies through the Ministry of Health and Population. The Ministry adopted the Health Sector Strategic Plan II – 2017-2022 (HSSP). The HSSP II aims to further improve health outcomes through the provision of a revised essential health package (EHP) and health systems strengthening for efficient delivery of the EHP. Specifically, the HSSP II sets eight strategic objectives for Malawi's health sector – each with strategies and targets to implement by 2022.

#### *Health Service Delivery*

82. Increase equitable access to and improve quality of health care services. This objective builds on the successes of the Essential Health Package (EHP), which has outlined the health care interventions available to all Malawians, free at the point of access, since 2004. The aim is to achieve universal free access to a quality revised Essential Health Package (EHP), irrespective of ability-to-pay, to all Malawians.

#### *Socio-Economic Determinants*

83. Reduce environmental and social risk factors that have a direct impact on health. This Objective focuses on strategies that address the environmental and social risk factors such as

life styles, water and sanitation, food and nutrition services, housing, living and working conditions that impact on health care requirements and health outcomes. This objective will be largely implemented at the community level.

#### *Infrastructure & Medical Equipment*

84. Improve the availability and quality of health infrastructure and medical equipment. This Objective attempts to ensure existing health facilities are of sufficient quality and properly equipped to address their specified health care requirements and to increase the proportion of the population of Malawi living within 8km of a health facility.

#### *Human Resources*

85. Improve availability, retention, performance and motivation of human resources for health for effective, efficient and equitable health service delivery. This Objective focuses on improving the absorption and retention rate of health workers in the public health sector while also achieving an equitable distribution.

#### *Medicines & Medical Supplies*

86. Improve the availability, quality and utilization of medicines and medical supplies. The Objective focuses on improving the efficiency of the supply chain for medicines and medical supplies to ensure the availability of the EHP.

#### *Health Information Systems*

87. Generate quality information and make it accessible to all intended users for evidence-based decision-making, through standardized and harmonized tools across all programmes. The Objective focuses on improving and harmonising data collection and management at all levels of the health system, through improving ICT capacity, data protocols and linkages between levels.

#### *Governance*

88. Improve leadership and governance across the health sector and at all levels of the health care system. This Objective focuses on improving communication and strengthening Health Sector Strategic Plan II coordination in the health sector particularly with the goal of reducing duplication and fragmentation in the health sector.

#### *Health Financing*

89. Increase health sector financial resources and improve efficiency in resource allocation and utilisation. The Objective focuses on attempts to increase the sustainable finances available to the health sector through both revenue raising and efficiency savings.

90. In addition in 2018, the Ministry of Health adopted the National Multi Sector Nutrition Policy 2018-2022. The National Multi-Sector Nutrition Policy (NMNP) 2018-2022 is intended to provide a guiding framework for the successful implementation of the national nutrition response; address the existing and emerging national and global issues; and consequently, uphold the Government's commitment towards eliminating all forms of malnutrition. The Policy shall be operationalized through the National Nutrition Strategic Plan 2018-2022.

91. Additional supporting operational strategies and guidelines shall be developed to further translate the aspiration into tangible actions. These shall include the following strategies and guidelines: National Nutrition Education and Communication; Infant and Young Child Feeding (IYCF); Micronutrient; Adolescent Nutrition; School Health and Nutrition; Early Childhood Development; Community-based Management of Acute Malnutrition (CMAM); Nutrition Care Support and Treatment (NCST); and prevention and treatment of nutrition-related Non-Communicable Diseases (NCDs).

92. The Policy has identified eight priority areas which include:

- Prevention of under nutrition;

- Gender equality, equity, protection, participation and empowerment for improved nutrition;
- Treatment and control of acute malnutrition;
- Prevention and management of overweight and nutrition-related NCDs;
- Nutrition education, social mobilisation, and positive behaviour change;
- Nutrition during emergency situations;
- Creating an enabling environment for nutrition; and
- Nutrition monitoring, evaluation, research and surveillance.

93. The Policy also contains an implementation plan, monitoring and evaluation framework.

94. Further to that, the Ministry also adopted the National Health Policy (2018-2030). The Policy provides policy direction on key issues that are central to the development and functioning of the health system in Malawi. The Policy has been developed in line with the Constitution of the Republic of Malawi, which stipulates that the State is obliged “to provide adequate health care, commensurate with the health needs of Malawian society and international standards of health care”. In this respect, the Constitution guarantees all Malawians the highest quality healthcare services within the limited resources available.

95. The Policy has also been developed in line with the MGDS III, an overarching development plan for Malawi that recognizes that a healthy and educated population is essential if Malawi is to achieve sustainable socio-economic growth. The Policy is also aligned to SDGs. The Policy outlines a coordinated approach to be employed by the Government to achieve the health sector goals, which are:

- to improve the health status of all Malawians;
- to ensure that the population is satisfied with the health services that they receive; and
- to ensure that the population does not suffer avoidable financial and social risks in the process of accessing health care at any level of the health care delivery system.

96. The National Health Policy will be implemented through the following priority areas: Health Service Delivery; Preventive Health and Social Determinants for Health; Leadership and Governance; Health Financing; Human Resources for Health; Medicines, Medical Supplies, Medical Equipment and Infrastructure; Population Management; and Health Information and Research. The Policy will be implemented between 2018 and 2030 to align it with the SDGs implementation period and will be reviewed after every five years.

97. In 2017, Malawi launched the world’s first malaria vaccine as a pilot programme. The vaccine known as RTS,S will be made available to children of up to 2 years of age. The vaccine has already demonstrated that it can significantly reduce malaria in children. In clinical trials, the vaccine was found to prevent approximately 4 in 10 malaria cases, including 3 in 10 cases of life-threatening severe malaria. The pilot programme is designated to generate evidence and experience to inform the World Health Organisation (WHO) policy recommendations on the broader use of the RTS,S, malaria vaccine. It will look at reductions in child deaths; vaccine uptake, including whether parents bring their children on time for the four required doses; and vaccine safety in the context of routine use. The vaccine is a complementary malaria control tool – to be added to the core package of WHO recommended measures for malaria prevention. The malaria vaccine programme aims to reach about 360,000 children per year across three countries, including Malawi. Apart from the vaccine, the Ministry of Health and Population indicates that by 2017, 68% of children slept under a treated mosquito net, contributing to a decline in malaria prevalence in children.

98. In 2015-2016 the maternal mortality ratio was 439 per 100,000 live births, 2018 and 2020 targets were 380 per 100,000; 345 per 100,000 respectively. The Total Fertility Rate in 2015-2016 was 4.4 children per woman, 2018 and 2020 targets are 4.0 and 3.5 respectively. In 2015-2016, 50% of women aged 15 to 49 with a live birth in the last two years received antenatal care four or more times, 2018 and 2020 targets are 55% and 60% respectively. In 2015, 121 per 100,000 tuberculosis cases were detected. The targets for 2018 and 2020 are

196 per 100,000. In 2018, the Malawi Housing and Population census recorded 12,586 children to have died before the age of 1, whereas 11,362 child mortality deaths were recorded for children between the ages of 1 and 4. A total number of 2,709 deaths maternal deaths were recorded in 2018. **Annex 6** gives further details on child and maternal mortality as of 2018.

99. Recognizing the importance of community health and the opportunity to address these challenges, the Ministry of Health and Population has developed the country's first National Community Health Strategy (NCHS) for the period of 2017-2022. The Community Health Services (CHS) section has led this work in coordination with the Department for Planning and Policy Development (DPPD). The NCHS ties into the Health Sector Strategic Plan (HSSP II), which underscores primary health care and community participation as core principles. Extensive consultation guided the development of the NCHS. Over 500 stakeholders across the health system, local government, and communities helped to highlight strengths and challenges, identify and priorities key issues and activities, and develop the implementation plan.

100. The vision of the NCHS is to improve the livelihoods of all people in Malawi. The mission is to ensure quality, integrated community health services are affordable, culturally acceptable, scientifically appropriate, and accessible to every household through community participation in order to promote health and contribute to the socio-economic status of all people in Malawi.

101. By 2022, the NCHS aims to contribute to achievement of two health outcome targets aligned with the HSSP II namely, a 25% decrease in the under-five mortality rate (U5MR) from 64 to 48 per 1,000 live births and a 20% reduction in the maternal mortality ratio (MMR) from 439 to 350 per 100,000 live births. To achieve these goals, the NCHS defines a new community health system for Malawi. Within this system, community health refers to a package of basic preventive, promotive, curative, rehabilitative, and surveillance health services delivered at the community level with the participation and ownership of rural and urban communities. This package consists of the community components of the Essential Health Package (EHP), as defined by HSSP II, and community health workers will deliver these services through an integrated approach.

### **Nutrition**

102. The Malawi National Multi-Sector Nutrition Policy 2018-2022 is premised on the principle of the right to access safe and nutritious food at all times, even during emergency situations. The policy has eight priority areas which include prevention of under nutrition with emphasis on children under five, adolescent girls, school-going children and other vulnerable groups, the control of acute malnutrition among children under five, adolescents, pregnant and lactating women, people living with HIV, and other vulnerable groups and to treat and control of acute malnutrition among children under five.

### **Right to food**

103. Malawi adopted the National Agriculture Policy (NAP) to enable all Malawian households to better meet their desires for prosperity and economic security, whether by continuing to pursue agriculture-based livelihoods or through engaging in other sectors of the economy. Currently, food production primarily serving dietary needs of one's own household dominates the agricultural activities of most Malawians. The NAP seeks to ensure that such production is done as efficiently as possible.

104. The Ministry of Agriculture, Irrigation and Water Development implements a Farm Input Subsidy Programme across the country. The programme targets fulltime smallholder Malawian farmers that are resource poor of all gender categories.

105. The National Gender Policy of 2015 indicates that food security is a major concern at household and national level in both rural and urban areas. In most cases, the woman has to fetch food to feed the family. This results into school drop outs especially on the girl child to support their mothers' efforts in search of food. The direct result of food shortage is malnutrition, particularly amongst women and children, which is a major cause of maternal death. In view of that, the NAP seeks to ensure that women and other vulnerable groups have

access to and control over agricultural productive resources, technologies and markets for cash crops, food and nutrition security. The Policy will also ensure that nutritional disorders are reduced among all gender groups.

### **Environmental rights**

106. The National Forest Policy lays down guiding principles, policy statements and strategies on the management of forests in the country. The Policy is aligned to bilateral and international agreements and conventions such as the Rio Declaration, United Nations Framework Convention on Climate Change (UNFCCC), the Montreal Protocol, United Nations Convention to Combat Desertification (UNCCD), United Nations Convention on Biological Diversity (UNCBD), United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

107. The goal of the National Forest Policy is to improve provision of forest goods and services to contribute towards sustainable development of Malawi through protection and conservation of forest resources. The policy aspires to control deforestation and forest degradation. The policy promotes strategies that will contribute to increased forest cover by 2% from the current 28% to 30% by 2021, and sustainable management of existing forest resources.

108. The National Forest Policy takes a holistic approach to sustainable forest management. It adequately addresses issues of forests and water; climate change; food security; HIV and AIDS; gender and equity; wealth creation; biodiversity and Payments for Ecosystem Services (PES); Reduced Emissions from Deforestation and Forest Degradation (REDD+) and Clean Development Mechanisms (CDM). The National Forest Policy recognizes among others the importance of creating an enabling environment for participation of all stakeholders, including Public, Private, CSOs, Communities, and Academia in collaboration with international community in the management of forest resources.

109. While numerous issues could be considered to address sustainable forest management, implementation of this policy by the Government and its partners will focus on ten priority areas namely: Community Based Forest Management; Indigenous Forests; Forest Reserves, and Ecosystem Management; Forest Plantations and Estates Management; Forestry Regulation and Quality Control; Forestry Knowledge Acquisition and Management; Capacity Development for Forestry Sector; Biomass Energy Development; Development of Forest Based Industries; Regional and International Cooperation; and Financing Mechanisms. Sustainable Forest Management will ensure continuous provision of forest goods and services, increased forest cover and climate change management.

## **Challenges in the implementation of the UPR recommendations and technical support needed**

110. The report has demonstrated the tremendous progress that Malawi has made in the implementation of the 2015 recommendations and the status of human rights generally. Malawi has largely attained civil and political rights. Significant challenges however still remain in the enjoyment and protection of social and economic rights. Overall challenges include:

- Weak implementation of laws and policies – While Malawi boasts of very progressive laws and policies, there remains a huge implementation gap.
- Resource Constraints – With competing interests for resources, programs under human rights have not always made it on the priority list. As such this has affected progress in the implementation of human rights related programs.
- Slow Pace of Institutional Reforms – The new constitutional order in Malawi places radical human rights requirements on the Government as the primary human rights defender. This has required state institutions to reform in line with the constitutional ideals. Such required reform has not been speedy enough and this has affected the pace of enjoyment and enforcement of human rights.

- Lack of Public Awareness of Rights – Despite progress in the general awareness of rights in Malawi, there is still lack of awareness of rights.

111. The Ministry of Justice and Constitutional Affairs has, through the establishment of the Human Rights Section, greatly improved its coordination of human rights issues broadly and state party reporting in particular. However, there is need to establish a system for follow up of implementation of recommendations. In this regard, technical assistance would be required. In addition, the Section is seeking to develop a solid state party reporting system which will ensure that subsequent reports are of high quality and submitted on time.

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