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REF: MWI 00083041

18th October, 2017

Your Excellency,

**SUBMISSION OF 2017 MID YEAR REPORT FOR HUMAN RIGHTS SUPPORT
PROJECT**

I am pleased to submit the 2017 mid-year report for the Human Rights Support project together with a mid-year financial report in accordance with the signed partnership agreement. The report highlights progress, achievements and challenges encountered by the project during the reporting period.

In support to the Malawi Human Rights Commission, progress has been made in many areas including revising the draft strategic plan to accommodate new MHRC responsibilities in line with the provisions in the recent Laws on Access to Information and Gender Equality. A Service Charter was drafted, Guidelines for the Human Rights Coordination Forum have been developed and a study on access to services for persons with disability is under way.

Under the office of the Ombudsman, the project supported the development and launch of a communication strategy leading to the establishment of partnerships with six institutions including FEDOMA as a way of reaching out to the public through existing institutions. In addition, during the reporting period, Office of the Ombudsman conducted two key systemic investigations expected to expose maladministration in the execution of the National Compensation Tribunal and Workers Compensation Fund. The Ministry of Justice provided a platform for engagement and reflection on Malawi's state party reporting especially focusing on the African Charter.

Allow me to express my appreciation for the commitment of the Government of Norway in supporting this important project and I look forward to our continued collaboration.

Yours sincerely,

Claire Medina

UNDP Resident Representative ai

HE Mr. Kikkan Haugen
Ambassador, Royal Norwegian Embassy
Arwa House
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00083041: Human Rights Support Project

Mid-Year Report for 2017

October, 2017

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Acronyms

AFriNEAD:	African Network for Evidence to action in disability
CP :	Country Programme
CFNHRI:	Commonwealth Forum for Human Rights Institutions
GANHRI:	Global Alliance of Human Rights Institutions
GEA:	Gender Equality Act
HRNAP (NAP):	National Human Rights Action Plan (HRNAP)
ICC :	International Coordinating Committee of National Human Rights Institutions
JAWP :	Joint Annual Work Plan
MHRC:	Malawi Human Rights Commission
OHCHR:	Office of the High Commissioner for Human Rights
UNICEF:	United Nations Children's Fund
UNW:	United Nations Entity for Gender Equality and the Empowerment of Women
UNFPA:	United Nations Populations Fund
UNAIDS:	United Nations Programme on HIV/AIDS
UNDAF:	United Nations Development Assistance Framework
UNDP :	United Nations Development Programme
UPR :	Universal Periodic Review
UN:	United Nations

Executive Summary

During the reporting period, with support from the Human Rights Support Project, the draft strategic plan for the Malawi Human Rights Commission (MHRC) was revised to incorporate new strategic thinking as well as additional responsibilities for MHRC. The new strategic plan is expected to be launched in the last quarter of 2017. A service charter was also drafted and awaits validation. MHRC was supported to develop a study expected to generate information on the welfare of persons with disability focusing on their access to services. The Commission was further supported to lead a tripartite team involving Ministry of Justice and Ministry of Information to conceptualize operationalization of the access to information commission.

Following setbacks to get buy-in from influential civil society organizations on the establishment of the Human Rights Coordination Forum, deliberate initiatives were made to reach out to different civil society organizations which has led to reconstitution of the task force to draft guidelines for the operations of the Forum. The Office of the Ombudsman signed MoUs establishing partnership with six organizations that will help advance its work, and focused on strengthening accountability and responsiveness in public service delivery through systemic investigations which will soon lead to public reports on the National Compensation Tribunal and Workers Compensation Fund.

Under state party reporting, Ministry of Justice and Constitutional Affairs, has for the first time, provided a platform for engagement and reflection on Malawi's state party reporting especially focusing on the African Charter. Under project management, the steering committee and technical committee were aligned to the UN joint work plan steering and technical committees.

Major challenges for the reporting period include changes in top management at MHRC which have slowed down implementation of some project activities based on differences in conceptualization of implementation. There is also continued high staff turnover especially in MHRC. Affected areas include case investigations where many cases remain incomplete. There is also very weak capacity in the newly established Human Rights Unit in the Ministry of Justice and Constitutional Affairs considering that the already few

personnel assigned to the unit remain highly involved in other works hence limiting implementation of human rights matters. Following discussions with the Ministry, the project is exploring utilization of qualified UN volunteers to support the unit. Additionally, contrary to earlier assurances, Cabinet is yet to adopt, the highly anticipated Human Rights National Action Plan which sets constructive framework for Human Rights interventions in Malawi. Efforts have been made at higher level to lobby for progress in adopting the NHRAP including meetings between MHRC Chairperson and Minister of Justice but also meetings between UN resident Coordinator and Minister of Justice among others. The UN intends to continue lobbying with all other relevant authorities.

1.0 Situational Background/Context

United Nations support to human rights is contextualised in the UNDAF 2012-2016 (extended to 2018) which identified governance as one of the areas where the UN will work with Government to build national capacity for poverty alleviation. OUTCOME 4.1 of the UNDAF is national institutions effectively support transparency, accountability, participatory democracy and human rights. UNDAF OUTPUT 4.1.5 is National institutions have capacity to promote and protect human rights, especially the vulnerable, women and children.

The United Nations (UN) and the Malawi Human Rights Commission (MHRC) signed a Memorandum of Understanding (MOU) in July 2014 to provide a framework of cooperation and facilitate collaboration between UN agencies and MHRC in the area of human rights. The aim is to enhance coordination, harmonization, reduce transactional costs and duplication thereby strengthening Malawi's capacity to meet its human rights obligations. All United Nations agencies' existing projects on human rights (including the Human Rights Support Project) therefore started a process of transitioning into joint programming through one joint workplan managed through joint quality assurance structures. UNDP's human rights support is therefore being implemented within the

broader framework of UN joint support that includes the following UN agencies: UNICEF, UNAIDS, UNFPA, OHCHR, UNW and UNDP. It incorporates interventions on Disability, Child rights, Minority rights, Sexual and Reproductive Health Rights, Gender and Women's Rights among others. This report however focusses on highlighting progress made under outputs within the Human Rights Support Project (HRSP) framework.

Lessons were drawn from 2016 implementation whereby UN support to human rights was influenced by thematic areas of human rights guided by the setting of directorates in the MHRC. 2017 support is guided by identified key priorities following a series of consultations. These are: Technical Capacity Building on Human Rights for MHRC and its partners, Human Rights Protection, Human Rights Promotion through research, awareness and public reporting as well as Human Rights Coordination and State Party Reporting.

Major Milestones identified for 2017 include finalization of the MHRC strategic plan and service charter, capacity building for financial management as well as capacity building for access to information commission in MHRC and a study on access to services for persons with disability. Other major milestones include strengthening engagement with stakeholders for the Office of the Ombudsman to amplify its voice and preparation of outstanding State Party Reports in Ministry of Justice and Constitutional Affairs.

2.0 Assessment of Project Results during the reporting period

Paragraphs below highlight progress on different outputs:

2.1 Progress towards achieving Outputs

Output 1: A gender responsive National Human Rights Action Plan developed in a participatory manner and implemented

Building on successful participatory development of the Human Rights National Action Plan, the project followed-up with Ministry of Justice on the adoption of the action plan by Cabinet to pave way for its implementation. Follow-up was made at different levels with Ministry of Justice and Constitutional Affairs (MoJCA) and engaged both UN and MHRC leadership. The Ministry continues to give assurances that cabinet will deliberate the Human Rights National Action Plan but there has been no progress to clear way for implementation and subsequent mainstreaming.

Output 2: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and Office of the Ombudsman (OoO) to deliver on their human rights mandates effectively.

Indicator 1: Number of enabling policy frameworks operationalized

Baseline: 1 for MHRC; 2 for OoO

Target for 2017: 2 for MHRC; 3 for OoO

During the reporting period, MHRC finalized drafting two policy documents that are yet to be operationalized: the strategic plan and the service charter. The draft Strategic Plan produced during 2016 was revised, informed by new strategic thinking influenced by new management. The new draft reflects the core mandate of the MHRC, the yet to be adopted Human Rights National Action Plan and the additional responsibilities assigned to the Commission by the Government including responsibilities on Access to Information as well as Gender Commission. The draft strategic plan awaits validation by key stakeholders, adoption by the Commission and launch. A draft Service Charter for the Commission has also been developed and equally awaits adoption and validation.

On another key policy framework, the Access to Information Act, implementation of the Act has been conceptualized with support from the project thereby clarifying the roles of MHRC, Ministry of Information and MoJCA. A roadmap for implementation has been developed and a Tripartite Steering Committee formulated to oversee implementation of the Act. Currently guidelines for requesting for information are being finalized.

Following past audit recommendations, 2017 support to MHRC capacity building includes support to improving financial management. Terms of reference for a financial management system have been developed. The finance personnel in MHRC will be trained along the financial management software that is expected to be installed.

The OoO achieved its target of finalizing one policy framework to complement two other policy frameworks launched last year. As a continuation of the repositioning agenda, OoO finalized and launched its communication strategy thereby complementing past work supported by the project on strategic plan and service charter.



The guest of Honor, Principal Secretary for Ministry of Information, Mr. Justin Saidi unveils the new communication strategy as the Ombudsman looks on from the far right.

In an effort to strengthen the voice of the OoO, and as a way of working with other stakeholders, agreements along with Memoranda of Understanding (MOUs) have been signed with six institutions. These institutions include the Catholic Commission for Justice and Peace (CCJP), Federation of Disability Organizations in Malawi (FEDOMA), Maziko Radio Station, Nkhoma Synod Radio Station, Story Workshop Education Trust, Youth Coalition for Consolidation of Democracy, and Zodiak Broadcasting Station (TV and Radio). Each partner brings to the table elements that will advance the work of the OoO as indicated below:

Table 1: Agree responsibilities for six new partner institutions in line with OoO work

PARTNER	RESPONSIBILITIES
Catholic Commission for Justice and Peace (CCJP)	<ul style="list-style-type: none"> a. Sensitize the people especially with disabilities about the mandate and operations of the OoO. b. Operate as a referral system for administrative injustice complaints from the districts to the OoO c. Give feedback to OoO on the implementation of the activity and propose ways of ensuring maximum impact.
Federation of Disability Organizations in Malawi (FEDOMA)	<ul style="list-style-type: none"> a. Sensitize the people especially with disabilities about the mandate and operations of the OoO. b. Operate as a referral system for administrative injustice complaints from people with disabilities and Disabled People's Organizations to the OoO. c. Make available its physical structures for use by OoO whenever required. d. Give feedback to OoO on the implementation of the activity

	and propose ways of ensuring maximum impact.
Maziko Radio Station	<ul style="list-style-type: none"> a) Sensitize the people about the mandate and operations of the OoO through radio programs b) Produce and air a radio program promo c) Produce and air 30-minute radio program on governance issues d) Give feedback to OoO on the implementation of the activity and propose ways of ensuring maximum impact.
Nkhoma Radio Station	<ul style="list-style-type: none"> a. Sensitize the people in Malawi about the mandate and operations of the OoO. b. To operate as a referral system for administrative injustice complaints from the districts to the OoO. c. Give feedback to OoO on the implementation of the activity and propose ways of ensuring maximum impact.
Story Workshop Education Trust	<ul style="list-style-type: none"> a) To provide Theatre for Development (TFD) training for local groups in implementing districts. b) To produce radio, television programs and jingles. c) To coordinate and implement, on behalf of the OoO, community mobilization activities such as DEC meetings, Intra-district Leadership Forums, etc.

	<ul style="list-style-type: none"> d) To report on deliverables on a quarterly basis and propose ways of ensuring maximum impact. e) Attend bi-annual review meetings.
Youth Coalition for the consolidation of Democracy	<ul style="list-style-type: none"> a. Sensitize the people in the areas of Nsanje and Chikwawa about the mandate and operations of the OoO. b. To operate as a referral system for administrative injustice complaints from these areas to the OoO. c. To make available its physical structures for use by OoO whenever required. d. To give feedback to OoO on the implementation of the activity and propose ways of ensuring maximum impact.
Zodiak Broadcasting Station	<ul style="list-style-type: none"> f) To conduct interviews and compile production material with assistance from the OoO.. g) To develop high quality radio and television program and jingles that will be aired on both ZBS radio and television stations. h) To make sure all the material provided for OoO are highly and professionally edited and aired on the radio and television with good quality. i) To deliver copies of programs on a quarterly basis and propose ways of ensuring maximum impact.

With support from the project and as highlighted in table 1 deliberate initiatives were done to include partners working with the youth but also persons with disability in an effort to leave no one behind. The youth are being targeted recognizing their growing population. Most notably, an effort was also made to work with partners that reach out to

rural communities. The initiative will help increase outreach as well as interface with the public thereby strengthening the work of the OoO.



The Honorable Ombudsman, Mrs. Martha Chizuma Mwangonde shakes hands with an official from FEDOMA after signing an MOU.

Indicator 2: Percentage of Staff participating in trainings annually to improve their professional competence.

Baseline: 17%; **Target for 2017:** 25%

The project supported six people in MHRC (representing 8%) to participate in international training workshops and conferences including Global Alliance of Human Rights Institutions (GANHRI) 2017 General Assembly, NANHRI 2017 Annual Assembly, Commonwealth Forum for Human Rights Institutions (CFNHRI), Training on International Human Rights Mechanisms, Child Rights and Agenda 2030 Seminar, 74th Session of the United Nations Committee on the Rights of the Child, and African Network for Evidence to action in disability (AFriNEAD) Conference on Disability Research Best Practices.

The project also supported three officers from OoO (representing 4%) in contract drafting training. This has helped strengthen the legal section in the OoO especially as it plays the central role in providing guidance to dealing with matters of maladministration. Further support in capacity building for OoO will include support for two officers in Monitoring and Evaluation (M&E) Training. Drafting as well as M&E were identified as critical areas that will be needed to strengthen the repositioning agenda for the OoO.

Indicator 1: % of human rights violation cases completed

Baseline: 68% for MHRC; 25% OoO **Target for 2017:** 70% MHRC 30% OoO

a) Cases handled by MHRC

In preparation for automation of the case management system, MHRC has conducted case auditing exercise of all reported cases since 1998 to ensure that no case is overlooked in automating case management. The case audit has revealed that there are many cases that are not resolved- they are stale, stuck under investigations, awaiting litigation and in some cases feedback was not provided to complainants. Further, the case audit shows that the highest number of cases registered for the period since 1998 to date consistently remain Economic and Social Cultural rights cases. These represent 50% of the cases registered. Civil Political rights cases are the second most common cases registered (35%). Disability and Elderly rights cases at less than 1% (0.3%) are the least registered, with the possibility that it could be accessibility of MHRC that could be the cause. Additionally, despite many media reported cases on gender and women’s rights violations, cases registered with MHRC remain very few at 6%.

During the reporting period, the Commission has acted on cases as presented in the tables below:

Table 2: Civil and Political Rights cases

Nature of alleged violation	Case Registered in 2017	Case Referred	Case Advised	Alternative Dispute Resolution	Legal	Investigation	Concluded

Right to Access to Justice	20	6	9	2	2	1	6
Right to life	5					3	3
Human Dignity	20	1					
Personal liberty	30	2	6			1	2
TOTAL	75	9	15	2	2	5	11

Table 3: Gender and Women rights cases

Nature of alleged violation	Total Cases registered in 2017	Cases referred	Case Advised	ADR	Legal	Investigation	Concluded
Right to access justice	17	-	-	-	-	10	6
Human Dignity	8	-	-	-	-	1	1
Total	12					11	7

Table 4: Economic Social Cultural Rights cases

Nature of alleged violation	Total Cases Registered in 2017	Case Referred	Case Advised	ADR	Legal	Investigation	Concluded
Right to economic activity	11	1	1			1	
Right to equality	9						1
Environmental rights	6					1	
Land rights	17	1	4		2	1	

Right to health	23						
Labour rights	36	5	20	1		2	
Right to fair administrative justice	11	4			1		
Right to property	11		1				
TOTAL	124	11	26	1	3	5	1

Table 5: Disability and Elderly Rights cases

Nature of alleged violation	2017 Cases Registered	Cases Referred	Cases Advised	AD R	Legal Action	Cases Under Investigation	Concluded
Right to access to justice	1				1		
Right to human dignity	1					1	
Right to fair labour practices	2					1	1
Right to property (economic)	1						1
Right to property (deceased)							1
Right to property (land)						3	
Right to fair administrative action						1	1
Rights of persons with disabilities (abuse)						4	
Rights of persons with disabilities (equality)						1	
Unique	1					1	
TOTAL	6				1	12	4

Table 6: Child Rights cases

Nature of alleged violation	Total Cases Registered 2017	Case Referred	Case Advised	ADR	Legal	Investigation	Concluded
Defilement	5	2				1	1
Incest	1	1					
Sodomy	1						1
Child marriage	3	1	2			1	
Sexual assault	5	1				1	
Child maintenance and Right to education	10			2			
Harmful cultural practices	6					1	1
TOTAL	31	5	2	2		4	3

An overview of the cases as indicated from Table 2 to Table 6 above, shows that, the area of social economic rights registered the lowest completion rate despite registering being the highest number of cases over the years since 1998. The relevant directorate is the least staffed directorate with limited skills hence the slow progress. Labour rights registered the highest violation under the Social Economic Cultural Rights. On a very positive note, the project emphasizes on appreciating the most vulnerable. In this context conclusion of cases was emphasized under disability and elderly rights but also under gender and women's rights which therefore registered highest conclusion rates compared to the rest of the areas based on the number of cases registered (67% and 58% respectively

Table 7: Summary of action taken by MHRC on registered cases

Action taken by MHRC	Number of cases
Investigation	60
Advised	141
Referred	39
ADR	11
Legal	10
TOTAL	261

During the reporting period, while MHRC registered 261 cases, 26 cases were concluded representing conclusion rate of 9%. The project aimed at improving the baseline from 68% to 70% in 2017. Whereas in the reporting period a lot of focus was on case auditing to establish a general picture of progress in case management, MHRC continues to struggle with completion of cases largely because of weak technical expertise, limited human resource as well as challenges in funding. Almost all work on case management is supported from the project despite many complaints being registered. Resources from the public purse are generally too little to cover costs beyond administrative expenses thereby undermining core work of MHRC.

Table 8: 2017 Summary of cases as per the complainants (Jan 2017 to Mid Sept 2017)

Cases Registered	Number
Male	162
Female	87
Group	12
TOTAL	261

Comparatively, men utilize MHRC more in lodging human rights complaints. This could be attributed to limited women empowerment which undermines pursuit of their own welfare. It is important therefore to consider deliberate initiatives that could stimulate more utilization of the commission by females.

b) Cases handled by OoO

During the reporting period, the project supported on-spot investigations and systemic investigations in the OoO. Under on-spot investigations **182** cases were handled out of which **23** cases were concluded and will be recommended for closure. **148** cases are still under investigation and will involve further following up with both or one of the parties. **11** cases were recommended for a Public Inquiry either because the complaints have been outstanding for too long and there seems to be no compromise between the parties or there are some complexities which require clarification in the presence of both parties. This represents an achievement rate of **13%** on the total number of cases handled. Disaggregated data of how the **182** files were handled are as follows:

Chart 1: Status of Cases Handled

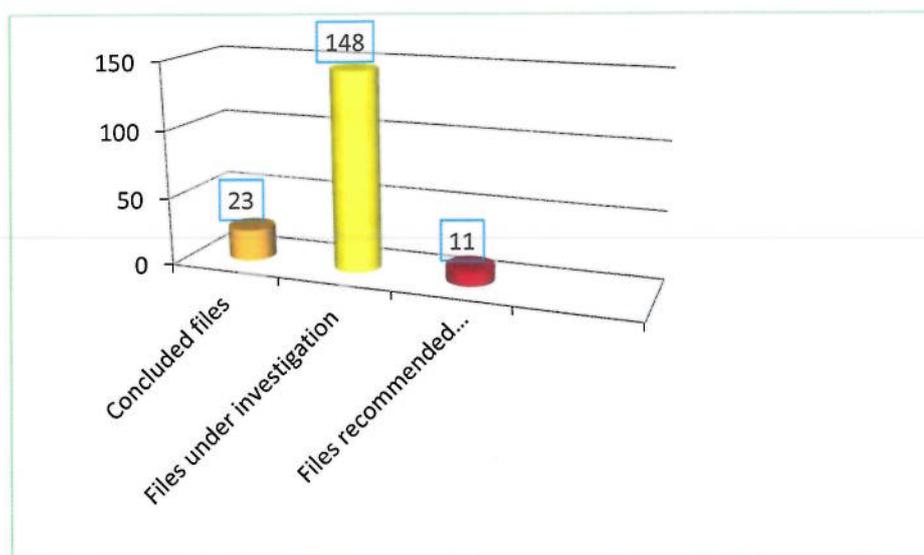


Table 9: Reasons for concluded cases

S/N	REASON FOR CLOSURE	NUMBER OF FILES
1	Resolved	16
2	Lack of merit	5
3	Loss of interest	2
	TOTAL	23

Table 10: Summary of Complaints based on Gender

S/N	GENDER	NUMBER OF FILES
1	Male	152
2	Female	23
3	Group	7
	TOTAL	182

The project also supported public inquiries and during the reporting period, 39 cases were handled of which 9 remain active. 2 cases were dismissed while on the rest, the Ombudsman gave her determination. In total, therefore the OoO handled 221 cases through on spot investigations and public inquiry. Of these 53 have been concluded translating to a 24% conclusion rate. Handling of cases is on track with the set targets for 2017. Notably, the repositioning agenda in the office of the ombudsman is bearing fruit in stimulating focused case handling.

Under systemic investigations, the focus was on the National Compensation tribunal and Workers Compensation Commission. Work in these areas has been finalized and public reports are expected to be released in October 2017 creating grounds for exposing maladministrative practices but also most importantly grounds for pursuing the course of justice. Under the work on the National Compensation tribunal 23,456 files were handled exposing the following main observations:

- Majority of the complaints were lodged by Jehovah's witnesses and most of their claims were regarding them being forced or born into exile.
- Individuals who had two complaints such as forced exile and unlawful detention only got compensated for one.
- It was noted that there was a contradiction wherein some complainants who had similar grievances were paid as a family while others were paid as individuals.
- Some were not allowed to be paid compensation in absentia whilst for others it was the contrary.

- Less than 20 %of the complaints were granted full compensation.
- A lot of complaints that arose from politics were from people from Moto village and most of these people got full compensation.
- Perpetrators then became complainants
- Politicians and their relatives were given priority when it came to awarding compensation
- In the ruling from the Tribunal the Judge would not indicate the full assessment of the compensation when awarding interim payment leaving the complainants in a limbo as to how much their compensation was truly worth.
- They were some differences between the payment voucher and rulings with regards to the amount of compensation.

84 files were handled under the Workers Compensation Commission. Main observation is the delay for complainants to access their compensation. Usually there are no explanations to the complainants on the delays.

In an effort to reinforce authority of the OoO, the project also supported follow-ups on non-complied determinations. The Legal Division in the office of the ombudsman followed up on a total of 110 files. Of the 110 files handled, 37 determinations were complied with and have since been recommended for closure. The remaining files will now be presented to Parliament for their action during the Parliamentary interface meetings with the Legal Affairs Committee due to take place in September, 2017.

Indicator 2: Number of public reports published

Baseline: 2 ***2017 Target:*** 5

During the reporting period, no public report has been issued by both MHRC and OoO. However, OoO is expected to release two reports in the last quarter of the year following systemic investigations. The reports will be on National Compensation Tribunal and

Workers Compensation Commission. MHRC is expected to publish one report on access to services for persons with disability following a study on the same which is underway.. A consulting firm has been hired to conduct the study in collaboration with the Commission. The results from the study are expected to inform interventions for persons with disability in the drive to leave no one behind. Another study focusing on access to services has been planned for the second half of the year. The study is expected to complement disability accessibility audits that have been conducted by MHRC in the major cities during the reporting period. The accessibility audits have revealed that in almost all areas, accessibility for persons with disability is not prioritized leaving these persons excluded in many ways. Lack of institutional policies to deliberately promote the welfare of persons with disability further undermines progress.

Output 3: Malawi's Engagement on State Party Reporting and UPR is improved in a participatory and consultative manner

Indicator 1: Number of UPR recommendations implemented

Baseline: 80% (2016) ***2017 Target:*** 95%

While Malawi is officially reported to have implemented 80% of the 2015 UPR recommendations, further deliberate initiatives were undertaken through the development of the Human Rights National Action Plan to concretize implementation of the UPR recommendations. There has been no progress in adopting the Human Rights National Action Plan which is yet to be deliberated by cabinet. The project continues to support engagement of government officials at different levels to push for the adoption of the national action plan which gives a good framework for monitoring implementation of the remaining UPR recommendations and the rest of human rights initiatives.

Indicator 2: No. of State Party Reports Completed.

Baseline: 4 ***Target:*** 6

During the reporting period, four draft state party reports have been prepared and are expected to be finalized in the last quarter of the year. 2017 focus is on International Convention on the Elimination of all forms of racial discrimination (CERD), International Covenant on Economic Social Cultural Rights, African Charter on Human and People's rights and SADC Protocol on Corruption. During the reporting period, with support from the project, Ministry of Justice led continued celebrations marking the 35th anniversary of the adoption of the African Charter on Human and People's Rights (ACHPR), 30th anniversary of entry into force of the African Charter, 10th anniversary of the African Court on Human and People's Rights and the 13th anniversary of the Protocol to the African Charter on the Rights of Women. The Ministry coordinated different activities that mainly provided a platform for the ordinary citizen to engage on issues to do with the African Charter.



Ministry of Gender Official takes lead in one of the interface meetings with women in Mchinji

The project facilitated availability of top government officials (Minister of Justice and Solicitor General) to engage in responding to questions on Malawi's progress along the African Charter.



Minister of Justice Hon Samuel Tembenu and Solicitor General Dr. Janet Banda availed themselves to interact with the press on the Charter

Above all, the initiative on commemorating the anniversary of the African Charter has helped popularize the charter. Interaction with rural women on the charter exposed continued challenges that women are facing in accessing justice while interface with traditional leaders provided platform for an open discussion with very senior and influential traditional leaders on harmful traditional practices.



Some of the influential traditional leaders who were engaged – Inkosi ya Makosi M'mbelwa and Inkosi ya Makosi Gomani in the picture.

Commemoration of the African charter provided an opportunity at different times for the newly launched human rights section in Ministry of Justice to interface with different stakeholders including civil society, academia as well as government ministries. This has laid foundation for networking.



Different stakeholder pose for a photograph with MoJCA officials at one of the interface meetings on the Charter.

Notable observation to the popularization of the charter is the need for journalists to be engaged at a deeper level, other than simply inviting them to cover an event. Some of the questions that journalists raised during the engagements demonstrated lack of in-depth knowledge of some basic human rights issues. This undermines media coverage of human rights issues.

Output 4: Strengthened Partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non- State actors on human rights through the establishment and institutionalization of an interface mechanism

Indicator 1: Improved Coordination mechanism

Baseline: No coordination mechanism

2017 Target: Operational Human Rights Coordination forum.

The human rights coordination forum was operationalized in last implementation year; however, the process has faced setbacks along buy-in amongst influential civil society organizations who have not been keen to take an active part. The new leadership in MHRC

was supported to hold consultations as a way of getting buy-in from different stakeholders. Following a wide range of consultations, a taskforce meeting was held led by MHRC to develop guidelines for the Coordination Forum. This is expected to be followed by a wider meeting of stakeholders to validate the guidelines then establishment of a steering committee.

Indicator 1: Improved Human Rights Awareness

Baseline: No Human Rights Education Strategy

Target: Human Rights Education Strategy

No progress has been registered on finalization of the draft education strategy produced in the last implementation year. There is new thinking in MHRC guided by new management on elements to be incorporated in the strategy before finalization and validation anticipated for the second half of the year.

Output 5: Effective and efficient management, partnership formation and monitoring and evaluation of the programme.

Indicator 1: % of activities successfully implemented

Baseline: 85% 2017 ***Target:*** 90%

There has been slow progress in implementation of MHRC led activities, with implementation proceeding very well for Ombudsman led activities. 45% of MHRC led activities have been implemented while 65% of Ministry of Justice led activities and 80% of Ombudsman led activities have been implemented.

Quality assurance structures were aligned to the UN joint initiative on Human Rights in line with earlier recommendations from the Human Rights Support Programme committees as indicated in the 2016 Report. Two technical committee meetings have since taken place providing guidance to implementation. One Steering Committee meeting took place in the first quarter to vet the 2017 work plan.

3.0 Gender Mainstreaming

The project has supported many activities on women including specific interface forums with rural women under the commemoration of the African Charter activities. While the legal framework exists in Malawi that specifically provides for equal rights for women, forbids discrimination based on language or culture, race, disability, or social status and provides for equality and recognition before the law for every citizen, gender-based violence cases particularly against women and children continued to be reported in 2017. Project activities were therefore tailor-made to address the violation of human rights for the vulnerable populations in Malawi including (but is not limited to) women, children and people with disabilities. The project therefore continued to focus on human rights protection for the vulnerable groups with special attention on women. The inclusion of gender advocates at all meetings as well as the gender specialist on the development of the Human Rights Action Plan and other strategic documents is evidence that the project is guided by gender mainstreaming principles in all its activities.

4.0 Key Partnerships and Inter-agency/Departmental Collaboration

Main partners in the project continued to work together under different initiatives. Considering the alignment to the UN joint work plan on human rights, MHRC, OoO, and MoJCA now interface and collaborate with the five other UN agencies that are part of the joint work plan (UNICEF, UNFPA, UNAIDS, UN Women, OHCHR).

During the implementation period, with support from the project, OoO established six more partnerships as highlighted above and also continued to work with its longtime partners like National Initiative for Civic Education thereby reaching out to wider population. Ministry of Justice partnered with Ministry of Gender in reaching out to rural women under the African Charter commemoration activities but also worked with the traditional leaders, media and academia in an effort to popularize the Charter as well as take stock of Malawi's progress in the domestication of the charter. MHRC has made progress in working with

civil society especially on the operationalization of the human rights coordination forum, partnering in developing guidelines. The project is also promoting collaboration through a stakeholder platform to inform the study on access to services for persons with disability. The platform is composed of different partners including Department of Disability in Ministry of Gender, Federation for Disability Organizations in Malawi, UN agencies, Malawi Human Rights Commission, Association of Persons living with Albinism and other government Ministries among others.

5.0 Financial Status and Utilization as at 30th June 2017

Out of the project's budget of US\$ 730,004.99, the project utilized US\$ 286,393.03 representing 39% utilization.

6.0 Challenges

The following challenges were encountered during the implementation period:

- I. Changes in leadership at MHRC has slowed down progress in implementation as new leadership more often has different conceptualization of implementation and therefore it takes some time to proceed.
- II. High turnover of personnel in MHRC, OoO and MoJCA, including staff that have benefitted from the capacity building efforts continues to adversely affect implementation of project activities. Turnover is propelled by lack of motivation of employees.
- III. Slow approval processes for finalized documents by Government eg. National Human Rights Action Plan. This continues to delay implementation of interventions and reflects lack of political will.
- IV. Adoption of a more inclusive steering committee has been slow due to reservations by MHRC especially on inclusion of CSOs in quality assurance and planning of human rights interventions.

7.0 Lesson Learned

- I. Communication has been a key barrier undermining collaboration in implementation of activities under Humana Rights Support Project. Engagement through activities that bring different stakeholders together helps reduce misunderstandings especially that there is a platform for clarification. In essence this also helps improve information sharing.

8.0 Conclusion

2017 implementation of support to human rights is on track especially for activities under the OoO. Notably OoO has finalized and launched its communication strategy, establishing six key partnerships in the process and has finalized systemic investigations in two key areas. The project has supported incorporation of fundamental areas in MHRC strategic Plan reflecting additional responsibilities of the Commission along with the Gender Commission and Access to Information Commission. With support from the project, MoJCA has led anniversary commemoration of the African Charter which has provided a platform for engagement and stock taking for Malawi's adherence to international commitments on human rights especially the African Charter. Progress has been off track in the finalization of the human rights education strategy, however validation is planned for the last quarter of the year. There has also been no progress in the adoption of the Human Rights National Action Plan but the project continues to lobby authorities in government to push for the adoption of the plan. Moving forward, key support will focus on finalization of MHRC Strategic Plan, finalization of state party reports as well as coordination of stakeholders under the human rights coordination forum.

9.0 Future Work Plan

The project has prioritized the following activities for the remaining months of 2017:

Output 1 A gender responsive national human rights action plan developed in a participatory manner and implemented

- Facilitate lobbying of the adoption and launch of new Human Rights National Action Plan (NAP)

Output 2: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively

Strengthened technical capacity for Malawi Human Rights Commission

- Support investigations of human rights violations
- Finalize the development of new Strategic Plan for MHRC
- Finalize the study on access to services for persons with disability
- Capacity building for MHRC Commissioners and staff in Access to information, Financial Management, Disability Rights and Child Rights.

Strengthened technical capacity for The Office of the Ombudsman

- Support systemic investigations and public inquiries

Output 3: Malawi's engagement on the state party reporting and UPR is improved in a participatory and consultative manner

Improved implementation of UPR recommendations and timely submission of state party reports

- Finalization and Submission of reports on ICESCR, CERD, African Charter and SADC Protocol on Corruption

Output 4 Strengthened partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non-State Actors on Human Rights through the establishment and institutionalization of an interface mechanism

Increased human rights awareness

- Finalise the review the civic education strategy in Malawi
- Strengthen the new human rights coordination forum

Output 5: Effective and efficient management, partnership formation and monitoring and evaluation of the Programme.

- Conduct project monitoring visits
- Convene joint planning retreat

Annex 1: Project Plan and Progress for the Reporting Period

EXPECTED CP OUTPUTS AND TARGETS for Quarter or period	PLANNED ACTIVITIES (See Note 2)	<i>Responsible Party</i>	RESULTS OF ACTIVITIES <i>For each activity, state the results of the activity</i>	PROGRESS TOWARDS ACHIEVING OUTPUTS
<p>Output 1: A gender responsive national human rights action plan developed in a participatory manner and implemented</p> <p>Indicator 1: Number of Institutions involved in the formulation of the National Human Rights</p> <p>Baseline: 0 (2012)</p> <p>Target in 2016</p>	<p>1.1 Finalise National Human Rights Action Plan (HRNAP)</p> <ul style="list-style-type: none"> • Lobby for the adoption of the NAP • Finalize, launch and disseminate NAP 	MHRC	<p>- The Cabinet is yet to deliberate and adopt the NAP. The project continues to lobby at different levels for the adoption of the NAP with recent efforts involving MHRC Chairperson and the UN Resident Coordinator who separately engaged the Minister of Justice and Constitutional Affairs.</p>	Minister of Justice engaged to intervene in fast tracking adoption of the HRNAP

<p>(target was surpassed by 2015 with involvement of more than 50 institutions)</p> <p>Gender Sensitive Human Rights NAP formulated</p>				
<p>Output 2: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively</p> <p>Indicator 1: % of human rights violation cases completed</p> <p>Baseline: Partially developed, 65% for MHRC, 20% for OoO</p> <p>Targets:</p> <p>70% cases completed (MHRC) and 30% (OoO)</p>	<p>2.2 Strengthened technical capacity for Malawi Human Rights Commission</p> <ul style="list-style-type: none"> Finalize strategic plan that incorporates new responsibilities assigned to MHRC Install financial Management system 	MHRC	<p>-</p> <p>Draft strategic plan reflecting new responsibilities of MHRC produced</p> <p>Bids expressing interest to supply the software have been received following an advert in the newspapers</p>	<p>Draft Strategic Plan has been finalized awaiting validation by stakeholders. Final stages of identifying software to be installed end October.</p> <p>Final stages of identifying consultant to conduct trainings on child rights and disability rights underway.</p>

<p>of human rights violation cases completed</p>	<ul style="list-style-type: none"> • Capacity building for MHRC Commissioners and Staff in Access to information, Financial Management, Child Rights and Disability rights • Conduct investigations of human rights violations • Public interest litigation in areas of systemic human rights violation 		<p>Applications from resource persons expressing interest to train MHRC have been received and are being reviewed.</p> <p>Conceptualization on how to operationalize the access to information act From January 2017 to mid Sept 2017, the Commission received a total of 261 cases. However, out of the 261 cases, 26 complaints have been concluded.</p>	<p>Strengthened capacity of MHRC through clarified mandate on access to information representing a 9% conclusion rate. There has been slow progress in case management due to changes in MHRC Management which prioritized case audit dating back to 1998 as well as changes in approaches to case handling</p>
	<p>2.2 Strengthened technical capacity for the Office of the Ombudsman</p>	<p>OoO</p>	<p>OoO finalized and launched communication strategy in the process establishing partnerships that will help in</p>	<p>Communication strategy was finalized and launched</p>

	<ul style="list-style-type: none"> • Train staff on Monitoring and Evaluation • Train Staff on Drafting 		<p>strengthening the voice of the office of the Ombudsman</p> <p>Three members of Staff have been trained one in the area of drafting and two in the area of Monitoring and evaluation</p> <p>Building on the training given to 28 NICE officers from districts during the last year, OoO will train 10 officers from new partners on administrative justice and governance related issues as an outreach strategy.</p> <p>In terms of the progress of case handling under the Office of the Ombudsman 221 cases were handled, out of which 53 were concluded representing a 23% conclusion rate which is beyond the</p>	<p>Staff Capacity in Monitoring and Evaluation but also in drafting has been enhanced</p> <p>Resolved cases that included human rights violations</p>
	<ul style="list-style-type: none"> • Investigations 			

<p>Output 3: Malawi's engagement on the state party reporting and UPR is improved in a participatory and consultative manner</p> <p>Indicator 1: % of UPR recommendations implemented</p> <p>Baseline: 0%</p> <p>Targets:</p> <p>20% of accepted recommendations implemented</p>	<p>3.1 Improved implementation of UPR recommendations and timely submission of state party reports</p> <ul style="list-style-type: none"> Universal Periodic Review (UPR) - convening quarterly working sessions on UPR National Task Force 	<p>MOJCA</p>	<p>baseline but yet to get to the set target for 2017</p> <p>Systemic investigations focused on the issue of compensations specifically focusing on National Compensation Tribunal and Workers Compensation Fund</p>	
			<p>One UPR working session was convened by Ministry of Justice. The session highlighted the need for a better monitoring framework for implementation of UPR recommendations that links with realistic picture of progress at local level. The Human Rights Commission will therefore need to play a more active role in monitoring implementation of recommendations</p>	<p>The review session led by ministry of justice and attended by different stakeholders that creates a platform for participation. Currently a mid term UPR report is being prepared.</p> <p>Progress continues to be registered in implementing the accepted recommendations currently registering 86% implementation. However no progress (0%) has been made on the rejected recommendations of which</p>

<p>5% of rejected recommendations accepted</p> <p>Indicator 2: No. of state party reports completed</p> <p>1 State Party report completed</p>	<ul style="list-style-type: none"> • Attending regional/international HR meetings 	<p>The project supported MoJCA, and MHRC to participate in international meetings. MHRC participated in GANHRI 2017 General Assembly, NANHRI 2017 Annual Assembly, as well as CFNHRI 2017 conference. MoJCA attended and reported at the 60th Ordinary Session of the African Charter</p> <p>MoJCA has prepared draft reports on ICESCR, CERD, African Charter and SADC Protocol on Human Rights</p>	<p>remain unpopular amongst the wider Malawian public but also amongst key government officials.</p> <p>Malawi remains actively engaged with the international human rights architecture</p>
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<p>Output 4: Strengthened partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non-State Actors on Human Rights</p> <p>Indicator: % of Human Rights Awareness in Malawi</p> <p>Baseline: 50% (Justice Baseline survey, 2011)</p>	<ul style="list-style-type: none"> Needs assessment for Human Rights Unit 		<p>Apart from preparing a report on the African Charter, MoJCA also led Malawi in the commemoration of the 30th anniversary of the charter</p>	<p>Provided a platform for engagement and reflection on Malawi's state party reporting especially focusing on the African Charter</p>
<p>Output 4: Strengthened partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non-State Actors on Human Rights</p> <p>Indicator: % of Human Rights Awareness in Malawi</p> <p>Baseline: 50% (Justice Baseline survey, 2011)</p>	<p>4.1 Increased human rights awareness</p> <ul style="list-style-type: none"> Review the civic education strategy in Malawi and respond to the gaps identified with a view to ensure a systematic and orderly approach 	<p>MHRC</p>	<p>Insufficient movement on the human rights awareness strategy. considering new approach by MHRC management that is proposing more engagement of non state actors through the human rights coordination forum for input. Delays therefore in holding the human rights coordination forum meeting has undermined progress.</p> <p>Guidelines defining how the coordination forum should operate</p>	<p>Framework to guide operations of the Human</p>

<p>Targets: Human rights awareness strategy in place</p>	<ul style="list-style-type: none"> • Conduct the human rights coordination forum meetings: • Public awareness sensitization meetings including humanrights day commemoration 	<p>developed through a Task force Meeting.</p> <p>In partnership with UNICEF awareness meetings were held in Dedza on sexual and physical abuse of children as well as child labour and child trafficking thereby reaching out to 30 Community based organizations from all traditional authorities in dedza, the District Executive Committee and civil society network membership (15 non-governmental organizations took part). In partnership with UN Women two awareness meetings were also conducted in Balaka, T/A Nsamala and T/A toleza reaching out to 49 women</p>	<p>Rights coordination forum developed</p> <p>Collaboration with district council authorities for Balaka and Dedza in implementing the awareness activities strengthened the working relationship between MHRC and the targeted district councils thereby creating partnership with the councils</p>
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	<ul style="list-style-type: none"> Publicize through media human rights issues including rights based approach to social service delivery Press Conferences and Press releases 		<p>leaders on issues of sexual harassment.</p> <p>Awareness messages through two press conferences were aired on Zodiak as well as Malawi Broadcasting Corporation and four press releases were printed through the main print media newspapers. The Press conferences and press releases focused on sexual and physical abuse of children, access to information, violent attacks and 'blood sucking' and on persons living with albinism.</p> <p>- MOUs signed with six partners setting ground for outreach structures that includes Fedorma structures thereby taking steps to improve accessibility of the office</p>	<p>Continued partnership with the media that is helping facilitate awareness messages on human rights</p> <p>Increased outreach to more people and therefore more accessibility for the office of</p>
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	<ul style="list-style-type: none"> • Outreach offices establishment 		of the ombudsman for persons with disability	the ombudsman through partnership with non state actors
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<p>Output 5: Effective and efficient management, partnership formation and monitoring and evaluation of the Programme</p> <p>Indicator: % of activities successfully implemented</p> <p>Baseline: 0%</p>	<p>5.1 Oversight and inputs from project Board</p> <ul style="list-style-type: none"> • Project board meetings • Monitoring 	<p>MHRC</p>	<p>2 technical Committee meetings were held and 1 steering committee meeting</p> <p>3 Steering and technical committees aligned to the UN joint workplan steering and technical committees</p>	<p>Quality assurance to project implementation</p>

Targets: 70 % of activities successfully implemented				
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