

MALAWI HUMAN RIGHTS COMMISSION



United Nations Human Rights Joint Project

Malawi Human Rights Commission Report

JULY - SEPTEMBER, 2019

November, 2019

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ACRONYMS

AWP	Annual Work Plan
CAT	Convention Against Torture
CP	UNDP Country Programme
CPR	Civil and Political Rights
CR	Child Rights
DER	Disability and Elderly Rights
ESCR	Economic, Social and Cultural Rights
GWR	Gender and Women Rights
HRNAP (NAP)	National Human Rights Action Plan (HRNAP)
MGDS	Malawi Growth and Development Programme
MHRC	Malawi Human Rights Commission
MIE	Malawi Institute of Education
MIM	Malawi Institute of Management
MoJCA	Ministry of Justice and Constitutional Affairs
OoO	Office of the Ombudsman
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

1.0 SITUATIONAL BACKGROUND

This is the report highlighting the progress of implementation of activities carried in the third quarter from July 2019 to September, 2019. 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 worked 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 project is implemented in collaboration with Ministry of Justice and Constitutional Affairs (MoJCA) and the Office of the Ombudsman (OoO).

Malawi Human Rights Support project intended to come up with a national action plan on human rights, an elaborate and human rights architecture that enhances coordination amongst human rights actors such as the Malawi Human Rights Commission and Office of the Ombudsman and equip them with appropriate skills, collaborative planning and action on state party reporting and advocacy for Universal Periodic Review (UPR) recommendations implementation and enhanced working relationship between constitutional bodies and civil society organizations on human rights. It is implemented under the National Implementation Modality (NIM) with the MHRC acting as implementing partner.

During the 2019, the project intended to contribute to four pillars, namely: Leadership role of the MHRC on human rights enhanced, Human rights protection strengthened, Increased human rights awareness, and Effective and efficient project management is enhanced. The report therefore covers the progress made in the implementation of planned activities during the third quarter

2.0 ASSESSMENT OF PROGRAMME RESULTS FOR JULY - SEPTEMBER 2019

There were four outcome level priority areas that were identified for the project to contribute. These were: leadership role of the MHRC on human rights enhanced, human rights protection strengthened, and increased human rights awareness. Below is the progress report made under each outcome per outputs during the reporting period:

2.1 Leadership Role of the Commission in Human Rights Enhanced

Output 2.1.1: Strengthened institutional capacity of the Commission to deliver on its mandate

a. Development of New Strategic Plan for Commission

The activity was successfully completed.

b. Development of Service Charter for the Commission

The activity was successfully completed.

c. Support the operationalization of the Gender Equality Committee

The Commission reconstituted the Gender Equality Committee and the membership was drawn from civil society organizations, government, media and representatives of development partners. The project supported the orientation of the members and two meetings they agreed on specific activities to implement and monitor in a meeting held in July, 2019. One monitoring visit was conducted to targeted district councils to assess the adherence to the GEA in August, 2019 and the report was compiled.

d. Support Participation in Regional and International Human Right Meetings and Conferences

The Commission participated in international training workshops and conferences and during the period the project supported the participation of the Director of Economic Social and Cultural Rights, Mr. Harry Migochi, at the 42nd Session of the United Nations Human Rights Council to be held from 9th to 27th September, 2019 in Geneva. The meetings empowered the members in international human rights mechanisms, human rights issues

for consideration of Malawi and the Commission, and provided a feedback mechanism for the Commission and the regional and international human rights bodies.

Output 2.1.2: Partners have Technical Capacity to complement the Commission

a. Support National Human Rights Coordination Forum with non-state actors

The Commission established a Human Rights Coordination Forum where there are 73 members. The terms of reference for the Forum were developed and adopted. During the period, the project supported the Forum meeting that was held on 18th July, 2019 at Crossroads Hotel in Lilongwe. The aim of the meeting was to conduct a self-introspection of Civil Society Organisation (CSOs) in order to identify their strengths and weaknesses for their effective and efficient promotion and protection of human rights. Presentations were made on various human rights topical issues as highlighted through the intended objectives. This led to constructive discussions by the members of the forum to provide coherent policy directions to further coordination of the members. A total of 65 members attended the meeting. The next meeting was expected to take place in December, 2019.

The capacity assessment of human rights civil society organizations was instituted and the draft report was produced during the period. The assessment has provided capacity information of all members of the Human Rights Coordination Forum.

b. Support the Training of Stakeholders on the Implementation of Access to Information Act

During the period, the Commission planned to do awareness campaigns on the ATIA. The activity was not implemented and shifted to the next quarter. At the time reporting, the Commission worked with the Ministry of Information and Communication Technology to finalize the Guidelines for the implementation of the ATIA and eventual appointment of the Commencement date of the ATIA.

2.2 Human Rights Protection is Strengthened

Output 2.2.1: Case Management infrastructure developed

a. *Support to Case Auditing*

The activity was completed. The Commission conducted case auditing exercise of all reported cases since 1998 to 2006. The exercise ensured that no case was overlooked in automating case management. The case audit revealed that there are cases that were not resolved, stale, stuck under investigations, awaiting litigation and others feedback not yet provided to complainant. The case file statistics is summarized below:

Malawi Human Rights Commission Case Files Statistics for 1998 – 2016

No.	Year	ESCR	CR	CPR	GWR	DER	Others	Total
1	1998	1	0	0	0	0	0	1
2	1999	4	0	10	2		1	17
3	2000	57	6	73	6	0	4	146
4	2001	141	7	79	9	0	2	238
5	2002	145	29	118	9	0	2	303
6	2003	121	35	85	11	0	2	254
7	2004	74	24	62	4	4	3	171
8	2005	154	39	88	16	0	4	301
9	2006	351	54	173	33	0	25	636
10	2007	209	28	118	16	0	20	391
11	2008	146	6	90	13	0	2	257
12	2009	73	1	71	12	0	2	159
13	2010	36	1	39	11	1	0	88
14	2011	13	0	21	1	0	0	35
15	2012	26	1	31	3	0	0	61
16	2013	82	4	105	12	0	1	204
17	2014	5	0	1	20	0	0	26
18	2015	2	0	0	4	0	0	6
19	2016	0	0	5	0	0	0	5
Total		1640	235	1169	182	5	68	3,299

In the reporting period, the project supported the investigations of 52 cases.

b. *Automated case management systems in place*

The Commission is in the process of identifying the consultant to facilitate the ideal automated complaints handling system for the Commission to improve on the process of concluding cases and tracking of all reported cases. The process was expected to be finalized by the end of the 2019.

c. *Support Investigations of human rights violations*

The project supported the investigations of human rights violation that were reported to the Commission for provision of appropriate remedies. During the reporting period, the project supported the supported the investigations of 52 cases. These were outstanding cases that investigated outside Lilongwe. The complaints related to women and gender rights, children rights, rights of persons with disabilities and the elderly, economic, social and cultural rights, and civil and political rights. The investigations of cases were aimed at establishing facts relating to the complaints and facilitating access to/or providing appropriate remedies and redress. The cases were resolved through mediation, provision of legal advice, litigation, among others. Furthermore, the Commission through conflict prevention and resolution contributed more in fostering and promoting peace.

d. *Support public interest litigated of human rights violations*

During the period, the Commissions was no litigation that was conducted.

2.3 Increased Human Rights Awareness

Output 2.3.1: Human Rights Advocacy and awareness raising conducted

a. *Community Awareness on Child Rights and disability rights*

Awareness raising meetings on Child rights and Disability rights issues were held in Dedza district. These included meetings with the District Executive committee, Civil Society organizations, Community based organizations and School Management committees. The focus on Dedza was influenced by high levels of child labour and child marriages in the

district which link to high levels of school dropout all of which have made children in Dedza to be very prone to child trafficking. The meetings strengthened networking amongst stakeholders and promoted referral systems in addressing child rights violations at district, community and school levels. The project has supported scaling up Child rights friendly by-laws up with the help of from influential Traditional leaders including Kachindamoto who have been engaged. The Commission in collaboration with the office of the District Social welfare will continued to monitor action plans for the traditional leader and the CBO.

b. Support to human rights reports published

- A Study on Access to Services for Persons with Disability

The Commission conducted a study to examine the extent to which social services are accessible to persons with disabilities in Malawi, with particular focus on education, health, financial services, access to justice and political participation. The findings revealed the challenges that the persons with disabilities are still facing in accessing various services due to weak enforcement of the various legal and policy instruments; discrimination in community participation and financial and judicial among others. The study made several recommendations to improve access to services by persons with disabilities in Malawi.

2.4: Effective and efficient project management enhanced

Output 2.4.1 Coordination and project Management

The project held no Technical Committee meeting. However, one project meeting was held where progress on the implement of activities was shared and addressed the challenges.

3.0 FINANCIAL STATUS AND UTILISATION

The Commission received had a total budget of MK26,558,650. as advance and expended MK26,548,752.13. The absorption rate was at 99%. The detailed budget and expenditure per out is provided in the quarterly financial report.

4.0 CHALLENGES

Delayed Funding

The project funding for the quarter was delayed as the request was meant for the second quarter. However, the Commission used the direct payment modality to access resources for the implementation of some activities

Old and unroadworthy project vehicles

The project vehicles are old and not roadworthy. The vehicles have been used for over fourteen years and are a risk to staff's use. There are frequent breakdowns and are proving expensive to maintain and are affecting the implementation of activities. Similarly, the project there are old equipment that have also outlived the usefulness and require boarding off.

5.0 RECOMMENDATIONS

5.1 Funding

The Commission recommends that the funding for the

Boarding off vehicles

The project vehicle are old and not roadworthy for the use by staff. The Commission recommends to the committee to consider boarding off the six project vehicles as per attached schedule. Similarly, the project has obsolete equipment that requires disposing off. The Commission recommends to the committee to consider boarding off the unusable equipment as per attached schedule

5.3 Funding Request

The Commission recommends that the next funding advance to expedited and ensure that the activities are implemented in time.

6.0 NEXT QUARTER WORK PLAN

The project has prioritized the following activities to make progress in achieving the planned outputs as follows:

- 1.1.1 Review and redesign complaints handling system and procedures
- 1.1.2 Conduct investigations on alleged human rights violations
- 1.2.1 Conduct review and planning meetings of Gender Equality Act Committee
- 1.2.2 Conduct CSO coordination forum meeting
- 1.2.3 Conduct Capacity assessment of Human Rights CSOs
- 1.2.4 Participation in international meetings - GANHRI and ATI conference
- 2.1.3 Orientation of new Commissioners
- 3.1.1 Map out information holders
- 3.1.1 Project Management: includes steering committee meetings; salaries Audit; insurance maintenance of office equipment
- 4.2.1 Formulation of 5 year Human Rights Program

7.0 CONCLUSION

During the quarter, the Commission received an advance that helped to effectively implement some of the planned activities like investigations. The outstanding activities will be shifted to the next quarter.