

ADVOCACY BRIEF

STRENGTHENING THE NATIONAL CHILD PROTECTION SYSTEM IN MALAWI



Introduction

The international human rights treaties, including the Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), are unequivocal in upholding children's right to protection against all forms of violence. However, the UN Study on Violence Against Children (UNVAC study) concluded that violence against children constitutes a serious global problem. Recent studies in Malawi also confirm that violence is a common childhood experience that has considerable social acceptance. The UNVAC study calls for States Parties to take all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.¹

This advocacy brief is aimed at all actors directly and indirectly involved in work to protect children from all forms of violence. It highlights Plan's efforts in integrating children's participation and non-formal community responses with the formal national child protection system in Malawi. It also shares lessons learnt and recommendations on how to build, strengthen and sustain children's participation, community responses, support to formal child protection systems and how to strengthen the role of civil society organizations.

Based on the UNCRC, child protection has been defined as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children.⁹

Statistics relating to violence against children in Malawi:

- Only 3% of all sexual abuse cases against children are reported to the police ²
- 24% of all school children aged 9-18 years old have been forced to have sex, mostly at home and at school ³
- Children report only 60% of incidents of violence in schools to someone else; action is taken in about half of the reported cases, most frequently through the issue of a warning ⁴
- 37% of all children between 5-17 years old are engaged in child labour ⁵
- Over 1 million children have lost one or both parents, half of these being due to AIDS ⁶
- 54% of the population is under 18 years old ⁷
- 52% of the population live below poverty line (US\$ 0.50 per person/day), of which 22% live in ultra poverty (US\$ 0.31 per person/day) ⁸

¹ The African Charter on the Rights and Welfare of the Child (ACRWC)

² Burton P. 2005, *Suffering at School, Results of the Malawi Gender-based Violence in Schools Survey*. Crime and Justice Statistics division, National Statistics Office.

³ Ibid.

⁴ Ibid.

⁵ National Statistics Office, Ministry of Labour and Vocational Training 2004, *National Child Labour*

⁶ Government of Malawi 2005, *National Plan of Action for Orphans and Other Vulnerable Children 2005-2009*

⁷ The Central Intelligence Fact Book 2010

⁸ Malawi Integrated Household Survey 2004-2005

⁹ Save the Children's definition of child protection 12.10.07.

National Child Protection System defined

Plan believes that the building and strengthening of rights based national child protection systems represents a holistic, sustainable, and well coordinated way to protect children. Child protection systems¹⁰ are complex comprehensive approaches to the protection of children from abuse, neglect, exploitation and violence and the fulfillment of children's rights to protection.¹¹ A functional national child protection system recognizes the State's ultimate responsibility and human rights obligations to children. It consists of a set of laws and policies,

a central Government coordination mechanism with a clear mandate, effective regulation and monitoring at all levels, and a committed work force with competence and mandate. A functioning child protection system is informed by children's views and experiences and strengthens families in the care and protection of their children. It connects child and family support mechanisms in the community with child friendly services¹² at all levels, which are regulated by quality standards and delivered by the government or other accredited social agencies.

Types of violence experienced by children in Malawi

Harsh and harmful punishment

- beatings
- heavy work
- made to sleep outside
- denied food
- not allowed to go to school

Exploitation

- inappropriate heavy work at home and at school
- child labour at home, in tea and tobacco estates
- child trafficking

Harmful traditional practices

- early and forced marriage
- masked dancing
- initiation practices

Sexual abuse at home and at school

- rape
- sexual harassment
- teachers having affairs with students
- sexual molestation in dormitories and when girls sleep in huts alone

Neglect

- discrimination – girls and orphans
- not sending children to school
- not providing basic necessities
- neglect of a child when the woman becomes pregnant again
- leaving children on their own during the hungry season
- neglect of children of the very poor, those living alone and with elderly guardian

Consultations with children in Kasungu and Lilongwe in 2006 by Plan Malawi

¹⁰ A 'system' means that the various parts or components are connected up and reinforce each other to achieve a common goal. The system performs better the more that people and actions are connected up and working to achieve the same result.

¹¹ Save the Children's undated draft: A 'Rough Guide' to Child Protection Systems

¹² With the child's best interest at its centre including children's view points and participation in decision making

The relevance of a systems building approach

The UNCRC ensures children's right to protection and recognizes the State's ultimate responsibility to respect, protect and fulfill these rights. Yet two global studies¹³ have highlighted the alarmingly large number of children that are exposed to abuse, neglect, exploitation and violence in all settings (at home, in the community, in school, in institutions, in work places), in emergency and non emergency situations, in every country of the world. The studies underline the need for holistic and sustainable solutions preventing and mitigating violations of children's right to protection.

A systems building approach to child protection emphasizes preventive measures from a broad social welfare approach, recognizing the impact of poverty and

social exclusion on the capacity of families and communities to care for their children. A range of complex contributing factors are also recognized, including the lack of access to quality education, rural-urban migration, displacement due to armed conflict or natural disaster, trafficking, harmful traditional practices, gender based violence, and discrimination due to gender, ability, political, ethnic and religious background.

Child protection is a specialist sector dealing with issues that are sensitive, sometimes stigmatizing and therefore hidden (such as domestic violence and sexual abuse), with violations that are often socially accepted and at times even state authorized. It is a sector that requires specialized competencies but

The components of a National Child Protection System:¹⁴

1. Sound evidence base gathered through comprehensive research and a centralized data collection system that ensures regular information on both prevalence and knowledge on child protection issues, and good practices.
2. Effective regulation of services and responses including accreditation and licensing of institutions/organizations, enforced minimum standards, and independent oversight.
3. Preventive and responsive child friendly services that recognize the need to support and strengthen the primary role of families in the care and protection of their children, and that can intervene when families are unable or unwilling to fulfill their role appropriately.
4. A skilled and committed child protection workforce with the mandate to respond effectively to the issues being faced by children, their families and communities.
5. Adequate and appropriate resource allocation that underpins effective children and family services at all levels including within the child's community.
6. Children's meaningful participation and agency in the responses and interventions deployed to protect them and in the development of the policies and services relevant to their protection and the fulfillment of their rights.
7. An aware and supportive public that is engaged and involved in the efforts to prevent and respond to the child protection issues in their society, communities and neighborhoods.

¹³ The UN Study on Violence against Children (2006) and the UN Study on the Impact of Armed Conflict on Children (1996), including the +10 review of this study.

¹⁴ Drawn mainly from Save the Children's undated draft: A 'Rough Guide' to Child Protection Systems.

also a multi-disciplinary and multisectoral approach linking with sectors like social welfare, education, health, and justice but also with finance, employment, housing and planning. Child protection problems are complex and interrelated and a narrow issue based approach to these problems often fail to recognize and address the range of factors that contribute to violations of children's right to protection. The focus on individual issues has contributed greatly to the protection of children and much has been learnt about what makes good child protection work. Yet because many children face multiple protection problems rather than just one, the focus on individual issues has sometimes resolved one issue while leaving others untouched. This can be the case, for example, when children have been abused at home or been associated with an armed group and are now working and living on the streets and are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive and sustainable solution in order that all children at risk of being neglected, abused or exploited can be protected, rather than just a few.

Lessons from direct work with children and their communities have indicated time and again the need for an organized child protection structure involving relevant sectors and collaboration between government, civil society and the private sector at village, district, and at national levels, mandated by law, and supported by the public in a commitment to ensure that children are protected from all forms of violence in all settings.

Plan's work to integrating children's participation and community responses with the national child protection system in Malawi

Considerable efforts have been made by government and civil society in Malawi to strengthen and coordinate responses to violence against children.¹⁵ Plan is unusual as an INGO to have presence in different levels in society. In Malawi, it has enabled for the adoption of a multi-level approach to addressing violence against children.

- In 2002, Plan Malawi started working in the local levels with children and community groups and linking them to area and district child protection services.
- In 2006, a review of child protection revealed that there were many gaps in legislation, no national child protection policy and structures and services at all levels were weak.
- To address these findings, between 2008 and 2010 Plan Malawi implemented the project 'Strengthening District Child Protection Systems'.¹⁶
- The evaluation of the project in 2010 was used as an opportunity to produce an analytical case study.¹⁷ The case study analyses the achievements and challenges of Plan Malawi's project in the context of Malawi's national child protection system. The study draws out lessons learnt and recommendations anchored in the principles and framework of the child protection system approach.

¹⁵ Please see Annex 2 for achievements and challenges in the Progress made towards a national child protection system in Malawi.

¹⁶ Funded by the Swedish International Development Agency (SIDA).

¹⁷ Written by Dr. Patricia Ray (2010) on behalf of Plan Malawi and Plan Sweden, "Integrating children's participation and community responses with the national child protection system in Malawi". The case study is based on: a review of recent literature on national child protection systems; a 2006 review by Plan of child protection in Malawi which served as the baseline study for the project; the external evaluation of the project; and a project visit to Malawi, which included a workshop with staff from Plan and its partners to review the status of Malawi's child protection system.

Linking informal community mechanisms to formal mechanisms

To increase the capacity and action taken by primary caregivers and other adult community members to help protect and fulfil children's right to protection, Community Child Protection Committees (volunteers) are trained and supported to be able to raise awareness on child protection issues, conduct parenting classes and support community members to refer cases to the authorities.



Members from the Child Protection Committee from Kawiya village in Kasungu district

Structures have also been initiated by Plan to open opportunities for children to participate at each level in society. In Malawi, Child Protection Advisory Groups and Rights Of the Child Clubs linked to village, community, area, district and national levels are supported and new ones formed by civil society partners to develop children's and youth's skills on children's rights and advocacy with focus on the right to be protected.

These groups are represented in the Village and Area Development Committees and linked to both informal child protection structures such as Community Child Protection Committees and formal structures at different levels such as child

protection committees at district level, technical groups and steering committees at national levels. The children and youth groups are supported to interact with duty bearers through civil society partners to participate in village, district and national assemblies, where parents, service providers and representatives of the local government can be found. Many gains have been made but the environment in Malawi remains challenging, particularly in terms of cultural attitudes towards children, the lack of scale and reach of child protection services, scarce human and financial resources, the absence of unifying national child protection policies, and the overlapping mandates of the many ministries with responsibility towards children which makes coordination and policy-making difficult (see Annex 1 for the structures in Malawi's child protection system).



Children and youth from a Child Advocacy Group in Kasungu district

Lessons Learnt:

Due to Plan Malawi's long and consistent history of work on child protection, many lessons learnt were identified as a result of the project experience:

1. **Determining the best interest of the child is a challenge.**

Preserving the best interest of the child does not come without a cost. Consequences of reporting cases of abuse can be damaging both for the child and those who are close to him/her. Absence of support services may lead to further exploitation of the child.

2. **Progress on children's participation can be achieved in even the most difficult and unpromising cultural situations.**

Efforts in child protection work mean a learning process for all stake holders and require sustained effort and resources. Children's concerns and meaningful participation should be given weight and inform formal and non-formal prevention of and responses to violence against children.

3. **Promoting positive, non-violent behaviours.**

The parenting classes conducted by para-civic educators proved to be an effective tool to parents. Even in cultures in which corporal punishment is an accepted norm, well designed, participatory parenting classes can lead to resolutions by parents to abandon corporal punishment and to require school teachers to do the same.

4. **Capitalising on existing practices and capacities.**

Involvement of community as leaders and volunteers in community child protection responses proved to be effective in the abandonment of harmful traditional practices or transforming them to forms that preserve the best interests of children.

5. **Adequate support to community prevention and response activities.**

Community volunteers play an important role in the protection system. The Malawi experience is a living example that despite difficulties encountered, volunteers continue to be dedicated and committed in their work despite the lack of support and exposure to danger.



Paracivic educator from Kawiya village in Kasungu district

6. **Reach and quality of coordination among child protection actors is an important factor in building or strengthening systems.**

Building or strengthening a child protection system does not happen overnight. It requires commitment, extensive preparation and follow-up work. Effective system-building work must be a shared priority between all actors.

7. **Achieving balance in building formal child protection services.**

Community based approaches to child protection have the potential to empower children and communities to address their own child protection issues. As awareness of child protection issues is raised, people expect and demand that the authorities take appropriate action. Thus, an effective and coordination mechanism is necessary to jointly plan and implement a coherent, holistic national child protection system by all actors/stakeholders.

Conclusions and Recommendations:

The lessons learned have been used to formulate the following a set of recommendations:

1. Strengthen child centred approaches.

A child centred approach means putting in place practical mechanism to ensure that what is done is in the best interest of the child.

Practical steps may include:

- ❖ Develop policies taking into consideration children's views
- ❖ Institutionalization of children's participation in all levels including marginalized children's groups
- ❖ Establish monitoring/tracking systems regarding outcome of reported cases
- ❖ Build skill competencies among service providers
- ❖ Establish systems responsive to the situation i.e. psychosocial support

2. Build safe, secure and sustained community-owned child protection responses.

- ❖ Capitalise on existing community resources such as involving traditional leaders to transform harmful traditional practices into positive practices
- ❖ Introduce non-discriminatory and gender-sensitive traditional methods of conflict resolution
- ❖ Collaborate with local and community police and traditional/community leaders to ensure safety and security of those involved in child protection reporting and responding
- ❖ Involve and build support from the community and wider public through information dissemination and other activities
- ❖ Empower para-civic educators to be self-reliant groups as community-based organization and enable them to operate and access funds
- ❖ Support to formal child protection systems
- ❖ Develop, lobby and enforce legislation, policies and programmes
- ❖ Define clear-cut roles and coordinating mechanisms among stakeholders

- ❖ Establish centralized, comprehensive and standardized database management
- ❖ Provide adequate funding

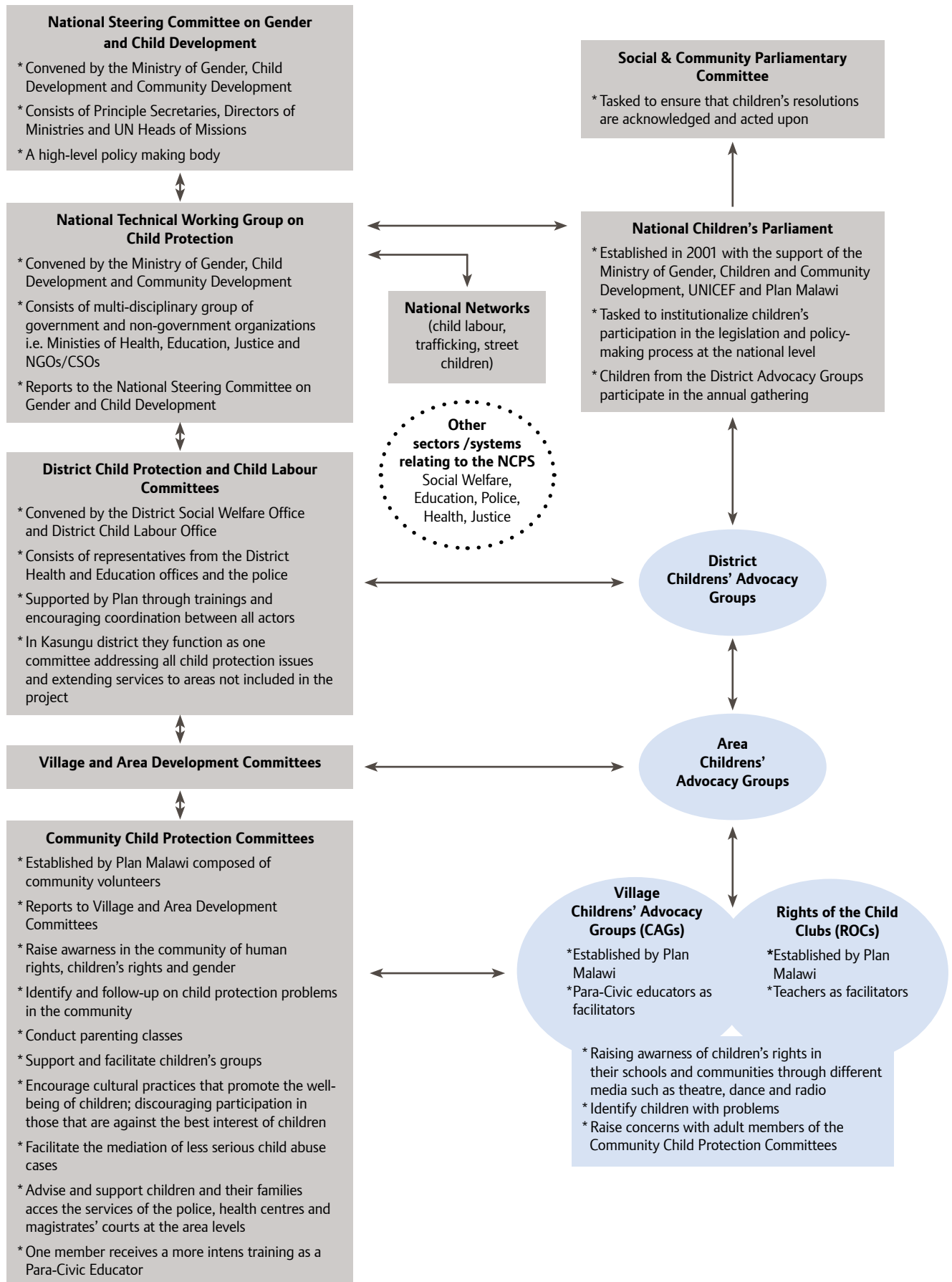
3. Support to formal child protection systems.

- ❖ Supporting civil society to lobby for legislation, policies and programmes that are in accordance with the CRC and other international instruments
- ❖ Facilitating meaningful child participation in child protection systems
- ❖ Supporting civil society to monitor and report on violence against children
- ❖ Support coordination by government and civil society at all levels
- ❖ Support to joint planning and implementation by government and civil society
- ❖ Leveraging increased political will and increased resources from government and donors, by highlighting the extent and nature of the issues that children face
- ❖ Supporting campaigns of public awareness on violence against children
- ❖ Support to the development of coherent data and knowledge management systems
- ❖ Support to human resource development

4. Strengthen the role of local and national civil societies.

- ❖ Building the capacity of community groups and local NGOs to manage their own activities and funds, and to seek resources from elsewhere
- ❖ Facilitating joint-planning and implementation by NGOs and local and national government
- ❖ Supporting national NGOs to work in areas that they otherwise would not be able to reach
- ❖ Supporting umbrella groups of NGOs to monitor and report on the child rights situation
- ❖ Supporting NGOs to lobby government for the needed changes in legislation and its enforcement, policy and service delivery.

Annex 1. Children’s Participation Structures in Malawi’s Child Protection System (Plan Areas):



Annex 2. Taking the Temperature:

Progress towards a national child protection system in Malawi

Components	Achievements	Challenges
National child protection legislation, policy and programmes	<ul style="list-style-type: none"> • Passage of National Registration Bill • Passage of the Child Care, Protection and Justice Bill • Approval of a national policy on child labour including issuance of a national reporting framework 	<ul style="list-style-type: none"> • Many aspects of the legislation still needs to be improved • Lack of unifying national policies and strategic plans for other aspects of child protection
Coordination within the child protection system and with other sector	<ul style="list-style-type: none"> • Ministry of Gender takes the lead on child protection • Functioning multi-disciplinary National Technical working Group on Child Protection that coordinates national level child protection work • Presence of multi-disciplinary District Child Protection Committees in some districts • Joint activities implemented such as the ‘Stop Child Abuse Campaign’ • Some standards and guidelines are in-placed 	<ul style="list-style-type: none"> • Responsibility for children is spread over many ministries with overlapping mandates • Level of activity has declined over the last 3 years • Varies and depends on NGO support • Inadequate mainstreaming of child protection by line ministries • Insufficient support from the national to the district level • Very limited support from the district children protection services to community child protection responses • Limited support and supervision from national to district and district to area
Children’s participation	<ul style="list-style-type: none"> • Children’s participation initiatives implemented by NGOs • Functioning National Children’s Parliament which is well-respected • Creation of children’s groups at the village, area, district and national levels • Children became more articulate, confident and proactive • Growing acceptance of the importance of children’s participation by the communities and authorities 	<ul style="list-style-type: none"> • Inclusion of children from the marginalised groups • Selection of members to children’s parliament is limited to Plan’s area of operation • No clear selection process and preparation of delegates to Children’s Parliament • Lack of opportunity for children to articulate their issues in many districts • Little follow-up of the issues that the children raised

Components	Achievements	Challenges
Public awareness and support	<ul style="list-style-type: none"> • Generated support for child protection through the celebration of anniversary days, media campaigns, such as the Stop Child Abuse Campaign and radio programmes • Child protection given greater priority at the district level • Inclusion in the development agenda 	<ul style="list-style-type: none"> • Public's attitude is still very challenging • NGO workers feels the necessity to include concept of children's responsibilities and rights to gain cultural acceptance
Effective child protection services	<ul style="list-style-type: none"> • Increased use of resources through increased collaboration between stakeholders • Reduced child marriages and child abuse in the communities • Inclusion of traditional leaders as para-civic educators • Transformed traditional practices eliminated harmful effects to children • Increased reporting of child abuse cases • Aligned work of para-civic educators and child protection committees • Effective parenting classes • Some successful prosecution • Child courts in 4 districts being developed 	<ul style="list-style-type: none"> • Weak and under-funded position of the District Social Work Offices • Limited quality and reach for community child protection services • Difficulty in prosecuting perpetrators can pose threat to safety of the child and to those involved in reporting the case • Decentralization of local government is still in transition
Skilled child protection workforce	<ul style="list-style-type: none"> • Trained para-civic educators 	<ul style="list-style-type: none"> • Drop-out of para-civic educators • Lack of skills of service providers (personnel) such as police, health clinics and magistrates courts. • Lack of skilled human resources at all levels
Adequate funding	<ul style="list-style-type: none"> • Existence of community child protection committees despite minimal material support 	<ul style="list-style-type: none"> • Absorptive capacity of the ministry • Lack of sufficient funds for District Protection Committees for monitoring, supervision and support community committees and volunteers • Dependency on NGO support; fund driven
Data and knowledge management	<ul style="list-style-type: none"> • Different ministries have their own data management systems 	<ul style="list-style-type: none"> • Absence of centralized and standardized reporting system, difficulty in following-up cases • Lack of coordination of data gathering at the district level

