



## Malawi Government

### Input on the report of the special rapporteur on the sale and sexual exploitation of children including prostitution, child pornography and other child sexual abuse material to the 52<sup>nd</sup> session of the Human Rights Council

#### 1. What are the current needs of the child victims and survivors to redress and reparation both in conflict and non-conflict settings?

There are many forms of reparations, including: restitution; compensation; public acknowledgement of the facts and acceptance of responsibility; prosecution of perpetrators; restoration of the dignity of the victim through various efforts; and guarantees of non-repetition. The following are some of the survivors' need for an effective redress;

- Designated Safe places/ homes for survivors with resources closer to people including those from remote areas
- Well-coordinated services for children that have been abused
- Adequate resource to support child justice especially in remote areas,
- Economic support to survivors for further restitution
- Psycho social support services at all levels that doesn't attract fees
- Vibrant justice system that does not have unnecessary delays

#### 2. What are the gaps and challenges without the ambit of the international human rights and humanitarian law in terms of both the existing framework and the implementation status to address to the needs of the child victims and survivors? What measures can be taken to overcome these gaps?

- Delays of case closure resulting from inadequate resources for speedy investigations and prosecution

- Inconsistency that exist in some statue with regard to the definition of the child
  - Unavailability of sanctions related to compensations in other statue that enable victims to benefit from the fines that are made out of the case
  - Civil laws/ Bylaws that little invite charges which in most cases do not reach the victim directly i.e. at times these bylaws do jar with other Acts
- 3. Who are the duty bearers to define, implement and provide the reparation to child victims and survivors? In what forms should the reparation be reparation be provided, how should they be assessed?**

These include; Ministry of Gender (Child Affairs, Social Welfare, Gender departments), Police (Child protection Office, Investigation and Prosecution Unit, Judiciary, Anti-Trafficking Funds committee, CSOs implementing child protection and GBV related project e.t.c.

- 4. How do we identify and delineate the roles of the state, non-state and individual actors to ensure that reparation reach the child victims and survivors?**
- The State must appoint and adequately support counsellors eg psychologists;
  - The state and non-state actors must take a leading to ensure that child victims and survivors are counselled before and after trial;
  - Non-state actors must support the state in providing Civic education to masses on how to handle child victims and survivors;
  - Individuals to avoid circulating pictures of child victims or survivors and arresting them when they do so; and
  - Individuals must keep the government in to ensure that it is discharging its responsibilities in ensuring that reparation reach the child victims and survivors.

**5. What measures are put in place to hear and understand how child victims and survivors would perceive meaningful reparation? (Min of Justice and judiciary to add)**

Instituting of inquiries through the law commission on meaningful reparation

Ensuring participation of victims/survivors at sentencing hearings, in applicable jurisdictions i.e. using child-sensitive procedures

Ensuring that restitution is considered part of the sentencing hearing however it is not used as a substitute for custodial sentences.

**6. What role do civil society organizations and victims' groups play in devising, consulting and developing various reparation measure and programs?**

Provide support to government to monitor and evaluate how child abuse and GBV service providers are operating in order to identify gaps and challenges related to reparation.

Conduct independent studies that provide for recommendations that builds on existing programs

Providing funding to state and non-state actors that have reparation programs to adequately support survivors

**7. What are the good practices initiated by the stakeholders deliver more effectively with respect to amplifying the effective implementation of meaningful reparation to child victims and survivors?**

One stop center: where all service providers are housed under a same roof to provide standardized services on time.

Case Management: A coordinated service delivery approach at the individual and household levels involving the identification of vulnerable children, assessment and planning, referral to services and follow up, in collaboration with the extended family, community and other service providers

Mobile court circuits: a court set up moved to a remote area to adjudicate legal dispute between parties and carry out administration of justice in civil or criminal cases

8. Within the purview of international cooperation, what specific measures should be taken based on the existing structures. What is needed for a more coordinated response by the State/other international actors to provide reparation to child victims and survivors?

Lobby for more resources (human, material and financial) to government departments at all levels to effectively support the programs

Designate more safe homes to support children that have been sexually abused