

# National Plans of Action for the Promotion and Protection of Human Rights - Malawi

Recognizing that democracy and the effective protection of human rights provide the foundation for lasting national development and social justice,

Emphasizing its determination to fully apply the provisions of the United Nations human rights treaties to which Malawi is a State party, in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Also emphasizing the importance of international assistance and cooperation aimed at supporting the democratic transition in Malawi and strengthening national capacity to promote and protect human rights,

Welcoming the implementation now underway of the Joint Declaration signed on 24 August 1994 by the United Nations High Commissioner for Human Rights and the Government of Malawi on the mutual desire to cooperate in the development of programmes for the promotion and protection of human rights in Malawi,

Reaffirming its commitment contained in that Joint Declaration to develop a national plan of action for human rights in Malawi, consistent with the recommendations of the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights,

Hereby proclaims, the following 1995-1996 National Plan of Action in the Field of Human Rights.

## **1995-1996 NATIONAL PLAN OF ACTION IN THE FIELD OF HUMAN RIGHTS**

### **A. THE CREATION OF AN EFFECTIVE LEGAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

1. The Constitution of the Republic of Malawi, adopted in its final form on 18 May 1995, serves as the highest law in the land. Those constitutional provisions relating to human rights are fully compatible with the international standards contained in the international human rights treaties to which Malawi is a State party. In line with international practice, the Constitution has incorporated those international human rights treaties into the domestic legal order at an appropriate level. The Government will do its utmost to facilitate wide national awareness of the Constitution in its final form. In support of the efforts of the Secretary-General of the United Nations to accelerate universal ratification of the principal international human rights treaties and their optional protocols, the Government will reexamine those human rights instruments to which Malawi is not yet a party with a view to considering ratification or accession to them.

2. The Government undertakes to review domestic law and practice with a view to amending or abolishing existing laws, regulations and practices which are not in conformity with the requirements of the Constitution and the international human rights treaties to which Malawi is a State party. Where necessary, appropriate legislative and other measures, including sanctions, will be adopted to give effect to those requirements. In this connection, the Government will seek assistance and support for the immediate creation and effective functioning of the Law Commission to be established under chapter XII of the Constitution.

### **B. THE STRENGTHENING OF IMPLEMENTATION MECHANISMS**

3. The Government will take all necessary measures to ensure that the provisions of the applicable United Nations human rights treaties are reflected in relevant policy formulation, planning and implementation activities in all spheres of national development. To that end, the Government will undertake to disseminate as a matter of priority the texts of those human rights treaties to all its officials and employees.

4. To promote effective coordination among the various Government bodies whose work concerns the areas included under the applicable United Nations human rights treaties, appropriate officials, departments or agencies will be designated as human rights focal points having primary responsibility for the implementation of each of those treaties. Consideration will be given to creating appropriate inter-sectoral committees and special implementation mechanisms to focus on priority human rights areas such as the equal rights of women and the protection of the rights of the child.

5. The above-mentioned human rights focal points will begin the process of reporting under the various United Nations human rights treaties. As part of that reporting process, they will take stock of how the provisions of the treaties are applied in law and in actual practice. Special attention will be given to establishing implementation priorities, identifying factors and difficulties adversely affecting implementation and developing a strategic plan for achieving progress. In that connection, meetings should be held periodically between human rights focal points and representatives of concerned non-governmental organizations (NGOs) with a view to encouraging a constructive exchange of views and, where appropriate, cooperation in the promotion and protection of human rights. The reports will be submitted to the United Nations human rights treaty monitoring bodies before the end of the year and will be made public.

6. Reforming and strengthening the administration of justice in Malawi will be accorded an urgent and high priority. In particular, international assistance will be sought to modernize the police force, enhance judicial capacity and government legal services, reform legal aid service and improve prison services and conditions. There will be a special emphasis on human rights training programmes and materials for police officers, prison officials, judges and magistrates. Appropriate law books, legal texts and non-legal professional materials will be sought to significantly expand legal reference collections in the Ministry of Justice, the Judiciary and the Legal Aid Service.

#### **C. PUBLIC INFORMATION AND TRAINING CAMPAIGNS**

7. To promote national awareness and understanding of human rights, the texts of the United Nations human rights treaties to which Malawi is party will be widely disseminated and publicized. Steps will be taken to develop special materials to make those texts understandable and accessible to the general public. Reports submitted to the United Nations human rights treaty monitoring bodies will be publicized and made available to the public.

8. In view of the essential role of education in strengthening democracy, steps will be taken to develop school curricula at the primary and secondary levels of education for teaching human rights within the context of civic education. Steps will also be taken to develop human rights courses in institutions of higher learning, particularly the law faculty of Chancellor College. Human rights training programmes will be developed and provided for lawyers, paralegals, journalists, social workers and other professional groups whose work concerns human rights issues. Whenever possible, national NGOs will be encouraged to organize or participate in human rights information and training campaigns, seminars or workshops.

#### **D. THE STRENGTHENING OF NATIONAL MONITORING CAPACITY**

9. Steps will be taken to ensure effective and independent monitoring of the implementation of the United Nations human rights treaties in force. To that end, assistance and support will be sought for the Ombudsman and the Human Rights Commission to be established under chapters X and XI respectively of the provisional Constitution. In addition, appropriate statistical and other indicators will be identified and developed to better evaluate progress achieved in applying the provisions of the human rights treaties.

10. The Government strongly encourages international assistance and cooperation aimed at strengthening Malawian NGOs, including labor unions and professional organizations, which are engaged in facilitating the application or monitoring of the United Nations human rights treaties in Malawi.

#### **E. IMPLEMENTATION OF THE NATIONAL PLAN OF ACTION**

11. To ensure on-going and active follow-up in the implementation of this National Plan of Action and build national capacity in the field of human rights, international assistance will be sought for establishing a secretariat within the Government of Malawi to assist the Inter-Ministerial Committee on Human Rights and Democracy in its work. The purpose of that secretariat would be

to facilitate, through the Committee, coordination and assistance to the various ministries concerned in meeting the goals set out in this plan of action. The secretariat would also identify factors and difficulties encountered in implementation and compile recommendations for achieving progress which will form the basis of the next plan of action.