

• **Presentation by**

EYE OF THE CHILD

MALAWI

About Malawi

About Eye of the Child

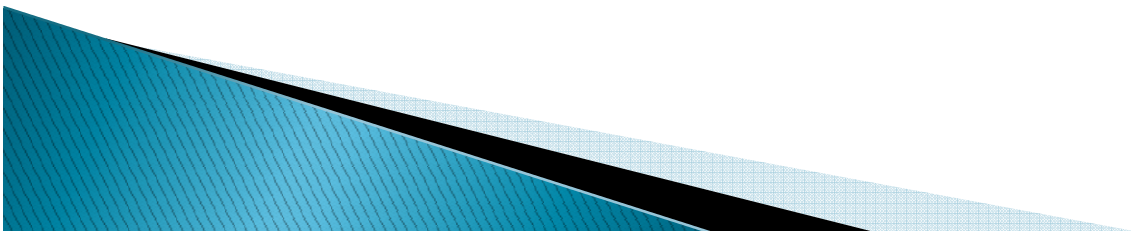
About Legal Protection for Children

Malawi



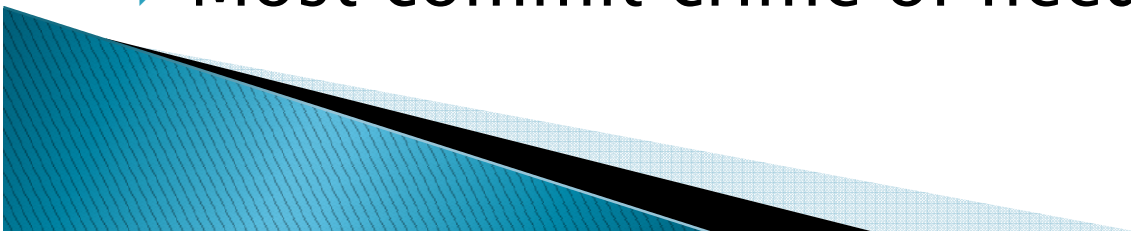
About Malawi

- ▶ The current **population** is 12.3 million
- ▶ The **majority** population is under 20 years and life expectancy is 37 years.
- ▶ A good number of reproductive people die early because of HIV/Aids and poverty.
- ▶ The country economy is based on Agriculture
- ▶ Most farmers grow tobacco and sell around the world.



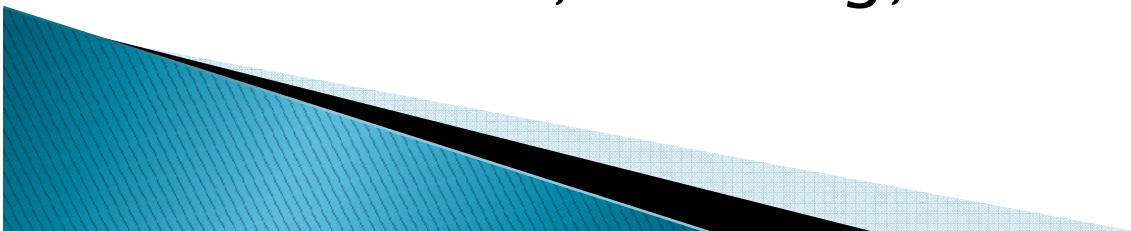
Children and Orphans

- ▶ One of the major concerns is the growing number of children losing their parents now estimated at 1,008,000
- ▶ Most children are vulnerable due the need for survival, protection and development.
- ▶ They become victim of Childlabour, defilement, sexual abuse, juvenile delinquency, street begging and child prostitution, child trafficking, illegal adoptions, removal of organs
- ▶ Most commit crime of need – Stealing of Food



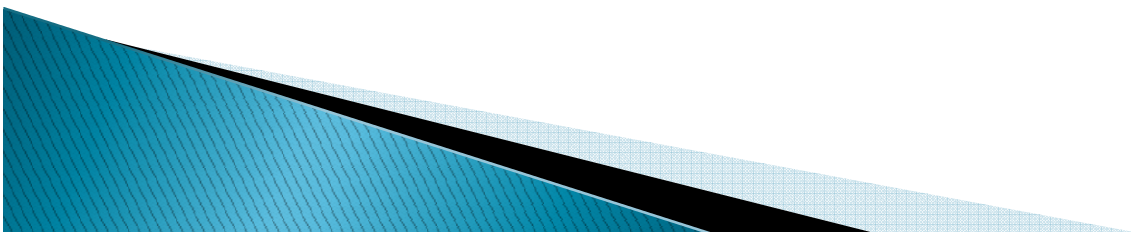
Eye of the Child

- ▶ www.eyeofthechild.org.mw
- ▶ Child rights, not-for-profit, non-political and **non-governmental Organization**,
- ▶ **established** in Malawi on 28th February, 1995
- ▶ The need for a strong **advocate** to work actively and holistically for the protection and promotion of children rights
- ▶ Current the organisation has four programs to fulfil its objectives(Advocacy, Legal Protection, Training, and Child Participation



Activities on Legal Protection

- Advocacy
 - Law Reform
 - State Party Reporting
 - Strategic Litigation
- Campaign against child abuse and trafficking
 - Social mobilisation
 - Public education
- Juvenile Justice
- Paralegal Advisory Service



Juvenile Justice

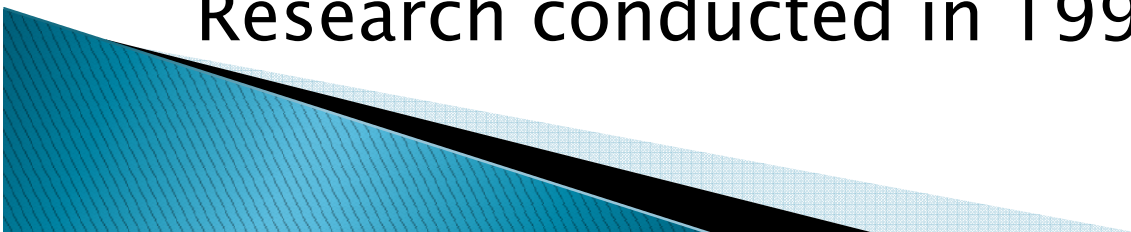
- ▶ Training of role players in the administration of juvenile justice
- ▶ Document and disseminate good practices
- ▶ Organize and hold regular stakeholders meetings – National, District and Community
- ▶ conduct sensitization campaigns
- ▶ conduct regular visits to prison, reformatory schools and police stations, and
- ▶ Crime Prevention
- ▶ **Result:** Reduced number of Juveniles and Government adoption of the programme



Paralegal Advisory Service

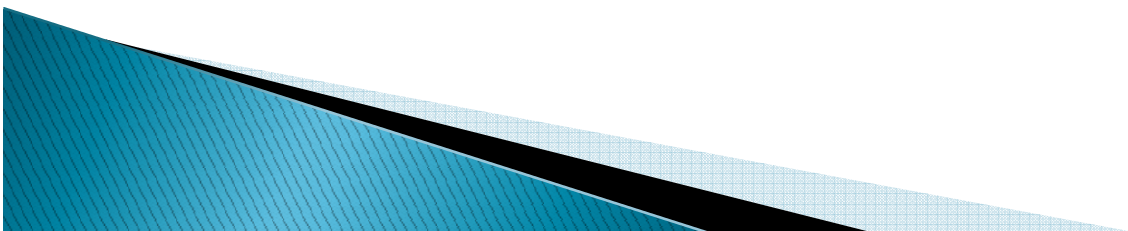
Background

- ▶ PAS started in May 2000
- ▶ Collaborate with the Malawi Prisons Service, four national NGOs and Penal Reform International.
- ▶ The programme is based on three cornerstones: linking the criminal justice system, providing legal literacy, providing legal advice and assistance.
- ▶ Started as response to the Juvenile Justice Research conducted in 1998



Problems identified

- Increase number of children sent to prison(OVC)
- Children could not afford legal services
- Legal Aid department short of lawyers
- Estimated 300 lawyers servering 12,5m people.
- Prison conditions life-threatening and over-crowded.
- People spend their days 'just sitting'
- A remand culture dominates the police and magistrates' approach to bail.
- Community taking summary action on accused
- Imprisonment as a first choice rather than last resort
- Police arrest and detain Children until suspect surrenders
- Police maltreatment of suspects on arrest and during interrogation



Objectives

Goal :

- ▶ to improve the efficiency and effectiveness of the criminal justice system in Malawi, making it responsive to the needs of all users, especially the poor and vulnerable groups.


Purpose :

- ▶ to provide appropriate paralegal aid delivery services through offering 'first aid' in the prisons, police stations and courts; and establish referral mechanisms between State and non-State fora.



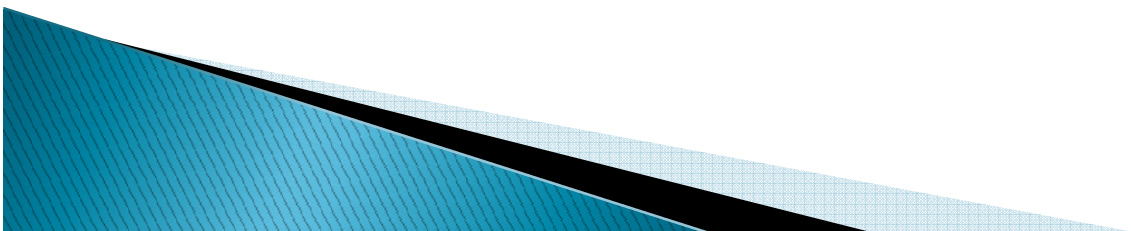
Activities

In Prisons:

- Focus on removing children from prison;
 - reducing decongestion by screening the remand population and bringing appropriate cases to the attention of the authorities;
 - facilitating bail and appeal procedures for remand and convicted persons;
 - empowering prisoners to represent themselves through running of Legal Clinics
 - develop low cost ways of improving prison conditions by linking up with outside groups in identifying suitable projects i.e. Soap making
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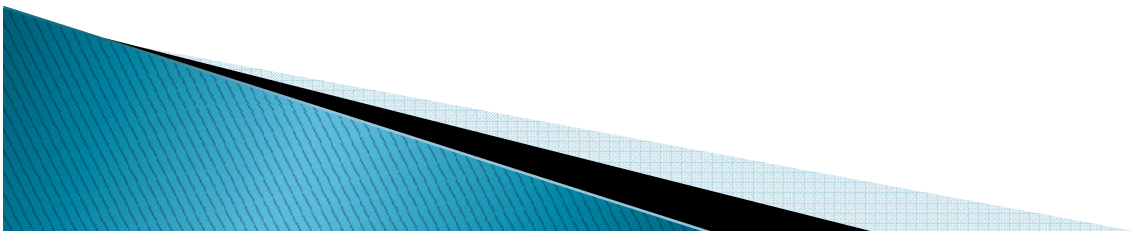
In Police Stations

- focus on young offenders in conflict with the law
- Closely work with the police and conduct screening interviews;
- assist social services with report writing and police officers with parent–tracing.
- When the suspect’s parents or guardians are not available, the PAS may assist by attending at interview and advising the juvenile on his/her rights under the Laws of Malawi.



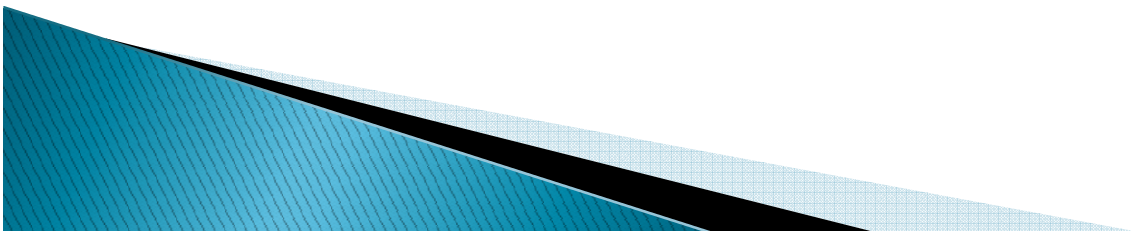
In Courts

- ▶ focus on bail applications and liaising with the magistrates and prosecuting authorities.
- ▶ provide advice and assistance to witnesses, those in the holding cells and accused persons on bail.
- ▶ Establish links between the court and TAs in order to facilitate bail applications and diversionary
- ▶ Facilitate Court users forums to enhance communication, co-operation and co-ordination between the actors



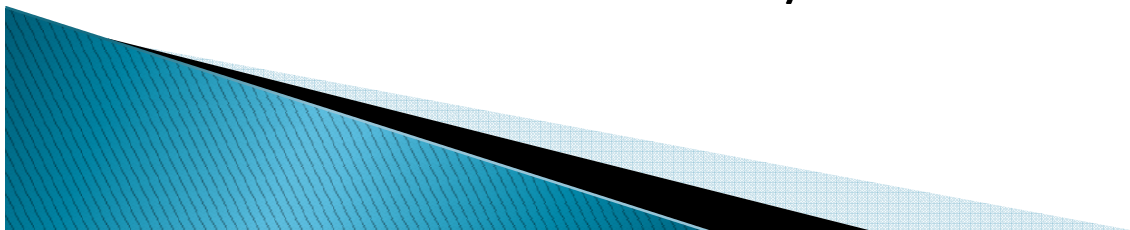
Results

- successfully developed a cadre of paralegals who have 'gained the trust of the various authorities
- conducted 578 legal literacy clinics (PLCs)
- facilitated the release of over 1350 prisoners(Children, Women, Critically ill)
- Separation of Children in police cells
- Removal of all children from prison to reformatory centres
- Promote the use of diversion



impact

- ▶ Enhanced communication, co-operation and co-ordination between justice actors
- ▶ Education on the rights of accused person
- ▶ reduced substantially the numbers of persons unlawfully remanded in prison
- ▶ set professional standards within the criminal justice system
- ▶ The PAS is attracting considerable interest elsewhere in Africa and beyond.
 - Benin started a paralegal programme in the prisons based on the PAS model in January 2002.
 - The Kenya Prison Service introduce the programme in March 2003
 - Ghana introduce the programme in January 2002
 - Early March 2003, the Tanzania Prison Service agreed to a joint paralegal intervention in partnership with the Legal and Human Rights Centre and PRI.
 - The PAS features in the 'Insights' series of the Institute of Development Studies at the University of Sussex and Corrections



***Thank you for
your attention!***

