

# RIGHT TO EDUCATION COUNTRY FACTSHEET

## MALAWI

*This brief intends to assist practitioners to identify the key national policies relevant to the right to education, analyse their strengths and weaknesses and detect the gaps between policies and practice, in order to use the empirical data collected to define an advocacy strategy informed by human rights. The information collected here reflects what is publicly available; it is neither intended to be exhaustive nor to give an authoritative analysis of the situation in the country, but rather, to be a useful tool for the reflection on the right to education.*

### THE RIGHT TO EDUCATION IN MALAWI: A BRIEF ANALYSIS

#### 1. Education policy framework in Malawi

The right to education is directly guaranteed in Malawi's constitution, and Malawi is a party to the most important regional and international conventions protecting the right to education. In most instances, international human rights treaties are directly part of Malawi's domestic legal system, and can thus be used at the national level hold the government accountable through administrative, political or legal procedures. However, Malawi has not signed the protocols to the CRC and the ICESCR which open individual communication procedures.

Malawi has a number of ambitious policies on paper to improve education in the country, and in particular a comprehensive national educational strategy. Budget allocated to education now represents 5.7% of GDP, which is for instance more than Uganda (3.2% in 2009) but less than Kenya (6.7% of GDP in 2010). About a third of this budget goes towards primary education, with very little going towards the pre-primary level. Education for these early years should be made a priority, in line with international human rights law. Likewise, primary education is free in Malawi, but it has not been made compulsory in practice yet, which should be done, as stipulated in the constitution and article 13-2-a of the ICESCR.

Another concern regarding Malawi's educational policies is its emphasis on public-private partnerships in the national educational strategy. Such partnerships can be very detrimental to equal education for all and the quality of education across the country, as has been analysed by the Privatisation in Education Research Initiative ([PERI](#)). It should also be noted that the minimum ages legislation affecting education (employment, marriage, and criminal responsibility) in Malawi are too low to guarantee the right to education and fall below international standards (see [generally](#)).

#### 2. Advocacy opportunities

- For several years Malawi has been undergoing a process of revising legislation affecting the right to education, including the constitution and the Comprehensive National Action Plan for Children (see the [2009 periodic report to the CRC](#)). As of spring 2012, this process seems to be still on-going and constitutes an excellent opportunity to influence policies affecting the right to education. The Government notably made a number of pledges to the CRC, for example regarding the revision of the minimum age for criminal responsibility and employment, which should be followed up.
- Malawi has made a number of commitments regarding the right to education under the UPR, the CRC, and in the context of the MDGs, but Malawi also set very specific targets in its national strategies. These targets could be reviewed against human rights standards, and where they are in line with human rights, the government could be held accountable to these targets.
- According to the constitution of Malawi, international treaties are directly enforceable at the domestic level and strategic administrative or legal cases could help to raise the profile of the right to education, potentially using the education benchmarks set by the Government, as mentioned above.
- Malawi has never reported on its implementation of the ICESCR and is overdue to report since 1994. Advocating for such reporting could provide a useful mobilisation point, and give the opportunity for civil society shadow reporting on the right to education under this treaty. Malawi is also due to report again to the CRC in 2013.

Additional information on the right to education in Malawi can be found on <http://www.right-to-education.org/country-node/367>

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## I. INTERNATIONAL OBLIGATIONS

The major UN conventions (listed below) each have provisions relevant to education, non-discrimination or access to justice, and they can all be signed up to by states, thereby obliging these to respect, protect and fulfil human rights. When States ratify international treaties, they legally commit to respect its provisions, and the concrete situation in the country can therefore be measure against the standards set in the treaty. The ratification of treaties further indicates that the right to education does not come out of a vacuum, but corresponds to international standards that many States have committed to enforce.

It is sometimes possible to bring complaints before national courts if these treaties are not respected by States. Some conventions, either in their core text or in optional protocols, also specify routes of individual complaints to the different committees of independent experts.

Instrument	Ratified
<b><u>International Covenant on Economic, Social and Cultural Rights (ICESCR)</u></b>	22 Dec 1993
<b><u>Optional Protocol to the ICESCR</u></b>	-
<b><u>Convention on the Rights of the Child (CRC)</u></b>	2 Jan 1991
<b><u>Optional Protocol to the Convention on the Rights of the Child on a</u></b>	-

<b><u>communications procedure</u></b>	
<b><u>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</u></b>	12 Mar 1987
<b><u>Optional Protocol to the CEDAW</u></b>	(signed 7 Sep 2000)
<b><u>International Covenant on Civil and Political Rights (ICCPR)</u></b>	22 Dec 1993
<b><u>Optional Protocol to the ICCPR</u></b>	11 Jun 1996
<b><u>International Convention on the Elimination of All Forms of Racial Discrimination (CERD)</u></b>	11 Jun 1996
<b><u>ILO 87 Freedom of Association and Protection of the Right to Organise Convention</u></b>	19 Nov 1999
<b><u>ILO 98 Right to Organise and Collective Bargaining Convention</u></b>	22 Mar 1965
<b><u>ILO 111 Convention concerning Discrimination in Respect of Employment and Occupation</u></b>	22 Mar 1965
<b><u>ILO 138 Minimum Age Convention</u></b>	19 Nov 1999
<b><u>ILO 182 Worst Forms of Child Labour Convention</u></b>	19 Nov 1999
<b><u>African Charter on Human and Peoples' Rights</u></b>	17 Nov 1989
<b><u>Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights</u></b>	09 Sep 2008
<b><u>African Charter on the Rights and Welfare of the Child</u></b>	16 Sep 1999
<b><u>UNESCO Convention Against Discrimination in Education</u></b>	

The ratification information of the UN instruments can be updated using data on <http://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>; of the ILO instruments can be updated using the data on <http://www.ilo.org/ilolex/english/newratframeE.htm>; of the regional African instruments can be updated using the data on <http://www.au.int/en/treaties>; of the UNESCO Convention can be updated using the data on <http://www.unesco.org/eri/la/convention.asp?KO=12949&language=E&order=alpha>.

## II. NATIONAL POLICIES

National laws and policies are important because they define concretely the framework of rights and obligations for actors in the country. The Constitution is the highest legislative norm; it sets out general principles to which all other national laws and policies have to adhere. It is usually the text where human rights, including the right to education, are or should be defined. If a policy or law does not respect the Constitution, it can usually be challenged before courts.

Laws and policies that are related to the right to education form a complex net that is useful to review to identify 1) to which extent it is in line with international standards, and 2) whether it matches the reality of education in a country.

The list of laws and policies presented below is not exhaustive; it gives an indication of the relevant existing policies and their relation with the right to education. It can constitute a basis for further research, and it should be considered critically together with the observations made by NGOs and international organisations.

### 1. CONSTITUTION

It is important to note that under article 211 of the [1994 constitution of Malawi, as revised in 1998](#), all international agreements ratified by Malawi before the Constitution entered into force on 18<sup>th</sup> May 1994 are binding on and form part of the Malawi national law, unless the Malawian Parliament subsequently decides

otherwise. Therefore, in theory, the CRC, the ICESCR, the ICCPR and African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child apply as directly as part of national law and are binding upon national courts.

### Key provisions

Human rights are directly guaranteed by Malawi's constitution, in chapter IV. In particular, the right to use the language and to participate in the cultural life of his or her choice (article 26), the right to freedom of conscience, religion, belief and thought, and to academic freedom (article 33), as well as gender equality (articles 13 and 24), non-discrimination (article 20) and the rights of persons with disabilities (article 13) are protected.

*More details about the relevant provisions of the constitutions can be found on <http://www.right-to-education.org/country-node/367>*

## SOME KEY PROVISIONS OF THE CONSTITUTION PROTECTING THE RIGHT TO EDUCATION

### Chapter III

#### Article 13

The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals: [...]

#### (f) Education

To provide adequate resources to the education sector and devise programmes in order to--

- (i) eliminate illiteracy in Malawi;
- (ii) make primary education compulsory and free to all citizens of Malawi;
- (iii) offer greater access to higher learning and continuing education; and
- (iv) promote national goals such as unity and the elimination of political, religious, racial and ethnic intolerance.

### Chapter IV

#### Article 25 - Education

- (1) All persons are entitled to education.
- (2) Primary education shall consist of at least five years of education.
- (3) Private schools and other private institutions of higher learning shall be permissible, provided that--
  - (a) such schools or institutions are registered with a State department in accordance with the law;
  - (b) the standards maintained by such schools or institutions are not inferior to official standards in State schools.

## 2. LEGISLATION AND POLICIES

*The data presented below focuses specifically on some of the indicators useful to monitor human rights. Additional statistics about Malawi can be found on the website of the National Statistical Office of Malawi <http://www.nso.malawi.net/>, and all data from all UN agencies on Malawi can be consulted on <http://data.un.org/>.*

### 2.1 SUMMARY

#### SUMMARY OF MALAWI EDUCATION SYSTEM (2011, unless specified)

*Source: UNESCO Institute for Statistics*

Public expenditure on education as % of GDP	2000	2010	2011
	5.2	4.6	5.7

<b>Public expenditure on education as % of total government expenditure</b>	<i>2000</i>	<i>2010</i>	<i>2011</i>
	15.1	12.1	14.7
<b>Educational expenditure in pre-primary as % of total educational expenditure</b>	<i>2000</i>	<i>2010</i>	<i>2011</i>
	-	-	0.3
<b>Educational expenditure in primary as % of total educational expenditure</b>	<i>2000</i>	<i>2010</i>	<i>2011</i>
	52.8	34.8	34.6
<b>Educational expenditure in secondary as % of total educational expenditure</b>	<i>2000</i>	<i>2010</i>	<i>2011</i>
	21.4	24.1	30.1
<b>Entrance age of pre-primary</b>	3		
<b>Entrance age of primary</b>	6		
<b>Entrance age of 2A lower secondary</b>	12		
<b>Entrance age of 3A upper secondary</b>	16		
<b>Entrance age of 4A post-secondary</b>	-		
<b>Duration of compulsory education</b>	8 years		
<b>Starting age of compulsory education</b>	6		
<b>Ending age of compulsory education</b>	13		

## 2.2 BUDGET

- There are a number of development agencies supporting education in Malawi. On average, between 2004 and 2006, education in Malawi benefited from aid equivalent to 1.9% of GDP (compared with 1.1% of GDP on average in Sub-Saharan Africa). 1.2% of GDP was direct support to education and 0.7% of GDP was the estimated education share from global budget support.
- According to the [National Education Sector Plan - 2008-2017](#), the education sector will continue to receive the biggest share of the national budget, which is expected to increase as Malawi benefits from the anticipated growth. However, even with the expected economic growth, to implement the National Education Sector Plan, the Malawian Government will require major and increased support from development partners in order to meet national targets.
- Some of the major increases in expenditure of the education budget in the last years can be attributed to:
  - Building new schools
  - Developing new and rehabilitated classrooms and other facilities in existing schools
  - Grants for temporary classrooms whilst schools are under construction
  - Teachers accommodation in rural areas
  - Administration and other institutional infrastructure

## 2.3 POLICY FRAMEWORK OVERVIEW

Relevant international policy documents can be found on [http://planipolis.iiep.unesco.org/format\\_liste1\\_en.php](http://planipolis.iiep.unesco.org/format_liste1_en.php). The Poverty Reduction Strategy Paper (PRSPs) can be found on <http://www.imf.org/external/np/prsp/prsp.aspx>.

[Malawi Vision 2020](#) is the national long-term development strategy for Malawi. It envisages the total elimination of poverty by the year 2020 and accords high priority to the education sector, which is considered pivotal in bringing about social and economic transformation.

The [Malawi Growth and Development Strategy \(MGDS\)](#) is Malawi’s Poverty Reduction Strategy Paper, which was prepared with the International Monetary Fund (IMF). The implementation of the Millennium Development Goals (MDGs) in Malawi is being done through the medium term development strategy known as the Malawi Growth and Development Strategy (MGDS). The strategy, which ran from 2006 to 2011, aimed at creating wealth through sustainable economic growth as a means of reducing poverty. Initially the strategy focused on six priority areas, which have been revised to nine since 2009.

The [National Education Sector Plan \(NESP\) - 2008-2017](#), (NESP) is the Malawian Government’s fourth educational plan since its independence. The plan sets out the Government’s approach for achieving the national education goals and objectives between 2008 and 2017. The plan reflects the Government’s aim to improve the access, equality, quality, relevance, governance and management of the country’s education system. The NESP supports the Government of Malawi’s commitment to the realization of the Malawi Growth Development Strategy (MGDS), and international protocols arising from Education For All (EFA) and Millennium Development Goals (MDGs). The NESP is expected to fit within the overall national development strategy, namely MGDS.

The [Education Sector Implementation Plan \(ESIP\) 2009-2013](#) serves as a guide for the articulation of the broad development objectives of the NESP strategy 2008-2018. It extracts strategies and activities to be undertaken in the five-year period which would later be refined and redefined in annual work plans and budgets.

## 2.4 OVERVIEW OF SELECTED RELEVANT POLICIES

- The vision and mission of education in Malawi are described in detail in the NESP and the ESIP. Interestingly, the issue of *quality* of education features high.
- Three priorities were identified for the period 2009-2013 in the [ESIP](#):
  1. Quality and Relevance of Education;
  2. Access to, and Equity in, Education;
  3. Governance and Management of Education Delivery.
- Interestingly, the government set for itself certain number of clear and specific education targets, which can be found in its various policy documents, in particular, the NESP, and are summarised [here](#).
- It should be noted that Malawi actively encourages Public Private Partnership in its ESIP, with the danger to violate its human rights obligations (on this issue generally, see <http://www.periglobal.org/>).

SUMMARY OF MALAWI MINIMUM AGE LEGISLATION					
<i>See also the <a href="#">Right to Education Project website</a></i>					
	End of compulsory education	Admission to employment	Marriage		Criminal responsibility
			General <i>girl/boy</i>	Exception <i>girl/boy</i>	
<b>Age</b>	13	14	No minimum (under revision)	No minimum (under revision)	7 (under revision)
<b>Source</b>	<a href="#">UNESCO Institute for Statistics, 2010</a>	2nd periodic report: CRC/C/MWI/2, 17 July 2008			

SOME MEASURES TAKEN BY MALAWI TO GUARANTEE THE RIGHT TO EDUCATION		
Education rights	Measure	Description
<b>Free and compulsory primary education</b>	Universal primary education (UPE)	Initiated in 1994/ 95 with the main objective of increasing access to quality primary education. Government removed primary school fees and abolished school uniform as a requirement to attend classes to ensure that many children are able to enrol in school. However, primary school has <i>not</i> been made mandatory in law – though it is a constitutional prescription.
	School building	Rehabilitating existing schools and building additional school infrastructure, including teacher houses at all levels: construction of 50 primary schools and 1,000 teachers’ houses annually through pooled financing and construction of 1,500 classrooms annually through a Joint Financing Arrangement (NESP 2008).
	Food rations	A school feeding programme is being rolled out to target poor families. Scaling up the initiative of Take Home Rations to selected pupils in selected primary schools.
	Incentive Schemes	The aim is to provide monetary and other incentives to attract students who may otherwise refrain from attending school. Grant schemes are planned to support girls in isolated areas and orphans.
<b>Non-discrimination and relevant education</b>	Affirmative action	Implementing affirmative policies relating to selection of pupils and students to secondary and tertiary levels.
	Individuals with special education needs and girls	Providing a conducive environment for girls and for students with special education needs to enhance equity.
	Grants for girls	Provision of grants to girls in selected areas especially at senior primary level and scaling up school feeding programmes (School Meals) to increase enrolment and retention.
<b>Quality learning</b>	Training more teachers	Expansion of existing Teacher Training Colleges and construction of additional colleges in order to improve on the quality and number of qualified teachers for primary schools.
	School curricula	Reviewing and reforming school curricula to address national needs.
	Management	Equipping managers with managerial skills through targeted training and induction.

	Textbooks	Regular replenishment of textbooks for pupils and roll out of the primary curriculum assessment reform (PCAR) to all classes by 2009/10
	Teachers transfer	With the aim to reduce of pupil-teacher ratio, transfer of teachers from community day secondary schools (CDSSs) to primary schools.
<b>Transparency and accountability</b>	Community participation	The National Strategy on Community Participation in the Management of Primary Schools has been launched, the aim being to educate and empower communities to play a more active role in education provision and accountability. During the implementation period, the Ministry intends to continue its roll-out of the NSCPMPS via monetary support and training to communities.

### 3. REMEDIES

AVAILABLE REMEDIES FOR HUMAN RIGHTS VIOLATION RELATED TO THE RIGHT TO EDUCATION		
Domestic	Regional	International
<ul style="list-style-type: none"> <li>➤ National courts</li> </ul> <p>See articles 11(2) and 15 of the constitution of Malawi.</p> <ul style="list-style-type: none"> <li>➤ Malawi Human Rights Commission (accredited with “A” status)</li> </ul> <p>The Child Rights Unit, operating as part of the Malawi Human Rights Commission, as well as the Children Thematic Committee, is responsible for investigating, carrying out research and providing legal advice on child rights issues. More information <a href="#">here</a>.</p>	<ul style="list-style-type: none"> <li>➤ The <u>African Committee of Experts on the Rights and Welfare of the Child</u></li> <li>➤ The <u>African Commission on Human and Peoples’ Rights</u> and the <u>African Court on Human and Peoples’ Rights</u></li> </ul>	<ul style="list-style-type: none"> <li>➤ <u>UNESCO procedure</u> for human rights violations in UNESCO’s fields of mandate</li> <li>➤ <u>ILO procedure</u> in the cases of those conventions which Malawi has ratified</li> </ul>
<p><i>For more information, see also <a href="http://www.claiminghumanrights.org/malawi.html">http://www.claiminghumanrights.org/malawi.html</a> which is a useful source of information about international remedies for human rights violations.</i></p>		

## III. RELEVANT RECOMMENDATIONS FROM INTERNATIONAL BODIES

The recommendations and observations made by national or international bodies provide a critical view of the laws and policies in a country, and can constitute a useful tool to identify the gaps related to the right to education. They also give arguments for national advocacy, and can be useful forum to mobilise people and drive change on the right to education.

Recommendations are often made by NGOs in the context of the reporting to UN bodies. They give the point of view of civil society and affected people. At the national level, independent monitoring bodies, such as national human rights institutions, can also make recommendations on human rights, normally giving a neutral

domestic perspective on the state of human rights in a country.

The performance of States to respect their obligations is also reviewed by other States through Universal Periodic Review (UPR), which is a peer review mechanism taking place at the Human Rights Council. The recommendations made in this context, are often rather general, but carry a significant political weight. The analysis made by UN human rights bodies related to treaties which States have signed up to provide more specific recommendations, and constitute one of the most authoritative sources of critical analysis on human rights in a country.

Other international mechanisms, such as UN Special Rapporteurs and UN Agencies (including UNICEF, the World Bank...) can be another useful source of information.

## 1. NGOS AND NATIONAL INSTITUTIONS

*Information can be found on the website of the national human rights institution, from the NGOs themselves directly, or from the Summary of stakeholders' information compiled by the UN for the UPR available on [http://lib.ohchr.org/HRBodies/UPR/Documents/session9/MW/A\\_HRC\\_WG.6\\_9\\_MWI\\_3\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session9/MW/A_HRC_WG.6_9_MWI_3_E.pdf)*

In their [submission for the 2010 UPR](#), NGOs notably highlighted that:

- Free primary education was introduced in 1994 but had not yet been made compulsory
- The proposals included in the 2008-2017 National Education Sector Plan and the 2009-2013 Education Sector Implementation Plan (ESIP) were not based on any sound needs assessment or enrolment projections
- Quality of education was poor and deteriorating, which was in part attributed to the 1994 Fee-Free primary policy, which was not adequately planned for
- There was a severe shortage of teachers, which was compounded by a fairly incoherent teacher deployment system as well as a big shortage of teaching and learning materials in schools.

## 2. UN HUMAN RIGHTS BODIES

*The relevant comments made by UN agencies on the human rights situation in Malawi can be found in the [Compilation of UN information prepared for the UPR](#), and the OHCHR offers the possibility [here](#) to do advanced search amongst all the UN human rights recommendations made on Malawi.*

### 2.1 UN UNIVERSAL PERIODIC REVIEW RECOMMENDATIONS

**Last review** 1<sup>st</sup> November 2010 - [A/HRC/16/4](#) – can be checked [here](#).

**Next report** April-May 2015 - can be checked [here](#).

Advanced search of the UPR recommendations can be made using the website of the NGO UPR Info on [www.upr-info.org/database](http://www.upr-info.org/database) which includes a [research guide](#). The table below is an extract of the most relevant recommendations made to Malawi at the UPR. “Action type” is an assessment made by UPR-Info of the specificity of the action recommended, raking them on a scale from 1 (minimal action) to 5 (specific action).

Recommendation	Recommending State	Response	Action type
Enact the Legal Education and Legal Practitioners Amendment Bill and the Legal Aid Bill currently pending before Parliament	Austria	Accepted	5
Make primary education compulsory, in conformity with article 28 of	Mexico	Rejected	5

the Convention on the Rights of the Child			
Make education one of its top priorities, and reinforce - equitable access to higher education - based on academic and educational standards	Holy See	Accepted	4
Strengthen the education system by making it mandatory and free of cost	Hungary	Rejected	4
Take all necessary measures for the realization of effective compulsory and free-of-cost primary education for all	Italy	Rejected	4
Focus on priorities set by the Government to strengthen human rights, especially agriculture and food security and the development of the green belt for irrigation and water, as well as education and technology	Libya	Accepted	4
Undertake more effective measures to ensure the accessibility of crucial public services such as education, health care and social benefits to the population living in rural areas, in particular rural women and children	Malaysia	Accepted	4
Strengthen Malawi's cooperation with the international community, in particular specialized agencies and programmes of the United Nations system, with a view to building capacity and obtaining technical assistance in crucial areas such as poverty eradication, education, health care and social security	Malaysia	Accepted	4
Consider making primary education compulsory, in accordance with article 28 of the Convention on the Rights of the Child	Mauritius	Rejected	3
Continue efforts to ensure that all children finish primary school and make primary education compulsory	Austria	Rejected	2
Continue implementing programmes and measures aimed at guaranteeing educational and quality health-care services to all the population	Cuba	Accepted	2

## 2.2 UN HUMAN RIGHTS TREATY BODIES

The full recommendations relevant to the right to education can easily be found by using this [tool](#) developed by the OHCHR. Information about the reporting status of countries can be found [here](#).

### COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)

Past and future session of the CRC can be found on <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

Last review 27 March 2009, [CRC/C/MWI/CO/2 \(CRC, 2009\)](#)

Next review Due 2013

### Constitutional and legal framework

In its 2009 Concluding Observations, the Committee on the Rights of the Child welcomed Malawi's Constitutional Review process and noted the various legislative reforms in which the State was engaged, but expressed regret that the political situation in the State had prevented legislation from being enacted. The delay in enacting legislation incorporating the principles and provisions of the Convention has led to a number of national laws falling short of the standards it sets.

### Persons with disabilities

The CRC welcomed Malawi's National Policy on Equalisation of Opportunities for Persons with Disabilities with specific areas that promote the best interests of children with disabilities, including prevention, early

identification and social protection, but remained concerned amongst others about the lack of comprehensive disaggregated data on disabilities and the lack of attention for children with mental illness.

### Education

The CRC welcomed in particular the National Education Sector Plan and the Policy for Investment Framework and the special attention given to early childhood education as well as the introduction of a re-entry policy to ensure that pregnant children can go back to school and the decrease of drop-out rates. It remained concerned that while primary school is free it is not compulsory, and there are persistent gender and regional disparities, low quality of education, particularly due to limited number of teachers and high level of abuse and violence in the schools.

It notably recommended that the State:

- ensure that primary education is compulsory, free of direct and indirect costs and accessible to all children, including children living in rural and remote areas
- take all measures to ensure that children complete their eight-years primary school, taking concrete action to address the reasons behind non-completion of schooling, including cultural traditions and poverty
- expand early childhood education
- increase transition to secondary schools
- improve the quality of education through the improvement of the ratio of teachers to students in primary and secondary schools, ensuring at the same time that teachers are well-trained, fully qualified and well paid
- include human rights and child rights in the curricula of schools
- take into account the Committee's general comment No. 1 (2001) on the aims of education
- seek technical assistance from UNICEF and UNESCO

### COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)

*Past and future session of the CESCR can be found on <http://www2.ohchr.org/english/bodies/crc/sessions.htm>*

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**Last review** Initial report overdue since 1994

**Next review** -

### COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW COMMITTEE)

*Past and future session of the CEDAW Committee can be found on <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.*

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**Last review** 22 January 2010, CEDAW/C/MWI/CO/6

**Next review** Due in February 2014

The Committee on the Elimination of Discrimination Against Women expressed its concerns about at the persistence of structural and other barriers to quality education, such as the lack of physical infrastructure and the limited number of trained and qualified teachers, which constitute particular obstacles to the education of girls and young women. It was also concerned about the persistence of sexual abuse and harassment of girls in

schools; the negative impact of harmful traditional practices, such as early and forced marriage, on girls' education; and the persistent barriers to the ability of pregnant girls to exercise their right to education.

It recommended that Malawi:

- take steps to improve the educational infrastructure, especially in rural areas, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women
- implement measures to ensure equal access for girls and women to all levels of education and the retention of girls in school
- enforce a zero tolerance policy with respect to sexual abuse and harassment in schools and to ensure that perpetrators are punished appropriately
- take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education, to strengthen its policy on the readmission to school of pregnant girls and young mothers and to remove from educational curricula stereotypes that discriminate against women
- make strong efforts to improve the literacy level of girls and women through the adoption of comprehensive programmes at the formal and non-formal levels and through adult education and training

The Committee also expressed specific concerns regarding the enjoyment of the right to education of women and girls in rural areas and disabled women and girls.

## 2.1 OTHER RELEVANT UN BODIES

*The analysis of the human rights situation in Malawi made by UN agencies, including the right to education, can be found in the [Compilation of UN information prepared for the UPR](#). The [OHCHR office in the Gambia](#) gathers information regarding human rights in Malawi, and the [UN field office in Malawi](#) also keeps a list of UN documents on Malawi.*

**World Food Programme (WFP)** stated that school-related costs, such as uniforms, as well as the high cost of sending children to school for households that depended on the income of working children, were the main causes for drop-outs, in addition to early marriage and pregnancy for girls.

In 2007, the **ILO Committee of Experts** reiterated an observation made previously, regarding the very high adult female illiteracy rate (71 per cent) and the low level of education, especially among rural women, as well as the discrimination they faced with regard to access to productive resources that would improve their working and living conditions.

## IV. OTHER SOURCES OF INFORMATION

- Useful information about Malawi can also be found on the website of these human rights organisations.
  - Human Rights Watch: <http://www.hrw.org/reports/2012/01/22/world-report-2012>
  - Amnesty International: <http://www.amnesty.org/en/annual-report/2012>
  - International Federation for Human Rights: <http://www.fidh.org/-Africa->
  - The Child Rights International Network (CRIN)  
<http://www.crin.org/reg/country.asp?ctryID=132&subregID=1>
- The Right to Education Project website gives specific information about the right to education Malawi: <http://www.right-to-education.org/country-node/367/>
- The **US State** Department gives an overview of the education system in Malawi: <http://www.state.gov/r/pa/ei/bgn/7231.htm>

- The **World Bank** provides detailed statistics about education in Malawi, and some policy analysis: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/MALAWIEXTN/0,,menuPK:355878~pagePK:141159~piPK:141110~theSitePK:355870,00.html>
- Very useful guidance can be found on the website of the **Child Rights International Network**, which has compiled a general overview of Malawi's national legal provisions on children's rights, including guidance on how to conduct further research: <http://www.crin.org/resources/infoDetail.asp?ID=27302&flag=report>.
- There is a Wikipedia page on education in Malawi: [http://en.wikipedia.org/wiki/Education\\_in\\_Malawi](http://en.wikipedia.org/wiki/Education_in_Malawi)

## V. HUMAN RIGHTS JARGON

Acronym	Full name	Comments
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	A treaty legally binding for the States that have ratified it and which defines States' obligations regarding the human rights of women, which include economic, social and cultural rights.
<b>CESCR</b>	UN Committee on Economic, Social and Cultural Rights	The UN Committee made of international experts that gives interpretation of the International Covenant on Economic Social Cultural Rights and examines individual complaints made before the OP-ICESCR.
<b>CRC</b>	UN Committee on the Rights of the Child	The UN Committee made of international experts that gives interpretation of the Convention on the Rights of the Child.
<b>ESCR</b>	Economic, social and cultural rights	Rights defined by the ICESCR, including the right to education.
<b>ICESCR</b>	International Covenant on Economic Social Cultural Rights (1966)	A treaty legally binding for the States that have ratified it and which defines States' obligations regarding economic, social and cultural rights.
<b>OP-ICESCR</b>	Optional Protocol to the International Covenant on Economic Social Cultural Rights	Treaty that opens an international individual complaint mechanism for victims of violations of economic, social and cultural rights in countries that ratify it.
<b>OHCHR</b>	Office of the High Commissioner for Human Rights	The main UN agency for human rights.
<b>UDHR</b>	Universal Declaration of Human Rights (1948)	A non-legally binding text agreed upon by all members of the United Nations and that defines all human rights.
<b>UPR</b>	Universal Periodic Review	A system created by the UN Human Rights Council in 2006 sot States to peer-review the human rights records of all 192 UN Member States once every four years.