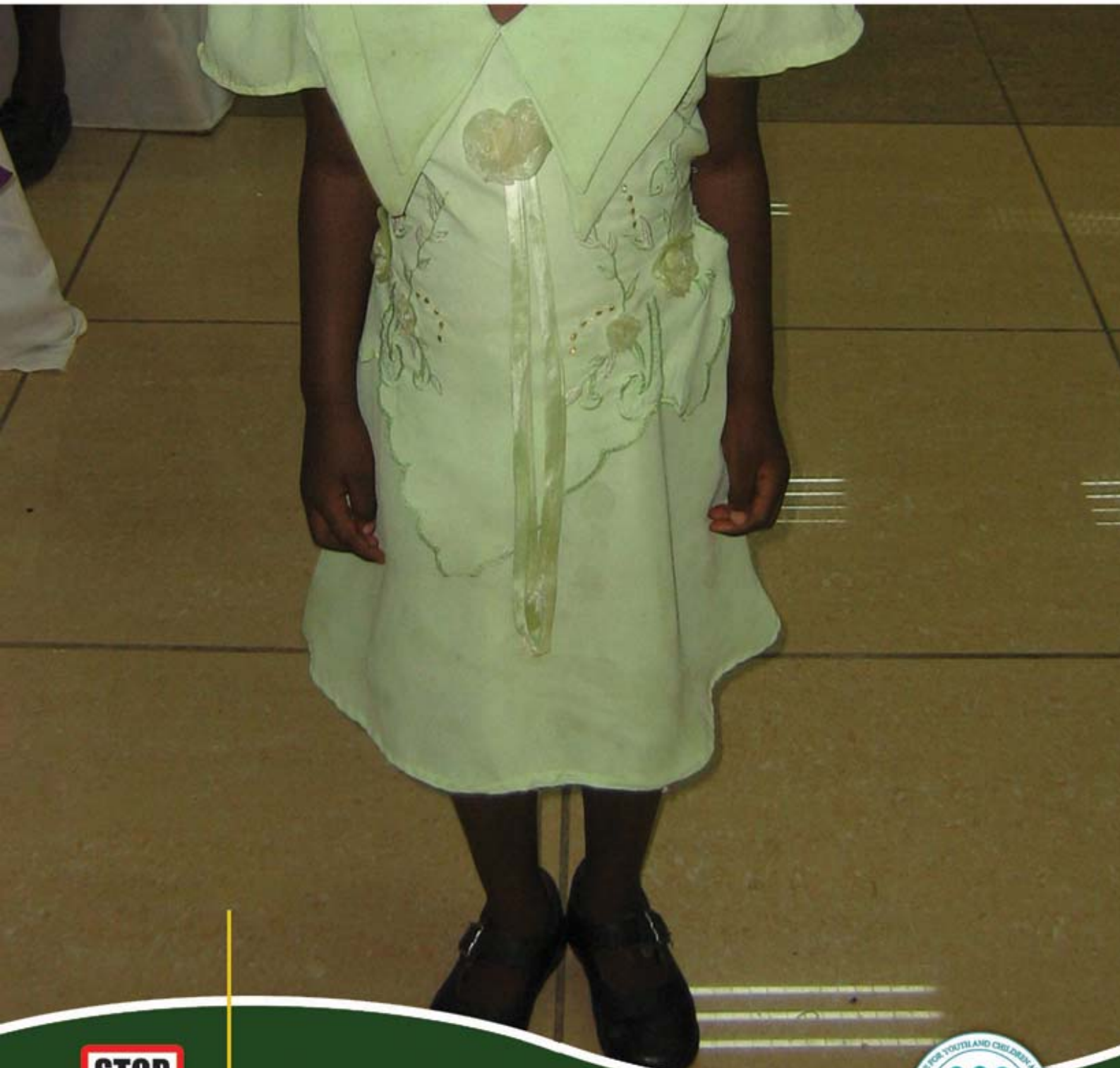


# Linking and Learning

NEWSLETTER

Volume 1 | Issue 4 | 2009



**Rehabilitated:**  
A case of a girl saved from servitude



**2010 World Cup:** Dialogue on prevention strategies

**Protocol 19:** OVC child protection





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# Child trafficking: cancer to root out

**E**FFORTS BY THE EYE OF THE CHILD (EYC) THROUGH THE Malawi Network Against Child Trafficking (M-nact) are not only worthwhile examples of lobbying and advocating legislators and decision makers to root out trafficking in all its forms.

Obviously, due to their vulnerability, children are the biggest victims and their future is held questionable with growing cases. The 2010 World Cup fever has not spared innocent children.

Though research as conducted by EYC and partner organisations of NOVOC, YONECO and ECC fail to pin any cases of external trafficking of children, we believe that with the sophistication of trafficking kingpins and the unwillingness and lack of appreciation for the importance of the Act by some legislators who do not understand its importance breeds more ground for trafficking exploitation of more children in Malawi.

On the sides, the Malawi Human Rights Resource Centre (MHRRC) has also published a number of awareness products with the aim of sensitizing masses on what can be translated as abuse of children rights as far as sex is concerned.

The leaflet, '*STOP Sexual Violence - Break the cycle*', describes sexual violence as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances or acts of traffic, or otherwise directed at a person's sexuality using coercion or force by any person regardless of their relationship to the victim/survivor in any setting.

These, as can often be realized in the case of child trafficking, particularly of girls, include rape, defilement, incest, sexual harassment, child marriage, forced prostitution, genital mutilation, traditional and cultural practices such as *kusasa fumbi*, *gwamula*, and *fisi*.

Child trafficking coupled with these abuses leads to withdrawal of children from social and community participation including school, psychological effects, early pregnancies and sexually transmitted diseases such as HIV and AIDS, and fistula in young mothers, trauma, depression and stress, and even death in extreme cases.

With proper legislation, including the Child Protection Bill, the police, judiciary, NGOs and other actors will be empowered to bring to book and prosecute perpetrators. In the absence of these laws, human rights, GBV, HIV and AIDS coordinating organisations may find it difficult to pressure the police to take action even where a case has been reported to the Police Victim Support Unit (VSU), or where a criminal case of any of the relative abuses has been opened.

It is in the wisdom of the Lobbying and Advocacy project partners to press for swift and acceptable passing of the Trafficking Bill to end the suffering and avert more abuse.

**EDITOR**

**(Centre for Youth and Children Affairs - CEYCA)**

***On behalf of SAN! Partners in Malawi***

# Child trafficking:

## A case of a girl saved from servitude

By M'theto LUNGU

At the age of 17, Ruth Banda (not her real name) has seen and lived it all. She has been forced into marriage, worked as a domestic help for no pay, as a prostitute with no place to live, and has contracted the worst of sexually transmitted diseases within the past three years.

She is now a reintegrated young girl who has a roof over her head and an education to see through. Thanks to Salvation Army.

Much as her story may sound familiar, Ruth's experiences with life have been sore and heart-rendering. Coerced out of her parents' house to be forced into an early marriage, she says she had nowhere to go and thought she was lucky when a strange woman her parents called her 'aunt', promised to take care of her back in town in Mchinji district.

She comes from Zomba district some approximate 380 kilometres away.

In excellent English, the girl narrated her story before a gathering of participants made of Minister of Gender, Women and Child Development Honourable Patricia Kaliati, government departments and NGO heads, school children, other invited guest and members of the press.

"My parents are alive but are not employed and we lived hand to mouth as they struggled to feed 7 children. We could go on an empty stomach that our school performance dropped - forcing my

grandparents to suggest I be married off.

"My uncle brought a 47-year-old man for a husband. I felt bitter, good for nothing and my family and the community threatened they would disown me. I was absent to seat for my Primary School Leaving Certificate," she starts, drawing interest from the stone-quiet audience.

After persevering for some time, her friend introduced to her a daily morning concoction in order to attract other men. That was the first time she engaged into prostitution and had multiple sex partners and a lot of beer. She later ran away from home.

"My sister in Dedza failed to support me and I dropped out of school. When a woman came to offer me a job in a restaurant I obliged. She promised to pay me MK3,000 per month and that she would let me go to school in the afternoon hours. I was happy but soon discovered these were all lies," she narrated.

Her employer turned out to be a beerhall businesswoman who took her to her pub 'to work for a while'. As time went, she asked for transport back home but this, including the salary, were denied.

"I was forced to sleep with as many men as I could. Some older men as I was afraid my employer would kick me onto the streets. However, my colleagues encouraged me to persevere as they said I would sooner or later get used to such life," she added.

Ruth soon fell sick and was denied medical attention.

"I was kicked out as I deteriorated

and told to go and die at my village. I had not a single penny. Lucky enough that night a social workers from the Salvation Army were patrol and they offered to take me to their drop-in centre.

"I was given food, shelter, medical attention and was enrolled in a government school. I finally had a meaningful new lease of life," she explained.

A few months later, Ruth was reintegrated into her family. Her parents regret their action and promised to help her with her needs and education all the way.

"I am in Form 1 now and the Salvation Army assists me with school fees, clothes, pocket money and other needs. When I complete my education, I dream of becoming a social welfare worker so that I can assist others in the same predicament," she concluded.

It was then revealed that there are some high-profile cases of human trafficking and that a Mrs. Lorenzo in Lilongwe's Area 47 was one of the several apprehended human traffickers.

A tycoon working with the Malawi Revenue Authority, a Mr. Kachingwe, was also arrested for trafficking two unsuspecting girls.

In her remarks, a touched Kaliati said she hoped Ruth's parents would be prosecuted for what they did and that despite the 16-year-old consensual marriage age Bill in the offing, parents are still responsible for the welfare of their children.

She also bemoaned the tendency by some women who allow their husbands to sleep with their biological and stepdaughters.

# 2010 World Cup: Dialogue on prevention strategies

By M'theto LUNGU

As the world prepares for the 2010 World Cup (WC) games in South Africa, the Lobbying and Advocacy project's partner members joined Malawi's minister of Gender, Women and Community Development, Patricia Kaliati, during the National Dialogue Against Human Trafficking and the 2010 FIFA WC in a public dialogue to strategise on how Malawians, specifically children, cannot be trafficked.

Kaliati told stakeholders and participants to the 7th August 2009 meeting at Crossroad Hotels in the capital Lilongwe, government was doing all it can to fight the problem.

"We know that human trafficking is as complex as the organized groups that benefit from it. We know that Malawi like the rest of the world is in danger of having its innocent people trafficked to South Africa ahead of the World Cup. Though our borders are porous, we will do anything to stop the malpractice and punish offenders," she said.

Partner organisations at the special dialogue were represented by John Soo Phiri from the Malawi Human Rights Resource Centre (MHRRRC), Desmond Mhango from CEYCA, and Eye of the Child's Maxwell Matewere, among others.

CEYCA Executive Director, Rodgers Newa, who was master of ceremony welcomed the minister who warned men against child and women abuse and bemoaned journalists for not doing enough to curtail the situation. She said unscrupulous business people take advantage of women's vulnerability.

"Trafficking is not only across the borders. We have helped reintegrate and rehabilitate some victims. Government is also restructuring Mpemba and Chilwa rehabilitation homes for reintegration. These facilities have schools and are part of our designated anti-trafficking initiative. Those that are found trafficking will face stiffer penalties," she revealed, and asked everyone: "how well linked and coordinated are your services at all levels to fight human trafficking?"

She added: "We all have a lot of potential to uplift the lives of our children and others. Children must also be committed and show responsibility. It bothers the president to learn of increase in human rights abuses as he wants his people to be in school or working to improve their lives and nation at large," she said.

Government is in the process of making into bill a Malawi Law Commission (MLC) recommendation on trafficking. Deputy Chief Law Reform Officer at MLC, Fiona Atupele Mwale, took participants through the recommendations which propose 14 years with no fine for being found guilty of trafficking adults and 21 years with no fine for trafficking of children.

In his remarks, Solicitor General Anthony Kamanga said trafficking mostly caused by poverty, lower education, desperation, HIV and AIDS, severe lack of resources, gender inequality and poverty, among many others, was the chief cause of destruction of countless women and children in Malawi.



**Children as young as five are trafficked for labour and other forms of exploitation**

"I am personally and professionally dear to the issue of human trafficking which is risky and complex as people have found new ways of getting across the border. Most Malawians want to migrate in 100s; most of these are women and children in search of work and other life's incentives.

"This brings with it fertile ground for trafficking where children as young as 13 fit for free primary education are trafficked internally, and young, single, school drop girls are trafficked externally," he said, adding educated but unemployed people were also affected.

He said recruiters, immigration officers, facility providers, service consumers, and recipient governments all formed part of the vicious circle in this lucrative business.

"Do not turn an abhorrent eye to this extreme human rights abuse. We need to unite and forge outright.

We need to go beyond and offer protection to children and women. This should form the foundation for our discussions now, before, during and after the WC," he appealed.

Football Association of Malawi (FAM) chief executive officer Charles Nyirenda said his body was aware of the dangers as some foreigners who come into the country as investors are actually agents for trafficking syndicates.

"There is need to carefully check business licensing. Trafficking in humans is as old as prostitution itself. In Malawi, young girls are mainly trafficked to Holland where they serve in red light businesses," he shared.

Matewere, institution organised the day-long dialogue and coordinates and houses the Malawi Network Against Child Trafficking (M-nact), said issues of human trafficking, were rising as the 2010 WC draws closer.

"We need to create a comprehen-

sive plan on human trafficking and its prosecution. Initiatives including the recruitment of child protection workers at the grassroots, the STOP! Child abuse campaign championed by Unicef, the 50:50 women empowerment campaign, the review and drafting of the Child Rights Bill and the baseline study on child trafficking all point towards defeating trafficking.

"Initiative to fair and equitable distribution of budgetary and material resources towards human and child trafficking in particular are of outmost importance," he said.

On the sides, Newa added there was need to double efforts beyond 2010 as traffickers were informed criminals. Through the NGO-

Children themselves were represented by YECE youths who took their turn to demonstrate against child trafficking and its evils using placards.

Child trafficking is the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation which includes forcing children into prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

For children, exploitation may also include illicit international adoption, trafficking for early marriage, recruitment as child soldiers, for begging or as athletes (such as child camel jockeys or football players), or for recruitment for cults.

International legislation, in the case of children the use of illicit means such as use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability - is not relevant in determining whether an act is a crime, because a child cannot legally give informed consent.

Other players included the Norwegian Church AID - Malawi and HRCC.

**All children, despite the economic levels, deserve to be given a chance to realise their full potential**



# Psychosocial Support mainstreaming in Malawi

The NPA however, includes provision of PSS in its action matrix where it is captured as part of strategic objective 2 of the NPA.

It is therefore from this background that the current study was undertaken and the current study, does build on the work that was already done by NOVOC and YONECO in 2008.

The scope of the study had the following specific objectives :

1. To identify and examine the definition of PSS Mainstreaming as defined by international society in light of Malawi's understanding and the definition of success indicators?
2. To identify the current practices of PSS mainstreaming in Malawi.
3. To determine the success indicators of mainstreaming in Malawi with specific reference to:
  - Forms of services provided to the children
  - Goals and mission of NGOs that are providing support to the children in Malawi
  - Planning and budgeting of annual activities in line with the demands of OVCs
  - Perceived types of services provided by NGOs
  - Understanding and the levels of Psychosocial support by NGOs
  - Skills and knowledge available in the NGOs
  - The actual outcomes of the PSS on the children
4. To design and develop a friendly study in light of the hypothesis with a view the establishing success indicators of mainstreaming of PSS in Malawi
5. To conduct a comprehensive

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## “How is Psychosocial Support (PSS) mainstreamed in the Organisations said to be providing services to Orphans and other Vulnerable Children (OVC) in Malawi?”

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field study.

### Definitions and understanding of terms

#### **Children:**

Are defined in the Constitution of Malawi as persons under 16 years of age .

A child is defined in the CRC as any person below the age of 18 .

This Report adopts the definition in the CRC, which is in tandem with the estimates for the State of World Children, 2004 as it relates to Malawi as well as from the definition of orphan in the Malawi Government Policy Guidelines on orphans .

#### **Orphan:**

An orphan is a child under the age of 18 who has lost one or both parents because of death .

#### **Vulnerable child:**

Is a child who does not have able parents or guardians, is staying alone or with elderly grandparents, or lives in a sibling-headed household, or has no fixed place of abode and lacks

access to health care, material and psychological care, education and has no shelter .

It must be noted that in terms of assistance, this definition overrides the definition of an orphan .

#### **Orphans and Other Vulnerable children:**

Or OVC, is the term used to include all children defined as either orphans or vulnerable children .

OVC is therefore an all-inclusive definition .

#### **Mainstreaming:**

Refers to the process of addressing a particular issue or approach within and across as many levels as possible (e.g. at the national policy, institutional policy, programmes, procedure and human resources) so as to have the maximum impact .

#### **Psychosocial wellbeing:**

Is about the connections between the child, its family, community and society ("the social"). It is also, about how a child feels and thinks about him or herself and about life ("psycho"). It is often linked to the African concept of "ubuntu" - "I am, because we are, and we are, because I am".

Such wellbeing includes many different aspects of the child's life, such as physical and material aspects, psychological, social, cultural and spiritual aspects. The focus on psychosocial wellbeing is not just on the individual, but also on households, families and communities .

#### **Psychosocial Support:**

Is about helping children, families

*to back page*

# Protocol 19: OVC child protection

CEYCA was among other governmental and non-governmental organisations that contributed to the formation of the Protection 19: Optional Protocol 19 which government hopes to utilise in the enhancement of children's rights. We publish some excerpts of the OVC Child Protection report as follows...

The Government of Malawi is committed to the promotion and protection of children's rights in all spheres of life and would like to reiterate its commitment to the Committee on the Rights of the Child that it will continue in the implementation of the Convention on the Rights of the Child. Malawi is further committed to domesticating the Convention on the Rights of the Child as well as other international instruments that enshrine the rights of children.

The Malawian Government has ensured that in the implementation of the Convention, it has developed a flexible approach in the development of its national legislation, policies and guidelines especially those that impact children and young people. Malawi further has made it a deliberate policy that in its implementation of policies and programmes dealing with children and young people, that it does it through the decentralized system by utilizing the district structures in order to ensure that the resources reach the intended targets.

Malawi is committed to ensuring that every child and young person is given the necessary resources within the limited capacities of the Government. Malawi believes in the entrenched principle of the best interests of the Child as reflected in the Republican Constitution of 1995 as well as the Malawi Growth Development Strategy.

The Government of Malawi has for the last decade embarked on ensuring that in all its reforms whether dealing with health, education or any other sector that children's issues are taken as being paramount.

Consequently the Government of Malawi welcomed the list of issues as regards its second periodic report from the Committee on the Rights of the Child. It further noted that in order to ensure the written response adequately responded but also provided an update on the progress since 2007 decided to develop a supplementary information report so as to provide answers to the list of issues as well as provide additional information to the Committee.

The development of the supplementary information followed the same consultative process which was used to develop Malawi's second periodic report in that it involved both government and non-government institutions.

The Government of Malawi would like to inform the Committee that it still faces challenges in terms of Part II regarding data collection due to the lack of a national structure which collects all data on children therefore it would like to inform the Committee that some information which has been requested under the list of issues will be provided in a comprehensive manner in the next state party report. The Government of Malawi makes this undertaking noting that it is currently working on developing comprehensive national data collection machinery.

The Government of Malawi further welcomes this opportunity to have a constructive dialogue with the Committee on its progress on the implementation of the Convention on the Rights of the Child.

## Progress on list of some issues

These include: *Respect for the Views of the Child; Corporal Punishment, Child Abuse, Neglect and Domestic Violence; Children with Disabilities; Basic Health and Welfare; Standard of Living; Education; Economic Exploitation and Child Labour* - where:- Government in attempt to address economic exploitation of the child developed a National Plan of Action to support the Child Labour Policy be launched in 2009. Furthermore a Law Enforcement Training Manual was

also developed targeting the police, social welfare officers, child labour officers and magistrates on how to deal with cases of child labour, and that:- Government is in the process of developing a National Child Labor Database which has been launched but is, however, awaiting operationalisation. Furthermore Malawi has listing of work that is considered as hazardous occupation for children between 15-17 years. The Ministry of Labour has implemented

a project which focused on withdrawal and prevention of child labour in eight districts; and *Trafficking and Sexual Exploitation of Children* where:- The Child Trafficking Study has indicated there is more of internal child trafficking in Malawi. However, the study failed to identify a single case of cross-boarder child trafficking, and also failed to collect data on how many cases has Malawi registered whether internally or externally on the issue of trafficking.

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*“Children in Difficult  
Situations are the  
Reason We Exist”*

*from page 6*

and communities to improve their psychosocial wellbeing.

It is about encouraging better connections between people, and building a better sense of self and community.

It is expressed through careering and respectful relationships that communicate understanding, tolerance and acceptance.

It is about promoting everyday consistent care and support in the family and community .

**Psychosocial Support mainstreaming:**

Is about looking at all aspects of programming, policy development and organisational development, always keeping in mind children's psychosocial wellbeing. It involves incorporating psychosocial support elements into :

- Policies and procedures
- Programme design and activities
- Planning and budgeting
- Capacity building and human resource development
- Monitoring and evaluation
- Networking with government sectors and institutions

Mainstreaming Psychosocial Support also involves a commitment to continuing learning from this evolving field.

**Levels of Psychosocial Support:**

There are 5 levels, which are of a pyramid structure with Advocacy being at the base and specialised mental health services at the apex. The 5 levels are :

- **Advocacy** - influencing policy and changes to the social conditions that affect the wellbeing of millions of children
- **Provision of basic services** - shelter, food, health & education into which PSS needs to be mainstreamed, to reach as many children and support ways of coping
- **Family and community support** - everyday care and support provided by caregivers, friends and community members
- **Focussed support** - additional non-specialised support for children who are not coping and who are showing signs of distress
- **Specialised mental health services** - Psychiatric, clinical psychological, specialised traditional healer services for the few children with more severe responses.