

MALAWI HUMAN RIGHTS COMMISSION



CONCEPT PAPER ADDRESSING CHALLENGES IN THE IMPLEMENTATION OF NATIONAL ACTION PLAN FOR PERSONS WITH ALBINIS,

October 2021

1.0 Introduction

- 1.1 The Malawi Human Rights Commission (hereinafter referred to as “the Commission”) was established under Section 129 of the Constitution of the Republic of Malawi (hereinafter referred as “the Constitution”) to protect and investigate violations of the rights accorded by the Constitution or any other law. The Commission is additionally mandated under Section 12 of the Human Rights Commission Act (Act No. 27 of 1998) to protect and promote human rights in Malawi in the broadest sense possible and to investigate human rights violations on its motion or upon complaints received from any person, class of persons or body. Sections 13 and 14 of the Human Rights Commission Act stipulate roles, functions and responsibilities of the Commission for it effectively deliver on its mandate.
- 1.2 In 2021, the Commission commissioned a monitoring mission aimed at providing feedback in terms of level of adherence to use of government resources and effectiveness of implementation of the NAP. This objective was achieved through the following specific objectives:
 - To establish the extent of the implementation of the NAP by individual implementing institutions;
 - To identify and document strengths and weaknesses of the implementing institutions;
 - To identify gaps in the implementation of the NAP as a whole and record further interventions; and
 - To assess the impact of the NAP activities on the human rights situations with albinism in Malawi.
- 1.3 The Commission visited a total of 9 districts and interviewed several stakeholders assigned to implement activities aimed at promoting and protecting rights of persons with albinism under the NAP. The stakeholders targeted at district level were: Office of the Director of Planning and Development (DPD) at the District Council, District Social Welfare Office (DSWO), Malawi Council for the Handicapped (MACOHA), District Education Manager’s (DEM) Office, District Health Office (DHO), Malawi Police Service, Ministry of Lands, Rural Housing and Development or Malawi Housing Corporation (MHC), and the judiciary.
- 1.4 Association of Persons with Albinism in Malawi (APAM) District Committees were also engaged not only to find out what NAP activities they had implemented but also to get verification on the NAP activities implemented by the other stakeholders.
- 1.5 The 9 districts were randomly selected and most of them have experienced incidents of attacks and killings of persons with albinism including exhumation of graves of persons believed to be with albinism. The following districts were visited: Karonga, Nkhatabay, Mzimba, Kasungu, Salima, Dedza, Mangochi, Zomba and Mulanje.

2.0 About the National Action Plan for Persons with Albinism

- 2.1 In February 2014, the Government of Malawi developed and adopted a National Action Response Plan on Albinism Atrocities as an operational plan to guide all national initiatives aimed at addressing perpetrated attacks on persons with

albinism in a concerted way. The Response Plan also aimed to act as a resource mobilization tool for all national efforts to end atrocities. It signified national political commitments and policy framework to end the high level of human rights violations perpetrated against persons with albinism.

- 2.2 The National Response Plan 2014 on Albinism Atrocities was succeeded by the 2018 – 2022 National Action Plan on Persons with Albinism in Malawi which was developed in February 2015 to facilitate effective and coordinated implementation of all national albinism and related programs and activities. The National Action Plan (NAP) is a product of a highly consultative process involving a broad range of stakeholders, thereby representing a national view on how to address challenges that persons with albinism face in the country. This NAP developed from success and lessons that were learnt from the implementation of the National Response Plan. To successfully implement the NAP, the Government calls upon commitment of all stakeholders.
- 2.3 The NAP focuses on the following seven areas:
- Civic education, awareness raising and training;
 - Administration of justice and support of victims of attacks;
 - Safety and security of persons with albinism;
 - Human rights monitoring, reporting and research;
 - Mainstreaming and empowerment of persons with albinism;
 - Access to affordable and quality health care services; and
 - Access to equitable and quality education.
- 2.4 The implementation of the National Action Plan is multi-sectoral with each stakeholder addressing a specific priority area within the plan. Key stakeholders include the Ministry of Gender, Community Development and Social Welfare as a secretariat, Malawi Human Rights Commission (MHRC), Ministry of Justice and Constitution Affairs, Malawi Police Services, Ministry of Education Science and Technology, The Judiciary, Ministry of Civic Education and National Unity, Ministry of Health, Malawi Legal Aid Bureau, Ministry of Lands, Housing and Urban Development, Malawi Prison services Association of Persons with Albinism (APAM), and all 28 District Councils.

3.0 Impact of the NAP Activities

Despite the gaps and challenges faced in implementation of the NAP, the few NAP activities that were implemented had an impact worthy noting. Implementation of the NAP activities, though not to a large scale, resulted into a) increased awareness and knowledge in communities on human rights of persons with albinism and their need for security; b) increased protection of human rights of persons with albinism; c) strengthened security for persons with albinism and reduced crime rate; d) increased stock of sunscreen lotion at some health facilities and improved accessibility to health care services for persons with albinism; and e) enhanced access to equitable and quality education by persons with albinism.

It is important to note that from August to November 2020, UNESCO undertook a [Rapid Impact Assessment on COVID-19 on Persons with Disabilities in Malawi](#). Persons with disabilities and representatives from Organisations that represent them

were the primary research population targeted by the assessment. Their views and stories form the core of the findings, highlighting the particular difficulties they have been facing since the outbreak of the pandemic. Most respondents with disabilities reported they feel more at risk of contracting COVID-19 compared to those without disabilities. The study findings confirmed the hypothesis that the wellbeing of persons with disabilities including persons with albinism has been disproportionately affected by COVID-19 and the lockdown measures, as stated by the United Nations Policy Brief -A Disability Inclusive Response to COVID-19, released in May 2020. The containment regulations have caused disruptions in the livelihoods of persons with disabilities because their main sources of livelihoods are piece works and small-scale businesses.

4.0 Findings of the monitoring mission

The Commission found out the following from the monitoring exercise:

- 4.1 That most of the institutions who were assigned to implement activities under the NAP had not yet started implementing their activities. Capacity to implement the activities was lacking in most of the institutions.
- 4.2 That very few members of staff, or none in some cases, in the implementing institutions were aware about the existence of the NAP. Members of staff in most of the implementing institutions did not have their staff oriented about the NAP.
- 4.3 That funding for implementation of the NAP activities was delayed and inadequate, and most of the institutions did not receive any funding either directly from the Government or through the district councils.
- 5.4 That the few implementing institutions which received funding for implementation of their NAP activities did not fully involve their partners, including persons with albinism as rights holders.
- 4.5 That there was poor coordination and communication among and between implementing institutions and their partners. Most of the partners bemoaned their exclusion or minimal involvement in the implementation of the NAP. Stakeholders also noted the natural death of the National level Albinism Technical Committee as a key contribution factor to poor coordination and the slow progress in NAP activities.
- 4.6 That the few NAP activities that were implemented, though to a small scale, did have an impact on the population in general and on the security and welfare of persons with albinism in particular. Notable outcomes are increased protection of human rights of persons with albinism and strengthened security for them, and enhanced accessibility by persons with albinism to equitable and quality education.
- 4.7 That there is lack of capacity of APAM district committees to effectively support the coordination and implementation of NAP at district level.
- 4.8 That there is need for decentralization of NAP funding in Ministry of Health and Malawi Police services to the councils rather than the national level.

Based on these findings, the Commission made a number of recommendations some of which are:

- a) That the comprehensive orientation should be provided to all staff of implementing partners to equip them with skills and knowledge for the implementation of the NAP;

- b) That the Government of Malawi should consider increasing funding for implementation of the NAP activities at district level and ensure that disbursement of such funding is expedited and extends to all implementing institutions;
- c) That the implementing institutions should work in synergy in order to consolidate the gains obtained from the implementation of the NAP;
- d) That Ministry of Health should address its supply chain mechanism for sustenance of availability of skin lotions in all health centres;
- e) That government should identify a director for the management of the Disability and Elderly Affairs Department in the Ministry of Gender, Children, Disability and Social Welfare;
- f) That the Ministry of Health through the District Health Offices should conduct mapping utilise the NOS data on persons with albinism in health facility catchment areas to inform their stocking levels and monthly requirements;
- g) That the NAP funds in the Ministry of Health should be allocated to DHOs effective use the fund on delivering direct services to persons with albinism;
- h) That the lead institution thus Ministry of Gender should work on the coordination mechanism to enhance effective execution of the programme; tracking budget expenditures and activity plans;
- i) That government should Reconstitute the National Technical Committee on Albinism to provide leadership, review plans, budgets and reports from implementing partners;
- j) That the NAP should be reviewed to take into account various emerging issues i.e., Covid-19 which have affected Persons with Albinism and implementation of the National Action Plan;
- k) That NAP funds under empowerment should be utilized to support capacity development of APAM district Committees on NAP budget tracking, council budget process and NAP funds disbursement guidelines;
- l) That the security budget under NAP should not only be allocated to the Malawi Police services national office, but directly fund councils to support police patrols and rapid response when an attack has happen; and
- m) That government and development partners like UN- family should provide technical support to the full review of NAP and create its successor.

5.0 Proposed Activities

With reference to the above recommendations, the Commission proposes to undertake three (3) key activities aimed at providing strategic solutions towards promotion and protection of rights of Persons with Albinism. The following are the activities:

5.1 Activity 1: Mapping of Stakeholders implementing activities under the National Action Plan for Persons with Albinism

Aim: The aim of this activity is to understand the scope, location and source of funds for implementing activities for the promotion and protection of rights of Persons with Albinism in order to promote value for money

5.2 Activity 2: Capacity building for stakeholders responsible for implementation of National Action Plan for Persons with Albinism

Aim: This activity is aimed at addressing the knowledge and capacity gap that exist at district level in the implementation of the action plan.

5.3 Activity 3: Review of the National Action Plan for Persons with Albinism

Aim: This is aimed at addressing the emerging issues that have crept in since the approval of this successor plan. It is also worth noting that implementation period of the current action plan is drawing towards that end hence the need for a new action plan.