



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the initial report of Malawi\*

1. The State party is requested to submit in writing the information requested below (preferably not exceeding 10,700 words) by 29 March 2024.

#### A. General information

2. Please describe the efforts taken to raise awareness, particularly among judges, prosecutors and lawyers, of the economic, social and cultural rights enshrined in the Covenant. Please provide examples of cases in which the provisions of the Covenant have been invoked before the State party's domestic courts.

3. Please provide information on training received by the staff of the Malawi Human Rights Commission to ensure the promotion and protection of the full range of Covenant rights, as well as measures taken to ensure its ability to fully discharge its functions. Please provide information on consultation with civil society organizations and other stakeholder groups in the development of new legislation and policies related to economic, social and cultural rights, including organizations – of and for – persons with disabilities, persons with albinism, persons living in poverty and ethnic minorities.

4. Please provide information on any legislative and/or policy measures taken, and their impact, to ensure that businesses exercise human rights due diligence in the conduct of their operations, including their supply chain, particularly concerning human rights under the Covenant. Please provide information regarding eventual plans to formulate any national action plan for human rights and/or any national action plan for business and human rights. Please provide information on how the legislature was involved in the elaboration of the initial report.

5. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the effects of climate change on the enjoyment of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

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\* Adopted by the pre-sessional working group at its seventy-second session (6–10 March 2023).



(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources (art. 2 (1))**

6. Please provide information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Funds received through international cooperation, including overseas development assistance, in proportion to GDP, as well as the conditionality pertaining to economic or monetary adjustments of those funds;

(g) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

7. Please provide information with regard to the implementation of the State party's anti-corruption legislation, and describe efforts to combat bribery and other acts of corruption, paying particular attention to land administration, public procurement and tax administration. Please also provide statistical data on the number of cases of corruption prosecuted in the past five years, the sanctions imposed on the perpetrators and the assets resulting from corruption that have been recovered, taking into account the transnational dimensions of these crimes where relevant. Please indicate what legislative or other measures have been put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption.

### **Non-discrimination (art. 2 (2))**

8. Please provide information on the status of effective implementation in practice of non-discrimination legislation. Please also provide information and disaggregated data related to the measures taken, and their impact, to combat stigma, stereotypes, harmful practices and deep-rooted beliefs against persons with disabilities, persons affected by leprosy, refugees and asylum-seekers, as well as ensuring their Covenant rights. Please provide information on the concrete legal and policy measures, and their impact, to protect persons with albinism from different forms of violence.

**Equal rights of men and women (art. 3)**

9. Please provide updated information on the measures mentioned in the State party report (paras. 15–20) on achieving equality between men and women, including disaggregated statistical data. Please provide information on measures taken, and their impact, as part of the Gender Equality Act Implementation and Monitoring Plan. Please also provide information on measures taken, and their impact, to close the gender pay gap.

**C. Issues relating to the specific provisions of the Covenant (arts. 6–15)****Right to work (art. 6)**

10. Please provide information on any assessments that the State party has conducted to determine the impact of the projects and programmes listed in the State party's report (paras. 28–29) on the improvement of employment rates, especially among groups that are particularly affected by unemployment, including young women and persons with disabilities.

11. Please provide information on the steps taken to improve the quality of technical and vocational training school programmes and to adapt them to facilitate access to and integration into the labour market. Please also provide information on the impact of plans of action to promote employment, as well as the allocation of technical and financial resources to guarantee their effective implementation and sustainability over time.

**Right to just and favourable conditions of work (art. 7)**

12. Please provide information on measures taken, and their impact, to reduce the size of the informal sector and to guarantee access for persons employed in the informal economy, including domestic workers, to basic services and the enjoyment of their rights under the Covenant.

13. Please provide information on any extraordinary measures taken, and their impact, to ensure the effective application of labour legislation and international conventions protecting the rights of employees to just and favourable conditions of work, particularly the implementation of laws and conventions to combat hazardous work and the worst forms of child labour. Please provide information on inspections carried out in the area of labour and health and safety at work by national authorities, including, but not limited to, the Ministry of Labour, as well as inspecting authorities' working methods, staff resources, training and organization, as well as the number of inspections and industries covered. Please also provide information on specific measures taken, and their impact, to promote occupational safety in the extractive industries.

**Trade union rights (art. 8)**

14. Please provide information on how the State party ensures, in law and in practice, that all workers can exercise their right to form, join and be members of a trade union, and their right to strike, without being subjected to unwarranted restrictions or fear of reprisals.

**Right to social security (art. 9)**

15. Please indicate what forms of social assistance can be provided in the event of loss of income. Please provide information on measures taken to ensure that workers in the informal economy, those who work on an occasional basis and the self-employed can also enjoy their right to social security and social protection, access to pension services, health care and maternity care, and coverage for illness and disability, and that they have social protection against workplace hazards, such as accidents and serious health risks.

**Protection of the family and children (art. 10)**

16. Please provide information on measures taken, and their impact, to combat harmful practices against children. Please provide information on the preliminary results of the State party's National Strategy on Ending Child Marriage 2018–2023. Please provide

information on measures taken, and their impact, to prevent and eliminate domestic violence.

17. Please provide information on concrete legal and policy measures, and their impact, to ensure the rights of child refugees and unaccompanied migrant children, including protection from sexual exploitation and abuse, trafficking and forced labour. Please also provide information on the status and impact of measures and policies to combat trafficking and exploitation, such as the National Child Labour Policy.

**Right to an adequate standard of living (art. 11)**

18. In light of the COVID-19 pandemic, please provide updated information on the poverty rate and on measures taken to combat poverty, including child poverty and poverty among the disadvantaged and marginalized groups and families with three or more children.

19. In the context of rising inflation and climate change, please also provide information on measures taken to tackle child malnutrition and to ensure that everyone has access to adequate food supplies, including the results of the State party's National Multi-Sector Nutrition Policy 2018–2022 and the National Nutrition Strategic Plan 2018–2022. Also in this context, please provide information on measures taken, and their impact, to support the livelihoods of small-scale farmers, fisherfolk, pastoralists and persons living in rural areas.

20. Please provide information and statistical, disaggregated data for the past 10 years on the measures adopted to ensure access to safe drinking water and sanitation, in particular in informal settlements and rural areas. Please describe the specific measures taken to ensure access to decent and affordable housing, including social housing programmes, particularly for disadvantaged persons and families living in slums, and on the impact of these measures.

**Right to physical and mental health (art. 12)**

21. Please provide information on the impact of the COVID-19 pandemic, on the broader health-care system's viability, including the backlog of operations, medical examinations and other medical procedures. Please provide information on the results of the World Health Organization Country Cooperation Strategy 2017–2022 for Malawi, as well as information on the State party's disease prevention and vaccination campaigns. Please provide information on the status of the adoption of the mental health bill. Please provide information on concrete measures, and their impact, taken by the National Aids Commission to improve HIV/AIDS prevention, to provide screening and to offer access to care for persons who are HIV positive.

22. Please provide information on the provision of health care and medical services to persons deprived of their liberty, especially measures taken, and their impact, to screen and prevent tuberculosis, as well as for those living with HIV/AIDS.

23. Please provide disaggregated statistics on the number of drug-related deaths over the past five years and harm reduction programmes implemented for persons who use drugs and those dependent on controlled substances.

24. Please outline the impact of measures taken to increase access to basic services in the area of sexual and reproductive health. Please also provide information on educational programmes regarding sexual and reproductive rights in the school system, including with regard to prevention of teenage pregnancy and child marriage. Please provide information on any development regarding decriminalization of abortion. Please provide information on measures taken, and their impact, to ensure the physical and mental health of persons deprived of their liberty.

**Right to education (arts. 13–14)**

25. With regard to the information presented in the State party's report (paras. 149–179), please describe, supported by statistics disaggregated by sex and age, the impact that the implementation of the Education Act has had on school enrolment rates, also in the years 2020–2022, in primary and secondary education, particularly among girls, on rates of school dropout and on persistent disparities in access to education. Please provide

information on concrete measures taken to address the negative impact of closure of education facilities due to the COVID-19 pandemic on children's access to education, taking into account any disproportionate effects on disadvantaged and marginalized children.

26. Please also provide information on measures taken, and their impact, to enhance the quality of education and school infrastructure and to secure the availability of qualified teachers. Please provide information on measures taken, and their impact, to reduce the illiteracy rate. Please provide information on measures taken, and their impact, to curb violence against women, particularly in schools. Please provide information on measures taken, and their impact, to facilitate access to inclusive education for children with disabilities.

**Cultural rights (art. 15)**

27. Please provide information on specific steps taken to protect and promote the cultures of the different religious, ethnic and linguistic groups that make up the population and to create favourable conditions for the preservation, development, expression and dissemination of information about their identity, history, culture, languages, traditions and customs.

28. Please provide information on policies and measures to provide accessible sport facilities to persons (especially children and young persons) with disabilities and to promote their participation in sport and sports competitions.

29. Please specify what steps have been taken to improve Internet coverage and guarantee affordable access, particularly for disadvantaged and marginalized persons and groups, including in rural and remote areas.

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