



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the combined initial and second periodic reports of Malawi*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the concrete measures taken to review domestic laws and policies and harmonize them with the Convention. Please provide information on the Disability Act, adopted in 2012, and on policies and programmes relevant to persons with disabilities, and outline their adherence to the Convention. Please also provide information on whether the State party intends to ratify the Optional Protocol to the Convention, and if so, please indicate the timeline.

2. Please indicate the measures taken to support persons with disabilities and enable them to be consulted, through their representative organizations, and participate actively in the formulation, implementation and monitoring of legislation, policies and other measures, particularly those affecting persons with disabilities. Please also provide information on the steps taken towards the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted by the African Union in 2018 and the timeline for doing so.

3. Please inform the Committee of the measures taken to revise section 139 of the Penal Code to remove derogatory terminology when referring to persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

4. Please clarify how the State party ensures that the denial of reasonable accommodation constitutes discrimination based on disability in its anti-discrimination legal framework.

Women with disabilities (art. 6)

5. Please provide information on how legislation and policies designed to eliminate multiple and intersectional discrimination against women and girls with disabilities, including gender-based violence, are mainstreamed in all national strategies, implemented, and monitored, including ensuring that measures are in place to enable women with disabilities to be meaningfully consulted through their representative organizations and effectively participate in the formulation of their rights, as well as in decision-making and in economic, public and other aspects of life.

* Adopted by the pre-sessional working group at its thirteenth session (30 March–3 April 2020).



Children with disabilities (art. 7)

6. Please provide information on whether the State party intends to review or include specific provisions on children with disabilities in the Child Care, Protection and Justice Act of 2010 (CRPD/C/MWI/1-2, para. 235). Please also provide information on the measures taken to ensure the consultation and effective participation of representative organizations of children with disabilities in all matters that affect them.

Awareness-raising (art. 8)

7. Taking into account information provided by the State party (CRPD/C/MWI/1-2, para. 24), please provide information on:

(a) The awareness-raising measures targeted at the public, government officials and private actors undertaken to combat stigma, stereotypes, harmful practices and deep-rooted cultural beliefs against persons with disabilities, including persons with albinism, persons affected by leprosy, refugees and asylum seekers, women and girls with disabilities and persons with psychosocial or intellectual disabilities;

(b) The role played by the media in portraying a positive image of persons with disabilities with regard to their contributions to public life;

(c) The effective and meaningful involvement of persons with disabilities, through their representative organizations, in the design and implementation of awareness-raising campaigns.

Accessibility (art. 9)

8. Please describe any national strategy or accessibility standards developed by the State party, in collaboration with representative organizations of persons with disabilities, including the measures adopted to ensure accessibility to the physical environment, to transportation, to information and communications technologies and systems, and to other facilities and services open or provided to the public.

Right to life (art. 10)

9. Please provide information on the concrete legal and policy measures put in place to protect persons with disabilities, in particular persons with albinism, from different forms of violence, including ritual killings for their body parts.

Situations of risk and humanitarian emergencies (art. 11)

10. Please provide information on the efforts made to:

(a) Align the national disaster risk management policy with the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Ensure that organizations of persons with disabilities are consulted throughout the different stages of developing preparedness and disaster risk reduction measures and management strategies;

(c) Train rescue and emergency personnel, regularly and effectively, on the specific provision of rescue and emergency relief responses for persons with disabilities, while ensuring the inclusion of an age and disability perspective based on human rights.

11. Please provide information about the measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the pandemic coronavirus disease (COVID-19). In particular, please advise on the measures taken to provide persons with disabilities with accessible information concerning the scope of and prevention of the virus; ensure continuous access to support and mainstream community services, including in-home care and personal assistance; provide equal access to health care, including life-saving measures; and ensure that social benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

12. Please provide information on any measures adopted to revise and/or review legal and other policy measures that deny legal capacity to persons with disabilities, in particular persons with psychosocial or intellectual disabilities, to enter into contracts, open bank accounts and exercise rights related to family life. Please include information on the steps taken to replace substitute decision-making regimes with supported decision-making regimes.

Access to justice (art. 13)

13. Please inform the Committee about:

(a) The legal and policy measures adopted to include the principles of procedural and age-appropriate accommodation for persons with disabilities, including women with disabilities, persons with psychosocial or intellectual disabilities, and deafblind and visually impaired persons;

(b) Any training provided to officials of the judicial system, including police and prison officers on the provisions of the Convention;

(c) Measures to empower persons with disabilities to be participants in the justice system as witnesses and jurors, judges, lawyers, court officials, law enforcement agents in the police force and officers in the prison system.

Liberty and security of the person (art. 14)

14. Please explain the measures in place to repeal any laws that allow for detention on the basis of perceived or actual impairment including, in particular, the Mental Treatment Act of 1948 and the mental health bill, which is intended to revise the Act.

Freedom from exploitation, violence and abuse (art. 16)

15. Please provide information on:

(a) The specific measures adopted to prohibit persons with disabilities from being subjected to gender-based violence, physical or chemical restraints, forced medication, exploitation and abuse, particularly against women and girls with disabilities, persons with albinism, and persons with psychosocial or intellectual disabilities, in all settings, including at home and in institutions, in rural and urban areas, including remedies available to persons with disabilities subjected to such abuse;

(b) The actions that the State party is taking to collect and analyse data on the prevalence of violence against women with disabilities.

Protecting the integrity of the person (art. 17)

16. Please provide information on:

(a) The measures adopted to prohibit persons with disabilities, particularly women and girls with disabilities, and persons with psychosocial or intellectual disabilities from being subjected to sterilization, abortion and HIV/AIDS tests without their free and informed consent;

(b) The measures taken to ensure that reliable disaggregated statistical data on the number of reported cases of violations of article 17 of the Convention and the remedies put in place are available to persons with disabilities, including the sanctions against perpetrators;

(c) The measures taken to protect persons with albinism from abductions, killings, attacks and mutilation.

Living independently and being included in the community (art. 19)

17. Taking into consideration the Committee's general comment No. 5 (2017) on living independently and being included in the community, please provide information on:

(a) The measures taken to implement the right to independent living and being included in the community, including budget allocations and time frames for the provision of personal assistance, in particular for women with disabilities and those living in rural areas;

(b) The measures taken to move away from institutional care settings and invest in accessible community facilities, goods and services, such as access to the labour market, transportation, housing, education, health, recreational activities and other facilities and services available to the public.

Personal mobility (art. 20)

18. Please provide information on the existing legal and policy measures that are available to support persons with disabilities in enhancing their personal mobility, including the provision of mobility aids, assistive devices and other assistive technologies and forms of live assistance and intermediaries, and information and communications technology, in particular in rural areas.

Freedom of expression and opinion, and access to information (art. 21)

19. Please provide information on the measures taken to:

(a) Address the shortage of sign language interpreters. Please also explain whether the State party will adopt sign language as an official language to be used in official communication, including provisions for captioning and sign language interpretation in television programmes;

(b) Make information meant for the general public available in accessible formats for persons with disabilities such as Braille and audio for the blind, Easy Read, including augmentative and alternative communication, and all other accessible means, modes and formats of communication;

(c) Make websites available to the public accessible and provide Internet services to all persons with disabilities on an equal basis with others.

Respect for privacy (art. 22)

20. Please provide information on the legislative and policy measures taken to protect the privacy of persons with disabilities on an equal basis with others.

Respect for home and the family (art. 23)

21. Please provide information on the measures in place to enable persons with disabilities, especially women and girls and persons with psychosocial or intellectual disabilities, to exercise their rights with regard to the home and the family, including to marry, found a family and receive information in accessible formats on their sexual health and reproductive rights.

Education (art. 24)

22. Please provide information on:

(a) Measures taken to accelerate the promulgation of the Education Act (CRPD/C/MWI/1-2, para. 51);

(b) The legal, policy and other measures taken to transform the education system into a high-quality, inclusive education system for all students with disabilities, including a time frame and adequate budgetary allocations;

(c) The concrete measures taken for teacher training in inclusive education, including the provision of individualized support and the obligation of non-discrimination, including the denial of reasonable accommodation for students with disabilities in the education system.

Health (art. 25)

23. Please provide information on:

(a) The concrete legal and policy measures that are in place to enable persons with disabilities, in particular persons with albinism, women and girls with disabilities and persons with psychosocial or intellectual disabilities, to access health services without discrimination, including relevant training programmes for health personnel;

(b) The measures taken to address the challenges for persons with disabilities in accessing health services that are listed in the State party's report (CRPD/C/MWI/1-2, para. 197).

Work and employment (art. 27)

24. Please provide information on:

(a) The concrete legal and policy measures in place to improve the employment rate among persons with disabilities, particularly women with disabilities, in the open labour market, including through the adoption of affirmative action programmes and effective training;

(b) Whether the State party has data and statistical information, disaggregated by sex and age, on the number of persons with disabilities employed in the open labour market;

(c) The legal obligations of employers to employ and provide reasonable accommodation for employees with disabilities.

Adequate standard of living and social protection (art. 28)

25. Please provide information on the specific measures adopted to enable persons with disabilities, particularly older persons with disabilities, persons with disabilities in rural areas and children with disabilities and their families, to meet the cost of disability-related expenses.

Participation in political and public life (art. 29)

26. Please provide information on:

(a) The legal and policy measures in place to ensure the right of persons with disabilities, including persons with psychosocial or intellectual disabilities, to participate in political and public life, including the electoral process;

(b) The measures taken to ensure that persons with disabilities can vote in secrecy during elections, including providing an accessible physical environment and information in accessible formats for all persons with disabilities;

(c) Statistical data on the number of persons with disabilities that occupy decision-making positions at all levels of government.

Participation in cultural life, recreation, leisure and sport (art. 30)

27. Please provide information on:

(a) The specific measures taken to ensure that persons with disabilities have access to places of recreation, culture and sport;

(b) The measures taken to ensure that children with disabilities participate actively in play, recreation and leisure and sporting activities, including sporting activities in school, on an equal basis with other children.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

28. Please provide information on:

(a) The measures put in place to meaningfully consult and actively engage persons with disabilities, through their representative organizations, in the process of designing, implementing and monitoring data-collection systems. Please also inform the Committee whether the State party would consider using the Washington Group set of questions on disability in its statistical data-collection policy and programmes, including welfare monitoring surveys, integrated household surveys and demographic health surveys;

(b) The availability of data and statistical information in accessible formats for persons with disabilities.

International cooperation (art. 32)

29. Please explain how persons with disabilities, through their representative organizations, are consulted and involved in decisions on international agreements, in particular in accessing international cooperation funds that are intended for disability-related programmes or target persons with disabilities.

National implementation and monitoring (art. 33)

30. Please provide information on:

(a) The focal point or points established to advance the implementation of the Convention in the State party;

(b) The measures taken to ensure the full operationalization of the National Advisory and Coordinating Committee on Disability Issues as stipulated in section 5 of the Disability Act 2012, as well as on measures taken to establish a disability trust fund to support the implementation of disability programmes and services, as stipulated under section 28 of the Disability Act (CRPD/C/MWI/1-2, para. 243);

(c) The measures taken to establish an independent monitoring mechanism to promote, protect and monitor implementation of the Convention in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to provide it with sufficient budgetary allocation to carry out its functions;

(d) The measures taken for the effective participation of persons with disabilities and their representative organizations in the process of monitoring the Convention, including sufficient funding to enable them perform their roles adequately.
