

LOBBYING and ADVOCACY for the CARE, PROTECTION and SUPPORT of OVC

MAY 2010

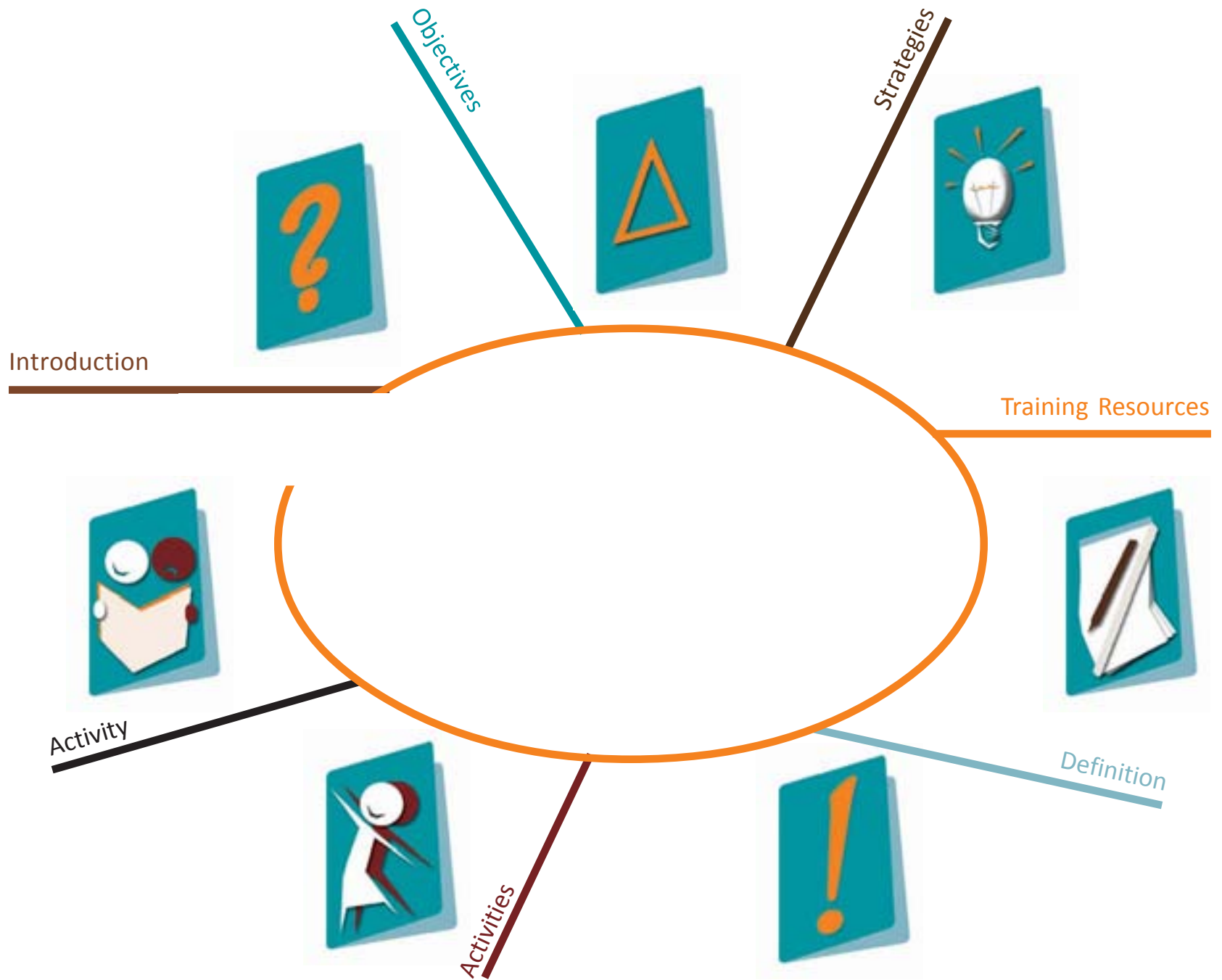


LOBBYING AND ADVOCACY
FOR THE
CARE, PROTECTION AND SUPPORT OF OVC

TRAINING MANUAL

MAY 2010





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Abbreviations and Acronyms

ACRWC	African Charter for the Rights and Welfare of the Child
AIDS	Acquired Immunity Deficiency Syndrome
CBO	Community Based Organisations
CEDAW	Convention on Elimination of All forms of Discrimination against Women
CEYCA	Centre for Youth and Children Affairs
ECD	Early Childhood Development
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
HIV	Human Immunodeficiency Virus
MDGS	Millennium Development Goals
MHRC	Malawi Human Rights Commission
MHRRC	Malawi Human Rights Resource Centre
OVC	Orphans and Other Vulnerable Children
NOVOC	Network of Organisations of Vulnerable and Orphaned Children
NGO	Non Governmental Organization
SAN	Stop Aids Now
SWOT	Strength Weaknesses Opportunities and Threats
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

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Introduction

This training manual has been developed to equip the duty bearers with skills to advocate and lobby for services to care, protect and support OVC. It also intends to remind the service providers of their due responsibilities in the provision of the same.

The training manual has been designed to be used in a participatory learning approach. This involves participants to work in groups. This type of learning facilitates sharing of personal experiences and at times it allows an individual to consult written pieces of information. It also accommodates different styles of learning. The trainer is advised to interact and draw out learners experiences.

This type of learning facilitates sharing of personal experiences

The following are the specific objectives of the manual:

1. Provide participants with understanding of OVC
2. Increase knowledge of child rights instruments
3. Increase the knowledge and understanding of the situational factors that pose challenges to OVC.
4. Provide participants with an opportunity to learn more about topical issues in OVC.
5. Equip participants with relevant skills for child protection/OVC.
6. Provide an opportunity for participants to examine the duties and responsibilities of duty bearers / service providers.
7. Provide a channel for networking and advocacy by

stakeholders in OVC

SET UP OF THE UNITS

Each unit consists of the following sections:

1. Introduction

This is an overview of the unit. It is a justification for learning the unit. Read the introduction and understand how it is relevant to the learners.

2. Objectives

These will guide the trainer on the issues to be addressed. Study the objectives of each unit carefully.

3. Suggested Teaching and Learning Strategies

These are some possible strategies that might be used to help participants to understand and enhance learning.

4. Suggested Teaching and Learning Resources

The trainer is encouraged to always refer to the list of relevant materials. Study the materials in advance, and make them available for the lessons where possible. However, you can improve with any other materials which you can obtain.

5. Suggested Activities

The manual has extensively included activities and case studies to enable the trainer and participants to explore some key issues related to the topic. These activities have been

designed to assist the trainer and participants to develop skills and ideas outlined in the objectives.

6. Consolidation

These are questions or exercises to be done by the participant individually. They give participants an opportunity to reflect on what they have learned and link them to their own experiences and how they can apply them in future.

Glossary

The glossary gives definitions of list of key words and terms from the unit, defined to make it easier for participants to refer to and easily understand the content.

Advocacy



1.0 Introduction

In our society there are various problems which require human rights activists' interventions to bring about change. For instance, orphans and other vulnerable children do not fully enjoy their rights contrary to the democratic principle and the Constitution of the Republic of Malawi which prohibit discrimination of persons in any form because of their race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.

It is necessary that CBOs are familiar with advocacy

The society has to do something in order to guarantee rights and freedoms of orphans and other vulnerable children in Malawi. Most of the laws that protect children are in our statute books while other laws need to be made.

In view of the above, Community Based Organizations can play a very crucial role in ensuring that Malawi provides a safe environment for all children. This can be done through Advocacy and lobbying. It is therefore necessary that CBOs are familiar with advocacy.



2.0 Objectives

Following this module, participants should be able to:

- Explain what is advocacy and lobbying
- Define what is lobbying
- Understand and be able to apply the principles of advocacy

- Understand elements of advocacy
- Know how to develop advocacy strategies
- Prepare and conduct formal and informal lobbying meetings.

3.0 Suggested Training Strategies

- Class discussion
- Group work and reporting
- Field work
- Case studies
- Handouts on specific issues



4.0 Suggested Training Resources

- Flip Charts
- Resource person(s)
- Prepared copies of case studies



5.0 Definition of Advocacy

Advocacy is a tool used by a person or group of persons in order to bring about change. For instance, convincing parliament to pass a law that will protect children in different ways. Further, advocacy may mean one or all of the following: "To speak for and win support for an idea one is propagating for"; "It is a



process designed to influence policy decisions at local, national and international levels"; and "It is speaking up, drawing attention to an important issue and directing decision-makers towards a solution".

'Speaking in favour of an issue or pleading in support of a cause'

The term advocacy has a common usage which reflects "speaking in favour of an issue or pleading in support of a cause". Advocacy and lobbying are organized activities designed to persuade those who hold governmental, political, social and economic power to make decisions that serve the interests and improve the lives of citizens. Individual citizens, community-based organizations, private businesses, public officials and public institutions may all be advocates. They may advocate on their own behalf or for their institutions. They may also lobby on behalf of citizens/orphans and vulnerable children or institutions they serve, or on behalf of citizens or institutions with similar institutions.

Advocacy is used interchangeably with lobbying to mean organized attempts by Non-Governmental Organizations (NGOs) or Community Based Organizations (CBOs) to influence politicians, civil servants and cabinets towards legislation and policies favourable to NGO or CBOs, their work and orphans and vulnerable children.

Lobbying is a process of influencing someone to make a change through a meeting. It involves talking to someone and convincing him or her on your issue. If you use banners, leaflets, etc to convince someone then what you are doing is advocacy.

Advocacy as part of democratic processes, involves going beyond electoral politics

By definition, advocacy is based on generalized conclusions about given problems presented as issues which require either legislative or governmental policy changes. For example, the government may adopt a policy that all children must attend basic education. It is, therefore, less concerned with solving individual problems but to provide a broader solution to such things as developmental issues. By implication, advocacy as part of democratic processes, involves going beyond electoral

politics and voting to the systematic and sustained pressurization of law-makers and civil servants into their given portfolios.

6.0 Suggested Activities

Definition

Let participants individually read the following paragraph below and answer the questions that follow:-

Advocacy has a purposeful result: to change society's institutions by enabling justice and equality; to gain access and voice in the decision making of such institutions; and to change the power relationships within and among those institutions. In that way, those with less conventional power and fewer economic resources will acquire greater share of each and move towards a just and equitable society.

Advocates design their efforts and actions to persuade and influence those who hold governmental, political and economic power so that the formally constituted decision makers will adapt and implement public policies in ways that will improve the lives of those with less conventional political power and fewer economic resources.

Therefore, Advocacy consists of organized efforts and actions that use the instrument of democracy to establish and implement laws and policies that will create a just and equitable society. These instruments include elections, mass mobilization, civil action (including civil disobedience), lobbying, negotiations, bargaining and court actions. As people participate in organized actions that involve NGOs, media and public decision-making bodies, democratic processes are strengthened.

In your area every year hundreds of children die from malaria. The only health centre in the area was closed years ago because of lack of medical staff. No medical personnel can come and work at the health centre because there are poor



Advocates design their efforts and actions to persuade and influence those who hold governmental, political and economic power



houses for members of staff. The District Health Officer does not know how to handle the problem.

1. What is your immediate reaction?
2. How can you influence primary duty bearers to improve the situation
3. Who are the people that you need to target in order to bring change in your area?
4. In plenary, discuss issues raised in the paragraph above.



Activity 1. Define what is advocacy

1. Let the participants define what advocacy is
2. What is the difference between advocacy and lobbying [In groups, discuss advocacy and lobbying]
3. Let participants imagine how they were living during the 30 years of late Dr. Kamuzu Banda - Would they have lobbied and advocated for the rights of OVC?

In plenary let participants discuss:

- *The main principles associated with advocacy:* participation, communication, inform or alert, persuade and motivate
- *Numerous elements of advocacy:* characteristics of advocacy, the place of public argument, the arena of advocacy, the personal and institutional benefits of advocacy, networks, media, understanding systems and the use of advocate's power to build public relations,
- *Success or challenges of advocacy*

In your village there is a tendency for young girls to marry at the age below 14 years. Orphans marry even before they are 14 years of age. Their parents and guardians are happy with the early marriages because they have fewer children to feed or look after.

Unfortunately the babies of these young girls die at birth. Your just-elected Member of Parliament organizes a rally in the village. He tells the village that parliament passed a law which stops a girl-child to marry before she is 16 years of age. The Group Village Headman agrees with the Member of Parliament about the enactment of the new law.

1. The group should identify the problem in their area
2. How can the villagers deal with the problem?
3. Which institutions can help the village in resolving the problem?
4. In plenary sample individual responses for discussions

Activity 3: Strategy Development

The class should discuss the following concepts on strategy development:

1. *Objectives:* What do advocates want?
2. *Goals*
3. *Target audiences:* Who can give it to you-advocates?
4. *Message:* What do target audiences need to hear from advocates?



5. *Messengers:* From whom do target audiences want to hear it?
6. *Collaborators:* Who else can help in your advocacy work?
7. *Delivery:* How can advocates get target audiences to hear the message?
8. *Other audiences:* Who are the other stakeholders?
9. *External environment:* What are the opportunities and challenges within the larger policy context?
10. *Timetable of action:* What will be done when?
11. *Resources:* What do advocates have?
12. *Gaps:* What do advocates need to develop?
13. *First efforts:* How to begin?
14. *Evaluation:* How do advocates tell whether the strategy is working or not?

Shultz points out, it is important to keep in mind the difference between "strategy" and "tactics". Tactics are specific actions which are the building blocks of advocacy. Strategy is something larger, an overall map that guides the use of these tools towards clear goals. A strategy should be realistic assessment of where the advocate is, where the advocate wants to go, and how to get there.

As per paragraph above, discuss what the difference between STRATEGY and TACTICS is!

Activity 4: Group work

Discuss the general characteristics of lobbying meetings:

- Informal meetings
- Formal meetings

Activity 5: In plenary discuss the case study below:

Zione lost both parents when she was 12 years old because of HIV and AIDS. Her aunt, Chatinkha decides to take her and live with her in a family of three children at Chitete location. She sends her three children to school but Zione to sell scones at Chitete market and to do other household chores. Her children abuses Zione by calling her names.

When Zione's aunt goes to the market to buy some food stuffs, the uncle calls her and fondles her breasts and private parts. He threatens her not to reveal it to anyone or else to be chased from the house. Zione is always very unhappy.

By Bill Msokera, Mdabwi CBO, Kasungu

Participants should answer the following questions:

1. Who and how can Zione be helped?
2. Which other authorities can be involved in Zione's case!!
3. What help does Zione require?
4. What issues are being raised in this case study?



7.0 Consolidation

In plenary the participants should discuss the differences between advocacy and lobbying - the facilitator will fill in the gaps where necessary.

8.0 References

- Life skills Training Manual for out of School Youth
- Peer Education Training Manual
- Early Childhood Development Training Manual

Notes for the Facilitator: Each session needs to be allocated time frame depending on who the participants are. This module should be dealt with within three hours.

Child Rights



1.0 Introduction

The first mention of the 'right of the child' in an internationally recognized context was in 1924. The Assembly of the League of Nations passed a resolution endorsing the 1923 "Save the Children International Union" Declaration of the Rights of the Child. This was a document mindful of child rights given the experience and aftermath of the First World War, which left many children in need of protection and special care.

The Second World War produced similar harsh realities for the children. The UN Charter that came into being in 1948 recognized the plight of children. On November 20, 1959, the United Nations General Assembly adopted the Declaration of the Rights of the Child, an expanded version of the 1924 Save the Children document.

The UN Charter that came into being in 1948 recognized the plight of children



2.0 Objectives

The main purpose of this session is to provide an understanding of the concept of child rights.

By the end of this Session, participants will be able to:

- Explain what child rights are
- Explain the historical evolution of child rights
- Describe the relationship between child rights and human rights
- Explain the objectives of child rights instruments
- Describe the principles of the CRC

- Identify the similarities and differences among CRC, CEDAW, ACRWC, The Constitution of Malawi and the Young Persons Act

3.0 Suggested Training Strategies

- Class discussion
- Group work and reporting
- Documentaries [Video / TV Clips]
- Case studies
- Handouts on specific issues

4.0 Suggested Training Resources

- Flip Charts
- Resource person(s)
- Prepared copies of case studies
- Markers
- Masking Tape
- Pens
- Pencils
- Writing Paper





5.0 Definition of a Child

Section 24(5) - Constitution of Malawi: For purposes of equal treatment before the law, a child shall be persons under sixteen years of age.

Section 22 (7): For persons between the age of fifteen and eighteen years a marriage shall only be entered into with the consent of their parents or guardians. Yet the CRC defines a child as anyone under 18.

5.1 Age of Sexual Consent

(Section 138 of Penal Code) It is a criminal offence to have sexual intercourse with a girl below age 13; for boys, under section 14, it is stated that a boy is presumed to be incapable to consent to sexual intercourse if he is 12 years and below.

5.2 Marriage

The Constitution of Malawi in section 22(6) provides that **"no person over age 18 shall be prevented from entering into marriage"**. Section 22(7) states that for persons between the age of fifteen and eighteen years a marriage shall only be entered into with the consent of their parents or guardians, yet, the Marriage Act states that a person under 21 years is a minor and can enter into marriage with a written consent of their parents or guardians.

5.3 Criminal Responsibility

Section 14 of the Penal Code provides that criminal responsibility is attributable at age seven (7) years, though between ages 7 to 12 there is presumption of lack of criminal capacity;

5.4 Suffrage

The Malawi Constitution provides that one is a voter if one has attained age 18;

5.5 Employment

Employment Act provides for employing children from the age of 14 years.

This identifies the various inconsistencies in the laws of Malawi and UNCRC and therefore the need to harmonize these laws with the UNCRC for the best interest of the child.

6.0 What are child rights

Child rights are part of human rights. The rights of children, just like any other human rights, are indivisible and interrelated.

There are several instruments that guarantee child rights. The commonly referred to include: The UN Convention on the Rights of the Child (CRC), African Charter for the Rights and Welfare of the Child (ACRWC) and The Convention on Elimination of all forms of discrimination against women) CEDAW.

6.1 Convention on the Rights of the Child (CRC)

Ensuing discussions on the rights of the child culminated into the adoption of the United Nations Convention on the Rights of the Child by the UN General Assembly on November 20, 1989. The convention came into force on September 2, 1990.

The Convention on the Rights of the Child (CRC) took long to negotiate because of some sticky points. These included:

- **Minimum age of the child** - does it start at

The Convention on the Rights of the Child (CRC) took long to negotiate because of some sticky points

The Marriage Act states that a person under 21 years is a minor

The rights of the child as formulated in the CRC are meant to be implemented for the benefit of the child

conception or birth

- **Freedom of religion** - should children have freedom to choose

6.2 Relationship between Human Rights and Child Rights

The CRC basically builds upon the human rights but goes further to reemphasize the protection of children because they are a special category that is powerless and voiceless in many situations and most of the times, taken advantage of and thus exploited. The CRC therefore looks at in light of the universal declaration of human rights and it :

- Reaffirms for children rights already given to human beings, young and old, in general through other instruments
- Strengthens certain basic human rights in order to take account of the special needs and vulnerability of children
- Sets standards in areas that are of particular relevance to children

6.3 Objectives of the CRC

The rights of the child as formulated in the CRC are meant to be implemented for the benefit of the child with a view to attaining two broad objectives:

- To facilitate the survival, development, participation and protection of the child. It is expected that each right enshrined in the convention, if enjoyed by the child, will contribute towards this aim;
- To facilitate intra and inter-generational

fairness and justice. The enjoyment of these rights is meant to safeguard the rights of the living as well as those yet to be born. Thus as resources are mobilized for the enjoyment of rights by the current generation of children, there should be measures to ensure that this does not jeopardize the rights of the next generation

However, in achieving these objectives, the CRC:

- Reaffirms for children the rights already given to human beings through the other treaties
- Strengthens certain basic human rights so as to take into account special needs and vulnerability of children
- Sets standards in areas that are relevant particularly to children

It is, however, also important to underscore the fact that children require a separate convention on their rights because children are dependent and vulnerable. In any case, children lack sufficient physical, mental, economic and social capacities to compete with adults in the enjoyment of human rights.

Adults, as such, have to do much for children to enjoy their rights. In this case, they become duty bearers in the enjoyment of children's rights. In some cases, special measures are required to address categories of children in greater need. These are:

- Children living with disability
- Children at risk of sexual and physical abuse
- Children who have been orphaned

It is, important to underscore the fact that children require a separate convention on their rights because children are dependent and vulnerable

Indivisibility and inter-dependence of rights means that all rights have equal status as rights

- Children living in conflict and warfare situations

Such children should be treated just like members of the community as the needs arising from their special circumstances are addressed.

6.4 Some Characteristics of CRC as a Human Rights Instrument

Children's rights, just like all human rights, have specific characteristics that typify them. The principal ones being that they are:

Need-base: Children's rights just like all human rights, are entitlements that are necessary because of human need. They are necessary for the enjoyment of human life and for the achievement of human progress.

Universality: Human rights are universal and for all people. This principle derives from Article 1 of the Universal Declaration of Human Rights, which states, "**All human beings are born free and equal in dignity and rights.**" This principle is the foundation of all human rights treaties. Thus children everywhere are entitled to the same rights.

Indivisible and interdependent: All rights are indivisible and interrelated, each and all of them being inherent to the human dignity of the child. The implementation of each right set forth in the Convention should therefore take into account the implementation of and respect for many other rights of the child. Moreover, the indivisibility and interdependence of rights means that all rights have equal status as rights and it is necessary to look holistically at the full range of human needs: Physical, psychological, developmental and spiritual.

6.5 Characteristics of the CRC as a Specific Child Rights Instrument

1. *Child as a Subject of Rights:* As rights holders, children have active roles to play in the enjoyment of their rights and in helping to define how the rights are to be fulfilled. The Convention thus clearly recognizes the fact that rights are not just "**provided for**" but also rely on the participation of those who are concerned. Children's opinions are important and their views and voices must be heard and taken into account concerning the realization of their rights. They should also participate in decision-making processes that affect them, in ways that are appropriate for their age.

2. *Role of Parents, Family and Community:* Evolving capacities of the child. The CRC concretely recognizes the role, rights and duties of parents, or the "**extended family or community**" as the primary caregivers and protectors of children. This recognition involves the obligation both to support the family with these roles, and to step in when the family is unable, or fails, to act in the best interests of children.

3. *The Convention also Recognizes the Role of the Family in providing:* "**in a manner consistent with the evolving capacities of the child**" - appropriate direction and guidance for the child in the exercise of the rights recognized in the Convention (Article 5). This principle means that parents should guide children in the exercise of their rights but that a child, as he or she grows and matures, should become more directly responsible for decisions on how to exercise rights.

6.6 Categorization of child rights under the CRC

For the CRC, the Committee on the Rights of the Child has grouped the issues addressed by the articles of this Convention in the most useful manner for assess-

Children's opinions are important and their views and voices must be heard and taken into account

Parents should guide children in the exercise of their rights but that a child

ing the situation of children:

1. Civil rights and freedoms (Articles 7, 8, 13, 14, 15, 16, 37). These articles prescribe children's rights within society context.
2. Family environment and alternative care (Articles 5, 9, 10, 11, 18, 19, 20, 21, and 25). These are provisions relating to begetting and upbringing of children within the family setting and the environment thereof.
3. Basic health and welfare (Articles 6, 18, 23, 27). The thrust of these articles is to guarantee the well-being of children.
4. Education, leisure and cultural activities (Articles 28, 29, 30, and 31). These articles promote the educational rights as well as their recreational rights.
5. Special measures of protection (Articles 22, 30, 32, 33, 34, 35, 37, 38, 39, and 40). In view of vulnerabilities of children, these articles set out measures to ensure that children in need of special protection are ensured the right(s).

6.7 Four Basic Foundation Principles of the CRC

The CRC Committee also identified four CRC articles as "foundation" principles that underpin all other articles.

1. **Non-discrimination (Article 2)**

The principle of non discrimination on the basis of race, colour, gender, language, opinion, origin, disability, birth or any other characteristic, means that all children have the same right to develop their potential.

Children have the same right to develop their potential

Basic Principles of the CRC

1. Non-discrimination (Article 2)
2. Best interests of the Child (Article 3)
- Hence: First call for children.
3. Right to life, survival and development (Article 6)
4. Views of the child (Article 12)

Discrimination in this case is any distinction, restriction or preferences based on any status which has the purpose of nullifying or impairing the recognition or enjoyment or excise by all persons on an equal footing of rights or freedoms.

Note that:

- Categories such as gender permit identification of discrimination.
- The desegregation of indicators at least by age group, ethnic group, geographic area and gender are essential for making programming decisions that are rights sensitive and hence are allowed.

2. **Best Interests of the Child (Article 3):**

This implies that:

- The best interest of the child is to be "a primary consideration" in all actions regarding children.
- Certain factors should be taken into consideration in determining outcomes and guarantees, and that other interests such as those of the state, parents or other, will not

Certain factors should be taken into consideration in determining outcomes and guarantees

automatically prevail.

- It is the right of each child to express his or her views in all matters related to his or her life, in accordance with age and maturity. The principle of the "best interests of the child" basically means that the leading and underlying factor in making decisions and actions on matters that affect children, should be the best interest or benefit for the child. Equally, the principle:
- Supports a child-centered approach.
- Serves as a mediating principle, it can help to resolve confusion between different rights.
- Provides a basis for evaluating the laws and practices of states with regard to the protection provided to children.

Note that:

A major challenge is to determine what constitutes the 'best interests' in a particular socio-cultural context. When traditional societies are confronted with new concepts, the resulting upheaval in value systems may not benefit children. Yet a rights-based programming is also about values, to ensure that society values women and children, protects their rights and responds positively to their entitlements.

It is in light of this that there is a principle of a first call for children. Inferred from Articles 3 and 4 of CRC, this principle demands that in all situations, resources must be allocated first for the benefit of children at all levels of society. In any case the rights provided for in the convention require resources for them to be realised.

3. Right to Life, Survival and Development (Article 6:

Children have a right to life, survival and development. It is crucial to guarantee the right to basic services, equity of opportunity for all individuals to achieve their full development. This is about distributive justice.

4. Child Participation - Views of the Child (Article 12):

The views and voice of children must be heard and respected. This is about child participation, ensuring that children are involved and participate actively in making decisions on matters that affect them.

Activity 1.

- Outline the evolution of child rights and the UNCRC, Allow for Questions and Answers
- Participants to discuss Child Rights and write the results of the discussion on the flip chart.

7.0 CRC and ACRWC

The African charter embraces all the rights of the child as provided for in the CRC. ACRWC came into force in November 29, 1999. Organization of African Unity observed that African children faced unique issues against which they needed special safeguards. These include socio-economic, cultural, traditional and development circumstances; natural disasters, and armed conflict.

Article 31 of the ACRWC also assigns duties to the African children. It envisions a child as a member of the community and hence has obligations both to the community to observe its norms as well as play his/her role in that community. Thus African children do not just have rights, but also responsibilities. They have a duty to serve in their family and community as



When traditional societies are confronted with new concepts, the resulting upheaval in value systems may not benefit children

A child as a member of the community and hence has obligations both to the community to observe its norms as well as play his/her role in that community

<p>Article 31: Responsibility of the child</p> <p>Every child shall have responsibilities towards his family and society, the state and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty:</p> <p>(a) To work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;</p> <p>(b) To serve his national community by placing his physical and intellectual abilities at its service;</p>	<p>(c) To preserve and strengthen social and national solidarity;</p> <p>(d) To preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;</p> <p>(e) To preserve and strengthen the independence and the integrity of his country;</p> <p>(f) To contribute to the best of his abilities. At all times and at all levels, to the promotion and achievement of African Union.</p>
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well as to defend their community. Article 31 Of the African Charter on the Rights and Welfare of the African Child is very clear on this. *See textbox above.*

Examples of Rights and Responsibilities of Children

While there is emphasis that the state and parents spend time and effort in promoting the child's rights, there is equal need for the child to correspondingly demonstrate that he/she can exercise those rights in a responsible manner. The following table demonstrates this nexus.

Child Rights	Child Responsibilities
The right to a name and identity	<ul style="list-style-type: none"> The responsibility to respond to that name and be proud of it The responsibility to respect other people's names and identity
The right to nationality	<ul style="list-style-type: none"> The responsibility to be patriotic to one's own country
The right to parental guidance	<ul style="list-style-type: none"> The responsibility to obey parents
The right to privacy	<ul style="list-style-type: none"> The responsibility to behave responsibly while away from parents
The right to nutrition	<ul style="list-style-type: none"> The responsibility to eat the food provided
The right to good health	<ul style="list-style-type: none"> The responsibility to look after one's health and seek medical treatment when sick
Right to education	<ul style="list-style-type: none"> The responsibility to attend classes
The right to shelter	<ul style="list-style-type: none"> The responsibility to maintain that shelter
The right to special care and services, if in need.	<ul style="list-style-type: none"> The responsibility to care for others with special needs The responsibility to use any residual potential to be independent.

In many communities, women have traditionally not enjoyed the same rights as men, equally girls have not had same equality of opportunities as boys

It should be noted that rights have corresponding responsibilities.

For instance, the right to education goes with the child's responsibility to work hard in school; Children have responsibilities to their parents, guardians, teachers, and the State. This fact should be emphasized. Child Rights without corresponding responsibilities will no make sense at all.

8.0 Relationship between CRC and CEDAW

In many communities, women have traditionally not enjoyed the same rights as men. Equally girls have not had same equality of opportunities as boys. This has been due to culture, policies, laws, and religion as well as patriarchy-inclined institutions, norms and values which greatly result into women being relegated to the lowest ranks of the ladder in society. Women, therefore need to be empowered so that they can equally enjoy their rights as humans and actively participate in making decisions in matters that affect them.

In 1946, The UN Commission on Status of Women brought to light areas in which women are denied equality with men. These included the legal status of women, safety and security, women's participation in public life and their low socio-economic status. In 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women - CEDAW and it entered into force in 1981 (Malawi ratified this convention in 1987).

CEDAW promotes equality, as it prevents and prohibits unfair discrimination against women. It is an instrument whose basis creates legally-binding obligations on states parties to ensure women fully enjoy their human rights and sets out measures for achieving equality between men and women in all fields of political, economic, social and cultural life.

It sets internationally accepted principles on the rights of women and as such it is an:

- International bill of rights for women
- Agenda for action by countries to guarantee the enjoyment of the rights

CEDAW further spells out measures to be undertaken by states to end discrimination against women. These measures include:

- Establishment of public institutions to ensure prevention of discrimination against women;
- Abolish all discriminatory laws and adopt appropriate ones that enhance equality of women;
- Incorporate the principle of equality of men and women in the legal systems.

8.1 Comparisons between the CRC and CEDAW

CEDAW was adopted by the UN General Assembly in 1979 and entered into force in 1981 while the CRC was adopted in 1989 and entered into force in 1990. CEDAW has so far been ratified by 166 countries, and the CRC by 191 countries. These two treaties are the most widely endorsed human rights treaties in the history of the United Nations.

Both are based on the principles of human rights as articulated in the international covenants, and both reaffirm human rights as universal, indivisible and interdependent. The mutually reinforcing nature of the two conventions protect the rights of girls and women throughout the life cycle, as they form an essential framework for a forward-looking strategy to promote and protect the fundamental rights of girls and women, and decisively eradicate inequality and discrimination.

The mutually reinforcing nature of the two conventions protect the rights of girls and women throughout the life cycle

CEDAW applies to females of all ages since no specific agegroup is specified, while CRC applies to girls under age 18

CEDAW essentially builds on the existing international human rights machinery but points out that they are not sufficient to guarantee the full enjoyment and exercise of women's human rights. In its preamble, it elaborates that discrimination violates the principles of equality and is an obstacle to the realization of women's political economic, social and cultural rights.

Its scope extends beyond public life to include discrimination that occurs in private life, and in the family. CEDAW applies to females of all ages since no specific age-group is specified, while CRC applies to girls under age 18.

CRC and CEDAW allow attention to be directed to the situation of girls and women. This is because there are overlapping issues that call for such actions for elimination of discrimination and reduction of gender-based disparities as:

- Special policy measures for girls' education to remove obstacles of discrimination. In some cases, girls' education and vocational training have been linked to employment opportunities for women.
- Legal reform for guaranteeing a child's right to a nationality and women's right to inherit property has been critical to the care and development of children, particularly in war affected areas:
- The rights to information on sexual and reproductive health issues will ensure equal access of both adolescent boys and girls to such information.
- Harmful cultural practices such as female genital mutilation are recognised as a

violation of girls' rights and not just as a health hazard.

- Recognition of sexual exploitation and gender-based violence against girls as violations of rights, leading to legal measures for punishing the perpetrators and for protecting vulnerable groups. In some places, new programmes of family support services provide incentives for education and employment.
- Childcare facilities for protecting the best interests of the child and providing support to women's economic participation.
- Collection and analysis of gender- and age-de segregated information for monitoring the implementation of CRC and CEDAW.

9.0 Child rights in Malawi

9.1 The Constitution of Malawi

Chapter IV of the Constitution of Malawi is devoted to Human Rights. Largely it upholds the human rights of all persons in Malawi. Rights of Children are specifically mentioned in Section 23.

Specifically, child protection is mentioned in article 23(4), which states that "**Children are entitled to be protected from economic exploitation or any treatment, work or punishment that is or is likely to be hazardous.**" This includes those acts that are likely to:

- Interfere with their education
- Be harmful to their health or to their physical, mental or spiritual or social development

Specifically, child protection is mentioned in article 23(4)

[The Bill that is being worked on is known as Care, Protection and Justice Bill]. It seeks to improve childcare and protection system in Malawi

Section 24 is devoted to the Rights of Women. Indeed Section 24 (2) can be said to be a direct application of CEDAW as it outlaws all forms of discrimination against women.

It calls for enabling legislation **"to eliminate customs and practices that discriminate against women"**, particularly practices such as -

- Sexual abuse, harassment and violence
- Discrimination in work, business and public affairs, and
- Deprivation of property, including property obtained by inheritance

9.2 The Children and Young Persons Act

The Children and Young Persons Act, which is currently being revised is an attempt to domesticate the CRC and the ACRWC. [The Bill that is being worked on is known as Care, Protection and Justice Bill]. It seeks to improve childcare and protection system in Malawi, by modernizing the law through incorporating provisions aimed at protecting and upholding the child's best interest. Some of the provisions deal with:

- Establishment of separate court system for children
- Guidelines on arrest and detention of children
- Duties and responsibilities of parents towards children
- Determination of children in need of care and protection duties and functions of local

authorities in childcare and protection

- Protection of children from undesirable practices.
- A new definition of a child as a person below eighteen years of age - in line with the CRC.

The Bill repeals the Children and Young Persons Act; amends the Adoption Act; and the Employment Act;

Other legal documentation in reference to children in Malawi include the Adoption Act, Marriage Act, Employment Act and policies such as Orphans and Vulnerable Children (OVC), Early Childhood Development (ECD), Child Labour, HIV and AIDS, Gender, and Youth Policy.

The Main Provisions in the Legal Documents that seem at Variance with the CRC



Malawi's legal provision and documentation on children includes one on provision and management of HIV and AIDS medication. Children must enjoy health facilities to their fullest...

Pic: AIDS PATIENT. www.biantyresynod.org

Other legal documentation in reference to children in Malawi include the Adoption Act, Marriage Act, Employment Act and policies such as Orphans and Vulnerable Children (OVC), Early Childhood Development (ECD), Child Labour, HIV and AIDS, Gender, and Youth Policy

Mobilization of resources for ensuring human rights and the best interests of the child are catered for is a constraint

Children remain subject to cultural practices that limit the enjoyment of their rights

10.0 Facilitating enjoyment of Children's Rights

Under the terms of the UN Convention on the Rights of the Child, responsibility for the rights of children is clearly assigned.

The state bears the ultimate responsibility for ensuring that the rights of children dwelling in that country are respected. Article 4 of the CRC says: "**States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. The family has the primary responsibility for its children, but at the same time the state is under the obligation to support families.**"

11.0 Some Challenges in the Implementation of Children's Rights at Country Level

Each country faces unique challenges in dealing with children's issues. Some of the challenges Malawi is facing in ensuring the protection and promotion of the rights of child include:

- Mobilization of resources for ensuring human rights and the best interests of the child are catered for is a constraint. This is due to resource constraints at family and state level, and especially given the widespread poverty in Malawi.
- Overcoming traditions and cultural values of people. Children remain subject to cultural practices that limit the enjoyment of their rights. These are such practices as early marriages, which deny them their childhood.
- Inadequate legislation for child protection.
- Prevalence of HIV and AIDS - leading to widespread orphan-hood and vulnerability.

Activity: Case Study

Parents are dead. A relation wants to takeaway the piece of land belonging to children. The oldest son Madalitso, tried to reason with his relatives but his relative would not listen. He then tried to offer a compromise half of his land but relative did not accept that either. By Billy Msokera - Kasungu

1. What are the issues in this case study?
2. What can Madalitso do to have the land?
3. How can he do it?
4. Which authorities can be in Madalitso's case?

12.0 Consolidation

Facilitator to highlight definition of the child, principles of child rights, and the interrelationships of CRC, CEDAW and African Charter for the Protection of the Rights and Welfare of the African Child and the major challenges in the implementation of child rights with particular reference to OVC.

13.0 References

- United Nations Convention on the Rights of the Child
- Constitution of Malawi
- African Charter on Welfare and Rights of the Child



Unit 3

Economic, Social and Cultural challenges for Orphans and Other Vulnerable Children (OVC) in Malawi



1.0 Introduction

The aim of this unit is to introduce to the participants economic, social and cultural challenges experienced by orphans and other vulnerable children in Malawi which in turn affect their physical, mental and emotional development.

Childhood is a very important stage in human development. In every society, children are expected to develop into psychologically healthy individuals and to acquire socially acceptable behaviour, skills and values. As such the child requires an environment which is very stable, supportive and conducive to growth. Children need special attention because they are vulnerable and face particular challenges. In Malawi, many children grow up in precarious environments of poverty, neglect, abuse and hostility, which in turn affect their development.

To protect them, children need special rights that will ensure that they are free from all forms of violence, whether physical, mental or emotional (refer to Unit 2). These special rights also place an obligation on the State, parents / guardians, organizations and all those that provide custody to children to provide conditions and support that will enable children to grow into useful citizens.

Children need special rights that will ensure that they are free from all forms of violence, whether physical, mental or emotional



2.0 Objectives

By the end of this chapter, participants should be able to:

- Explain the challenges faced by OVC in their communities
- Develop advocacy programmes to address challenges faced by OVC.

- Lobby for full realization of economic, social and cultural rights of OVC
- Facilitate access to justice and security for OVC

3.0 Suggested Training Strategies

- Group discussions
- Lectures
- Case studies



4.0 Suggested Training Resources

- Markers,
- Flip Chart,
- Masking Tape,
- Pens / Pencils,
- Writing Paper
- VIPP Cards,
- Handouts,
- Note Books,
- Chalk Boards





5.0 Economic, Social and Cultural Challenges of OVC

5.1 Introduction

In Unit 2, you learnt about child rights. In this Unit the focus will be on social, economic and cultural challenges that OVC encounter. These challenges negatively affect the enjoyment of the rights.

Addressing these challenges will ensure that OVC have access to the resources, opportunities and services needed for their adequate standard of living. This can be achieved if government, individuals and organizations can be held accountable if they do not fulfill their obligations.

5.2 Scope of the Challenges

Children have rights to enjoy economic, social and cultural rights but they are less able to protect themselves from violations of their rights. Interruptions to children's development have the potential to affect them more seriously than adults.

Events in childhood will affect the individual as an adult, and consequently society as a whole. For example, a child who is affected by malnutrition may suffer permanent stunted growth and mental development as compared to an adult with the same problem. Children who miss school opportunity will be deprived of many opportunities for the rest of his/her life. Some threats might be more likely to affect girls rather than boys, or vice versa, for instance, girls are more likely to be victims of forced early marriages than boys.

Thus, different situations of disadvantage make some children more vulnerable than others. OVC experience unfair discrimination and social exclusion because of

a number of overlapping grounds or reasons.

5.3 Economic challenges

Some people have defined "economic" as "**concerning production, development and management of material wealth or the necessities of life.**" Economic rights concerns protecting people's physical survival and how they can earn a living. OVC face many economic challenges.

5.3.1 Child Labour / Exploitation

Child labour refers to work that is hazardous and likely to interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral or social development. Children's participation in family work that does not affect their health and personal development or interfere with their schooling is generally regarded as positive part of socialization. Child labour should not be confused with child work which is work that involves preparing or training children and is a part of socialization and prepares them for the future and also for adulthood.

Factors that cause child labour could be immediate, underlying or structural. Immediate factors are those that directly lead to their involvement in child labour, while the underlying factors are the root causes of child labour, and may actually not be obvious or directly linked to child labour. On the other hand, structural factors are those that relate to how society is organised to take care of children.

Children who miss school opportunity will be deprived of many opportunities for the rest of his/her life

Child labour refers to work that is hazardous and likely to interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral or social development

Factors that cause child labour could be immediate, underlying or structural

Example: Children working as labourers in estates

Immediate causes	Underlying causes	Structural causes
<ul style="list-style-type: none"> Lack of money to access basic needs 	<ul style="list-style-type: none"> Breakdown of extended family and informal social protection structures 	<ul style="list-style-type: none"> Low and declining national income

The Worst Forms of Child Labour Convention" (C182), which to abolish worst forms of child labour for all children. According to ILO, worst forms of child labour are those that cause irreversible physical or psychological damage or threaten the child's life.

of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation (UNICEF).

Activity 1: Child labour / Exploitation

- Identify issues that contribute to increased child labour / exploitation of OVC in your community.
- Identify and analyze:
 - Immediate causes, underlying causes and structural causes.
 - Consequences
- Develop strategies for advocating / lobbying for the elimination of child labour / exploitation

Activity 2: Case study

An advert appeared in one of the local papers requesting for applications from young girls between 15 and 18 years of age who wanted to study in Europe. The agent promised applicants that they would be provided with housing and support. The successful girls would receive student visas and allowed to enter Europe. to receive education.

On arrival in Europe, the agent told the girls that they wouldn't be attending school. During the next several weeks, the girls are locked in a basement and continually told that if they try to leave, they would be arrested for their involvement in the visa fraud.

During the evenings, the girls are taken to local motels where they are used to service clients (sex) and clean rooms. The girls are never paid for their work.

All their identification documents such as passports have been taken away.



Child trafficking is the recruitment of, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms

5.3.2 Child Trafficking

Child trafficking is the recruitment of, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception,



Activity 3: Case study

Use the case study:

1. Identify the child rights violations in this story
2. Identify and analyze:
 - (a) Immediate causes, underlying causes and structural causes of child trafficking
 - (b) Consequences
3. Develop strategies for advocating / lobbying for the elimination of child labour/exploitation

Child prostitution is a form of child labour where young girls (and boys) are forced to sell their bodies

5.3.3 Prostitution and Child Pornography

Child prostitution is a form of child labour where young girls (and boys) are forced to sell their bodies in exchange for money or other material resources. Child prostitution is not only demeaning and violating the child's dignity, but it also increases children's risks of contracting HIV.

PIX: POOR SCHOOL INFRASTRUCTURE. Ceysca/AMHRC



The state is obligated to take tangible initiatives to ensure all children including OVCs attain the best of education in suitable learning and teaching environments...

6.0 Social Challenges

Some people define "social" as "**living together in communities**". Social rights are therefore human rights which give people security as they live together (for example in families), and learn together in schools. OVC in Malawi experience many social challenges in their lives.

6.1 Right to Education

Education is the primary vehicle by which children can lift themselves out of poverty. The exercise of the right to education is instrumental for the enjoyment of many other human rights. Lack of education is manifested by high illiteracy rates and low school enrolment ratios. The universal primary education is a Millennium Development Goal to be achieved world wide by 2015. The state should give close attention to progressive realization of the right to education and ensure that OVC benefit from improved access to education.

The right to education means that the state must take steps so that children can receive education. Right to education does not only mean the right to attend school. It also means that the education must be of

The state should give close attention to progressive realization of the right to education and ensure that OVC benefit



acceptable standard.

Despite considerable advances made in the education sector in improving access to education, many OVC are unable to access school. Many of these are girls.

Activity 4:

Discuss the issues that create a barrier to right to education for the OVC in your community?

Design an advocacy and lobbying strategy that you would use to advocate for an improved situation

Equality and non-discrimination are important aspects of the right to education, and the state should give priority to equal access for the girl child and vulnerable groups such as children with disabilities.

6.2 Right to health

Good health is central to creating and sustaining the capabilities of children. Ill health for children contributes to destroying their livelihood, lowering education achievements and limits opportunities.

Right to health for OVC refers to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health on a non-discriminatory basis especially to vulnerable groups such as the OVC.

The entitlements to right to health include a system of health care and protection that is available, accessible, acceptable and good quality. Some of the health issues for OVC include; provision of essential drugs, appropriate treatment of common diseases such

as malaria, education on health problems and methods of preventing and controlling them, immunization against major infectious disease.

B. Illustration: poor standard e.g. overcrowding of patients

Pic: OVERCROWDING. Body of Case Handling Institutions - BCHI



Right to health for OVC refers to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health...

Pic: INFANT CARE. www.sara.aed.org

Good health is central to creating and sustaining the capabilities of children



Activity 5:

What are the barriers to the promotion of the right to health for the OVC in your community?

6.3 Right to safe water and sanitation

Water is a basic human need. Everyone has a right to have access to portable and clean water. Water accessed should be free from harmful substances such as toxins and other harmful substances. This is important because safe drinking water is an essential part of human diet and is necessary for survival.

Access to safe water and sanitation are closely connected. Without water, many sanitation facilities cannot operate effectively. Thus in turn results in unhygienic conditions which can negatively affect the health of the child.

Access to water refers to economic and physical accessibility of water. Physical accessibility means that water should be available within a distance accessible to everyone including vulnerable individuals such as children. Economic access refers to the financial costs associated with accessing of water. The cost of water should not be unreasonably expensive that people cannot afford it.

6.4 Right to adequate housing

The right to adequate housing has a crucial role to play in relation to promoting and protecting rights of OVC. Further, enjoyment of the right to adequate housing is instrumental in securing other rights.

Most OVC are disadvantaged and endangered by the places and physical conditions in which they live. They experience precarious shelter problems which in turn create insecurity of the children and their property. Poor housing reflects and deepens deprivation.

Homelessness and living in dangerous and unsanitary housing is constitutive to human rights violation.

The right to adequate housing should not be understood narrowly as the right to have a roof over one's head. Rather, it should be seen as the right to live somewhere in security, peace and dignity.

6.5 Right to Food

Food is needed for human survival. The right to food has a crucial role to play in the physical and mental development of a child. The importance of the right to food is emphasised by the Millennium Development Goals that aims to halve the proportion of people who suffer from hunger by the year 2015.

Undernutrition handicaps children for life: brain cells do not develop, bodies are stunted, and diseases become rife limiting the potential of the children to marginal existence. Hungry children cannot concentrate at school.

The right to food encompasses the availability of food in sufficient quantity and quality to satisfy the dietary needs of the child in a form that is culturally acceptable. It also means the food can be accessed in ways that are sustainable and do not interfere with the children's enjoyment of other rights.

The right to food also encompasses food safety and food security. Food safety implies that the food should be free from adverse substances, whether from

The right to adequate housing should not be understood narrowly as the right to have a roof over one's head

The right to food encompasses the availability of food in sufficient quantity and quality to satisfy the dietary needs of the child

Safe drinking water is an essential part of human diet and is necessary for survival

Culture can either promote or violate child rights

adulteration, poor environmental hygiene or other causes. Food security implies the absence of vulnerability to hunger. In other ways children are food secure if they can afford and have access to adequate food at all times.

7.0 Cultural Challenges

Culture refers to the way of life of any group of people who share common customs and values in society. It encompasses among other things beliefs and behavioural patterns. Culture can either promote or violate child rights.



Activity 6:

Discuss cultural practices in your community that:
(a) Promote child rights
(b) Violate child rights

7.1 Property Grabbing

This is another harmful practice. This hopelessness is again given over to their children. Many of these boys and girls are dumped back in the villages as orphans and no one wants to be responsible for them. More girls than boys are taken out of school and many of the small girls are abused in their new setting by an uncle, a neighbour or someone else.

Property grabbing has negative effects on the child and leads to dramatization. Children who have lost their parents and have their property grabbed by relatives may not be able to:

Property grabbing has negative effects on the child and leads to dramatization

Property grabbing include taking away of property such as household items, houses, land, properties such as cars, cattle etc.

7.2 Early marriages

Early marriages are one of the abuses faced by mostly girls in Malawi. An early marriage is a form of child abuse because of the physical, mental and emotional experiences the girls undergo.

An early marriage is a form of child abuse because of the physical, mental and emotional experiences the girls undergo



Pic: EFFECTS OF PROPERTY GRABBING. www.biantyresynod.org

Children who have lost their parents and have their property grabbed by relatives may not be able to attain a brighter future...

For example, in Karonga, "Kupimbira" cultural practice is very common. Note that early marriages can also be an economic issue

Pic: OVC NEED NEED SPECIAL PROTECTION. www.raisingmalawi.org



In most cases, culture perpetrates this custom. For example, in Karonga, "Kupimbira" cultural practice is very common. Note that early marriages can also be an economic issue.

7.3 Incest, Rape, Defilement and Sale of Child Body Organs

More than ever before, reports of incest, rape, defilement, murder for body parts are on the increase. Girls are more vulnerable in these acts. Some who do these bad and shameful acts do so with the belief that they will either get rich or cured of infections and diseases such as HIV and AIDS.

7.4 Witchcraft

The practice of witchcraft is common in Malawi and

young children are sometimes taught to become witches or wizards. Children are in many ways affected by this cultural practice as it destroys the relationship between parents and children and affects communities at large.

Most OVC are vulnerable to this cultural practice. For young children, the whole experience maybe traumatic and might lead to rejection among peers and development of psychopathological disorders such as depression.

7.5 Other Forms of Domestic Violence

Child abuse is a social problem of great importance because of its adverse consequences that violate human dignity. Many children in Malawi experience various forms of child abuse. Children who are abused are traumatized and the net effect of these child abuses is poor physical, mental and emotional development of the child.

Physical abuse: Physical abuse is physical injury (ranging from minor bruises to severe fractures or death) as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand, stick, strap, or other object), burning, or other wise harming a child. Such injury is considered abuse regardless of whether the caretaker intended to hurt the child.

Emotional - Verbal abuse: Emotional abuse is a pattern of behaviour that impairs a child's emotional development or sense of self-worth. It is intellectual and psychological damage inflicted either deliberately or by neglect that is evidenced by observable damage to the child's ability to perform. Verbal assault is one common form of emotional abuse. This may include constant criticism, threats, or rejection, as well as

For young children, the whole experience maybe traumatic and might lead to rejection

Verbal assault is one common form of emotional abuse. This may include constant criticism, threats, or rejection

Reports of incest, rape, defilement, murder for body parts are on the increase. Girls are more vulnerable in these acts

Traditional family structures are unable to take care of orphans

withholding love, support, or guidance, exposing the child to ridicule shaming, threatened violence. Emotional abuse is almost always present when other forms are identified.

Child Neglect - This involves abandoning children for all types of reasons. This form of child abuse occurs when the adult caretaker either deliberately or unintentionally fails to provide the support necessary for the child's physical, intellectual and emotional development. Most OVC experience this type of abuse.

8.0 Crosscutting Challenges for OVC in Malawi

Cross-cutting challenges for OVC in Malawi are many. They include rampant poverty, the HIV/AIDS pandemic and gender related issues. These challenges have a heavy bearing on the enjoyment of rights by the OVC.

Poverty

Poverty is a state where there is lack of necessities of material well-being and also the denial of opportunities for living a tolerable life.

Poverty is widespread and rampant in Malawi. This creates a big challenge in as far as creating conducive environment for the OVC is concerned. In most cases, the traditional family structures are unable to take care of orphans because they do not have the capacity to sustain these children due to poverty.

9.0 Poverty Dimensions

- **Income poverty:** This is lack of income necessary to satisfy basic needs such as food, clothing energy and shelter.
- **Basic needs poverty:** This is deprivation of material requirements for minimally acceptable fulfillment of

human needs including food. It goes beyond lack of income and includes the need for basic health, education and essential services that have to be provided by the community to prevent people from falling into poverty. The concept also recognizes the need for employment and participation.

- **Human poverty:** This is deprivation in the most essential capabilities of life, including leading a long and healthy life, being knowledgeable, having adequate economic provisioning and participating fully in the life of the community. Lack of basic human capabilities includes illiteracy, malnutrition, abbreviated lifespan, poor maternal health, and illnesses from preventable diseases.
- **Governance poverty:** In all situations, for the people to have a chance to participate in interventions to reduce poverty at all levels the governance must open up to peoples will to do so. In the absence of good governance this cannot be realized. .

Poverty compels especially OVC to engage in sexual activities for the exchange of money or other material things to meet their basic needs, illicit activities such as drug and alcohol abuse, engaging in violent crime and many others.

10.0 HIV and AIDS Issues

The HIV/AIDS pandemic raises many issues that affect people's rights negatively. HIV/AIDS has several dimensions. It is a health, social, economic, development, cultural as well as a technological issue.

HIV/AIDS is the primary cause for the increasing number of OVC in the country. OVC face many challenges as a result of the pandemic. These challenges include providing health, safe, non-discriminatory and caring environment, treatment, care and support.

Poverty compels especially OVC to engage in sexual activities for the exchange of money or other material things to meet their basic needs

Lack of basic human capabilities includes illiteracy, malnutrition, abbreviated lifespan, poor maternal health, and illnesses



Activity 7: Case study

Khumbo comes from a family of six aged between 5 and 15. She is the eldest daughter in the family and is currently doing her standard seven in a local school. Her old single aunt is raising the children single handed as their parents died from HIV/AIDS.

To make ends meet, the aunt works in a tobacco estate near her home. The wage she gets is not enough to support the family. This also means that she has very little time to tend her small garden. The family has very little food. The children sometimes help their aunt by working on the estate during tobacco picking periods. The children who work in the estate are paid very little although they work from morning till late.

Last month, Khumbo's aunt asked her to stop going to school so that she can help the family by working on the estate. The aunt also told her to get married so that the husband could help the family. Khumbo is against these proposals because she is interested in school and would like to continue with her education. Her aunt insists that she must drop out of school and get married. She even threatens to throw her out of the house so that she can fend for herself since she is old enough to be on her own. Khumbo is confused.

Discuss the issues which have been discussed above in plenary.

Girls often feel less valuable than boys

Girls and boys are often treated differently; they are given different roles and value from the very beginning of life. This is influencing the way they look at themselves, and each other. Girls are in many ways perceived as those ones who deserve to suffer. In this way, the girls often feel less valuable than boys.

11.0 Children with Special Needs

Children with disabilities face many challenges these children face. They are in most cases isolated from the main group or arena of activities. Children with disability need to be recognised, their needs catered for so that they are able to participate in all activities like other children. They therefore need inclusion and not exclusion.

Activity 8:

Discuss economic, social and cultural issues affecting children with disabilities in your community.



12.0 Consolidation

Child protection is critical to enabling children grow to their full potential. For this to happen there is need to create an enabling environment that actively provide for the child. Supporting children's rights to their fullest potential is an important aspect of child protection. This can be achieved by advocating for strengthening families under economic and social stress.

Another dimension to child protection is improving the quality of social services, and making them friendlier to children.

Our challenge is therefore advocating and lobbying for implementation of laws and policies that push towards child rights.

While good laws and policies are essential to ensuring that children's rights are respected, they are not enough unless government back its words with the financial and human resources necessary to guarantee that real action is taken. Resource allocation must be in the best interest of the child.

A dimension to child protection is improving the quality of social services, and making them friendlier to children

Our challenge is therefore advocating and lobbying for allocation of adequate resources to the promotion of child rights. An important step in ensuring that adequate resources are allocated to children is to analyze budget expenditures on children.

Promoting child rights is also about children participating in decisions affecting their lives. The economic, social and cultural rights of the children cannot be realized if their opinions and voices are not heard.

Our challenge is therefore to advocate and lobby for greater voice in the society for the children.

13.0 References

- Convention on the Rights of the Child (CRC)
- Constitution of Malawi
- National code of conduct on child labour - Ministry of labour and vocational training
- The African Charter on the Rights and Welfare of the Child
- Employment Act no. 6 of 2000
- Millennium Development Goals (MDGs)
- The proposed Child (Care, Protection and Justice) Bill
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Rights of Persons with Disabilities
- National plan of action for orphans and other vulnerable children (2005-2009)
- National HIV/AIDS Policy (2003)
- National Policy on Early Childhood Development(2004)
- ILO Convention (No. 182)

Resource Mobilisation



1.0 Introduction

Resource mobilization - This is a sociological theory that stresses the ability of the movement's members to acquire resources and to mobilize people towards furtherance of their goals. However, mobilization is the process of forming crowds, associations, groups, networks and organizations for the pursuit of collective goals.

Fundraising - is the process of soliciting and gathering contributions as money or other resources by requesting donations from individuals, organizations, charitable foundations or government agencies for a specific purpose or purposes.

Fundraising can be a very long, expensive and frustrating process, but by following certain basic guidelines, you can increase your chances of receiving donor funds. In fundraising processes you will find some general guidelines on how to proceed while writing a fundraising application.

The main rules are 'Do what you're good at' and 'Do what you believe in'. Don't start new activities just for the sake of fundraising, they will probably fail. Keep in mind that your ultimate goal is to convince the possible donor that there is a problem, that the problem is solvable and that you and your partners can help to solve it in an efficient and cost-effective way.

You have to believe your organization is the right one to execute the project and you need to have enough self-confidence to approach any possible donor.

Don't forget that finding money is very time consuming, so you should make it worthwhile.

Your organization is the right one to execute the project and you need to have enough self-confidence to approach any possible donor

2.0 Objectives

At the end of this unit, participants should be able to:

- Demonstrate how to set up a fund raising strategy
- Assess capacities of their organizations,
- Outline important issues learnt in resource mobilization
- Network
- Define resource mobilization
- Understand what is the difference between fundraising and resource mobilization
- Mobilize human resource

3.0 Suggested Training Strategies

- Class discussion
- Group work and reporting
- Brainstorming
- Questions and answers
- Handouts e.g. case studies
- Group discussions





4.0 Suggested Training Resources

- Chart paper, pental pens
- Resource person(s)
- Hand Book for Fundraising Campaign
- Fundraising Guide: Global Youth Net
- www.globalyouthnet.org -
- www.globalyouthnet.org/donate
- websites for reliable NGOs for easy access to their materials- both local and international



Activity 1: Case Study:

Read the following case study and discuss the questions below:

Pulumutsani Mwana wa Masiye is a local NGO working on rehabilitation of orphans and vulnerable children (OVC) in Salima. Under Chimwala's leadership, communities rehabilitated 500 orphans.

As it was realized that the problems related to malnutrition along the lake shore are linked to production of nutritious food stuffs Chimwala came to the conclusion that an approach that included the holistic approach to food production was needed. Pulumutsani Mwana wa Masiye started their fundraising by writing small project proposals, with the help of an NGO that had a lot of expertise in fundraising.

Slowly but surely, Pulumutsani Mwana wa Masiye's successful activities became known to a broader public, and besides that, the government admitted that

this was the way forward for protection of orphans and vulnerable children. The fact that Pulumutsani Mwana wa Masiye's work is widely known and acknowledged has generated new financial resources. For example, it receives donations from the cities, without even asking. And after receiving the Goldman Prize, the National Bank of Malawi decided to match the amount awarded by the Prize.

At this moment, Pulumutsani Mwana wa Masiye is involved in a very popular television soap, which is likely to generate even more attention and resources for their activities. Pulumutsani Mwana wa Masiye's experience shows that sometimes by simply doing good quality work in the places where it is needed most - in this case successfully providing for a solution for the protection of OVC.

Pulumutsani Mwana wa Masiye is self sufficient to generate its own publicity and financial resources.

Answer the following questions:

1. What are the problems in this case study?
2. What actions will be required to solve the problems?

5.0 Fundraising Strategy

A fundraising strategy is an overall plan on how to behave towards donors in the long term. Whatever is done to communicate as part of the fundraising effort, must be done in the context of how the organization has decided to present itself to the 'outside world'.

In that context it is important to be in line with the organization's mission statement, its goals and objectives, and its long-term strategic plan. The question you should ask yourself over and over again is: How do I want others to see me?

A fundraising strategy is an overall plan on how to behave towards donors in the long term

Donor cultivation can be defined as a strategy and process to learn more about each donor's interests



Activity 2:

1. Together with participants, give insights into your organization's strength and weaknesses
2. Spell out in more detail how the aims you have identified will be carried out and how much it will cost
3. Set out specific objectives, targets and tasks that you will carry out in order to meet your aims.
4. What is the role various stakeholders e.g. media?
5. What is operational planning?

5.1 Capacity Building

Capacity building with a special emphasis on resource mobilization is a topic that covers a wide range of techniques. If you approach capacity building strategically, stay informed and stick to your agreed strategy, you will find that fundraising is much more about good organization - realizing basically what enhances your work, and what does not.



Activity 3:

Examine the importance of the following:

- Capacity building.
- Organizational assessment?
- Characteristics of an organizational assessment
- SWOT brainstorming (analysis), SWOT action plan, using SWOT for data collection
- Strategic plan

- Define necessary skills: fine-tuning your fundraising strategy with your organizational capacity

5.2 Networking

Social network is a social structure made of individuals or organizations called "nodes", which are tied by one or more specific types of interdependence such as friendship, or kingship or common interest, financial exchange, or relationships of beliefs and knowledge.

This section offers advice and examples for successful profile-raising and donor-contact building. Cultivating relationships with donors is about bringing them closer to you and strengthening your relationship. Donor cultivation can be defined as a strategy and process to learn more about each donor's interests, desired professional contacts and philanthropic ideas in order to better initiate and respond to contact with a donor so as to develop a stronger relationship.

Activity 4:

1. Individually, let participants explain what is networking
2. What type of organizations do donors fund?
3. How can you win funding from a donor?
4. Do you agree with these statements? Discuss:
 - Build alliances with NGOs and organizations known to the donor community to get your name known. Similarly contribute ideas to well-regarded and established networks and organizations;



- It is important to network with donor representatives even if they are not funding, have never funded or have finished funding you or your institution. Keep up an ongoing relationship, irrespective of your funding status.
 - Donors talk to each other and network with each other and other organizations about actual and potential donor recipients: maybe me.
 - Donors indirectly network on your behalf, which is why it is important that they know about you, talk about you, and recommend you to other donors whether you receive money from
5. What is the importance of sustaining relationships with donors?

Read the following and answer the question below:

Linkages between NGOs at the local, national and international level can be an important measure of the vitality of the local NGO community. A crucial dimension of NGO empowerment is the ability of NGOs to work together and share information to promote development. National associations of NGOs can provide a valuable means of information sharing and a common base for dialogue with donors and government.

In some countries with strong NGO communities there are also national associations of NGOs at the sector level, such as associations of NGOs working in health, family planning or the environment. It can also be important to have horizontal linkages between grassroots organizations at the local and departmental level. Some examples include federations of cooperatives, federations of local development associations, peasant unions, federations of credit associations etc.

It can also be important to have horizontal linkages between grassroots organizations at the local and departmental level

Discuss the following question:

Why is it important to set linkages between local and international NGOs, Networks and associations?

6.0 Writing a Project Proposal

There is no fixed formula for writing a proposal. Some donors ask applicants to fill out a pre-designed NGO application form, others are more flexible and do not require a proposal to be submitted in any special way. There are, however, basic guidelines to follow while writing a proposal.

Even if you haven't got any guidelines, or those given below are not applicable to you, it is much easier to do things following a certain plan than to act haphazardly. Often it is useful to keep an eye on earlier proposals while making a new one.

If you use a computer it may save a lot of time to rewrite and adapt an old proposal to the new situation. It is also important to use results of former projects, link projects together and built on previous experiences.

Activity 5:

In groups, let participants discuss:

- Checklist for writing a project proposal
- A clear structure and a logical order of the project proposal;
- Annexes to the proposal
- The budget/expenses/income/explanatory notes to the budget
- Book keeping

It is much easier to do things following a certain plan than to act haphazardly



NGOs or CBOs strive for self-sufficiency by looking at more reliable strategies to mobilize resources



- Plenary

7.0 Alternatives to Fundraising

Raising funds through donors is a time intensive exercise, and makes organizations dependent on the changing policies of funding agencies. As a result, many NGOs or CBOs decide to strive for self-sufficiency by looking at alternative, more reliable strategies to mobilize resources. The four principles below offer guidance on how this can be done.

Activity 6:

Let participants discuss the following principles and other fund raising concepts in groups:

- First Principle: Look elsewhere for support
- Second Principle: Make an effort to diversify skills for resource mobilization
- Third Principle: Establish an enabling organizational

environment for creative resource mobilization strategies

- Localized income generation
- Developing mutually beneficial partnerships
- Public relations, marketing and the use of the media:

8.0 Consolidation

Ask participants to reflect what they have done in this unit and answer the question that follow:

Outline at least seven important issues they have learnt in resource mobilization .

9.0 References

- Malawi Growth and Development Strategy
- Population Census (2000)

Psychosocial Support



1.0 Introduction

Psychosocial support is defined as an ongoing process of meeting emotional, social, mental and spiritual needs, all of which are considered essential elements of meaningful and positive human development.

It goes beyond simply meeting children's physical needs. It places great emphasis on children's psychological and emotional needs, and their need for social interaction. Many programmes of support for orphans and other vulnerable children have focused almost completely on their physical needs only. Programmes which aim to meet the psychosocial and physical needs of a child should be holistic.

Trauma is an emotional shock that produces long-lasting, harmful effects on the individual

Orphans and other vulnerable children require psychosocial support because of the trauma and stress they have experienced. Trauma is an emotional shock that produces long-lasting, harmful effects on the individual. Parental illness and death are causes of emotional trauma for children and young people. Stress is an emotional condition, experienced or felt when an individual has to cope with unsettling, frustrating or harmful situations.

It is a disturbing sense of helplessness, which is uncomfortable and creates uncertainty and self-doubt. Psychosocial support aims to help children and young people cope with emotional trauma and stress.



2.0 Objectives

By the end of this module/unit, participants should be able to:

- Explain what is psychosocial support

- Examine psychosocial interventions
- Demonstrate how to provide psychosocial support to orphans and other vulnerable children.
- Understand the importance of education for the development of children and young people
- Explain the meaning of psychosocial from psychological aspect

3.0 Suggested Training Strategies

- Group discussions
- Brainstorming
- Debate
- Focus group discussions
- Role plays
- Handouts
- Picture codes



4.0 Suggested Training Resource

- Resource person(s)
- Flip chart paper,
- Pental markers



- Source Book (Ministry of Women and Child Development)
- Journey of Life Training Manual (NOVOC)
- Stepping Stones Training Manual
- Note books
- Memory boxes



Programmes which aim to meet the psychosocial and physical needs of a child are called holistic

5.0 Concept of Psychosocial Support

Psychosocial support has been defined as an ongoing process of meeting emotional, social, mental and spiritual needs, all of which are considered essential elements of meaningful and positive human development. It goes beyond simply meeting children's physical needs. It places great emphasis on children's psychological and emotional needs, and their need for social interaction.

Many programmes of support for orphans and other vulnerable children have focused almost completely on their physical needs only. Programmes which aim to meet the psychosocial and physical needs of a child are called holistic.

Activity 1:

In plenary, discuss the importance of **Psychosocial Support**.

6.0 Psychosocial Interventions

This section looks at various interventions which seek to respond to psychosocial support to orphans and other vulnerable children.

Activity 2:

In groups, brainstorm the importance of the following key

points in responding to the psychosocial needs of orphans and other vulnerable children:

- Counseling,
- Succession planning,
- Training in psychosocial support and;
- Examples of psychosocial responses.

Discuss with the whole class that all psychosocial responses should be guided by the UN Convention on the Rights of the Child. These must include:

- The need to treat all children and young people equally without discrimination.
- Communications with children and young people should be based on openness and truth.
- Preparing children and young people for the death of a parent. This helps them understand what is happening. This means they can then cope better with grief and loss.
- Taking into consideration the individual differences of children and young people and that they respond differently and have individual psychosocial needs.
- Understanding that early responses can prevent more serious problems occurring later.
- Children and young people should be allowed to participate in decisions which affect their future.

Children and young people should be allowed to participate in decisions which affect their future



- Appreciating that care of children is best provided in families and communities. Institutions are very poor at meeting the psychosocial needs of children and young people (charity begins at home).
- Knowing that responses need to focus on families as well as on individual children and young people.
- Involving the community as an essential source of psychosocial support, Community members need to be involved in any response.
- Monitoring and evaluation of programmes is needed to see what works best. Research is also needed into the impact of HIV/AIDS on children and how children and young people cope.
- Ensuring that response focus on all children's needs, not only the physical. Such programmes are called holistic.
- Lessons learnt

6.1 Training in Psychosocial Support

This section looks at the issue of training people in how to provide psychosocial support to orphans and other vulnerable children.

Another section looks in general at principles for responding to children's psychosocial needs. Other sections look in detail at counseling, succession planning and examples of psychosocial responses.

Activity 3:

In plenary, discuss the role of each in of the following key points about training in this area are:

- Training in providing psychosocial support is needed because psychosocial need is often overlooked by people working with orphans and other vulnerable children. In addition, specific knowledge and skills are needed to work in this area.
- Many different groups of people need this training. These include teachers, people who work with NGOs, people who work in communities and religious leaders.
- Training in this area is best provided using participatory learning methods.

6.2 Training Content

The areas which need to be covered in such a training course include:

- Why psychosocial support is needed.
- Different meanings of what it means to be a child.
- How children and young people experience grief.
- Important ideas and words used when describing psychosocial support. These include risk, vulnerability, stress, trauma, coping and resilience.
- Responses and the principles underlying them.



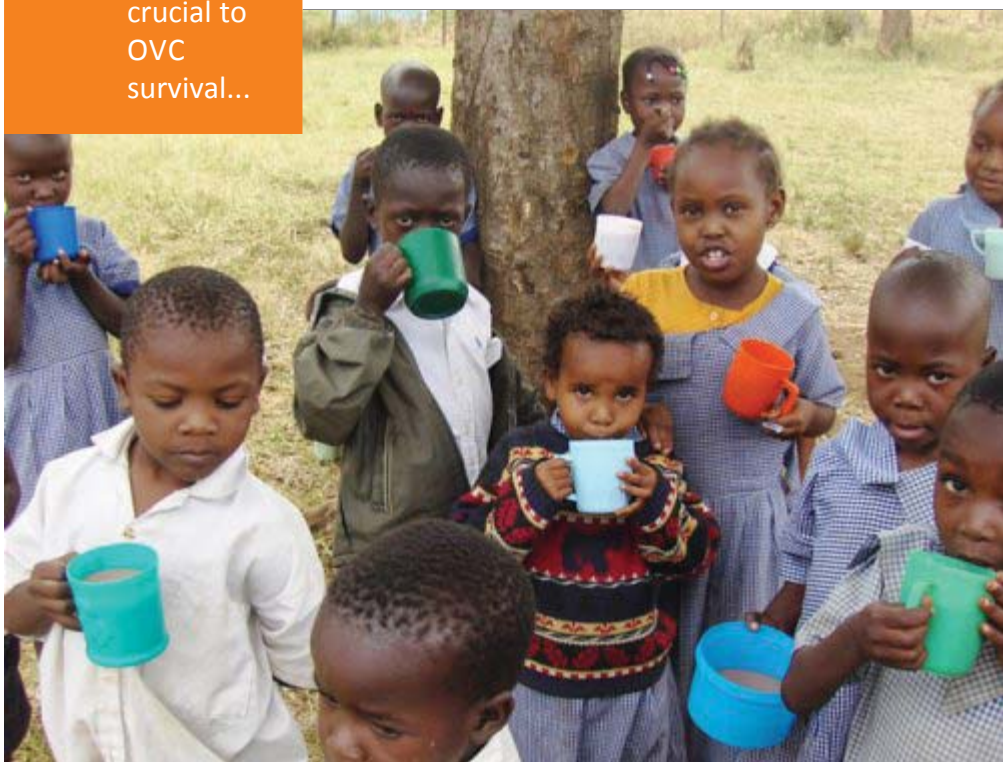
Important ideas and words used when describing psychosocial support include risk, vulnerability, stress, trauma, coping and resilience

Research is also needed into the impact of HIV/AIDS on children and how children and young people cope

Early childhood interventions are crucial to OVC survival...

- Facilitation of learning.
- Monitoring and evaluation.

Right to education



- This section should look at education issues which affect orphans and other vulnerable children. Other sections look in more detail at issues relating to early childhood development and school age children.

Activity 4:

Ask participants to consider key points about education and orphans and other vulnerable children. Trainer should be innovative and possible responses would be:

- Education is vital to the development of children and young people in a number of ways.
- HIV/AIDS is having serious effects on the education sector. Many teachers are sick or have died. The cost of education is also increasing because of the need to train more teachers.
- Orphans and other vulnerable children, particularly girls, may miss out on educational opportunities. They may also not perform to their full educational potential. They may also face stigma and discrimination in school.
- The Convention on the Rights of the Child has many implications for education. Relevant rights include the rights to equality, basic education, privacy, an environment that promoted health and access to information.

6.3 Importance of Education

Education is vital to the development of children and young people in a number of ways. It aids their psychosocial development. It is vital for their future opportunities. It helps reduce their risks and vulnerabilities. For example, it can contribute to reducing their risks of contracting HIV infection.

Activity 5:

Read the following case study and conduct a debate on the following statement:



Orphans and other vulnerable children, particularly girls, may miss out on educational opportunities



As teachers die of AIDS, it increases the cost of education because of the need to train more staff

The effects that are claimed occur because of the level of HIV infection among teachers. This leads to increased absenteeism through ill-health and attending funerals. This affects the quality of education provided.

As teachers die of AIDS, this reduces the number of teachers available. It also increases the cost of education because of the need to train more staff to replace those that have died. Some argue that teachers should be a priority for receiving treatment with antiretroviral drugs because of the important role they play in providing education to children and young people.

Others claim that there is little real evidence of these effects in studies which have been done to document the consequences of HIV/AIDS on the education sector. They argue that the number of teachers needed is declining because of a decline in the number of learners in school.

Note: Enough time should be given to each group to prepare facts to argue for or against debate.

7.0 Effects of HIV and AIDS on Children's Education

Orphans and other vulnerable children, particularly girls, may miss out on educational opportunities. Maternal orphans are more vulnerable than paternal orphans. Children who have lost both parents are most vulnerable of all.

The reasons why orphans and vulnerable children miss out on educational opportunities are considered in more detail in a section which explores issues of access to education. They may also not perform to their full educational potential. They may also face stigma and discrimination in school.

Activity 6:

1. Ask participants to consider present state of education at primary school level and health services in the country

2. Ask participants to discuss the following questions:

- Is the delivery of services benefiting children?
- What should be done to improve the services for the benefit of children?
- How is the Convention on the Rights of the Child being enforced for children to enjoy relevant rights include the rights to equality, basic education, privacy, an environment that promoted health and access to information?

8.0 Consolidation

Participants should review their work in this unit by responding to the following questions:

- Explain at least five points from this unit which you think will assist in motivating you to promote and protect child rights to education

9.0 Reference

- Journey of Life Training Manual
- Memory Boxes
- German,S., Madorin,K. and Ncube,N., Salvation Army/ Terre des Hommes, 2001. Psychosocial support for children affected by AIDS: practical responses from Zimbabwe and Tanzania
- International HIV and AIDS Alliance, 2003. Building blocks: Africa-wide briefing notes. Psychosocial support
- International HIV and AIDS Alliance,2004. Building



blocks in practice: participatory tool to improve the development of care and support for orphans and vulnerable children

- UNAIDS, 2000. Caring for caregivers: managing stress in those who care for people with HIV and AIDS, UNAIDS Best Practice Collection
- www.repssi.org (REPSSI: Regional Psychosocial Support Initiative)
- www.icdp.info (international child development)

Glossary

Advocacy:	The giving of support to a cause		risk or danger
Lobbying:	A group of people who try to influence politicians on a particular issue, to try to persuade a politician to support or oppose changes in the law	Inheritance:	The action of inheriting something from somebody
Equality:	The state of being equal, especially in status, rights etc.	Malnutrition:	A condition resulting from a lack of food or the right type of food
Justice:	Right and fair behaviour or treatment; the quality of being fair or reasonable	Stunt:	To prevent somebody from growing
Law:	All the rules established by authority or custom for regulating the behaviour of members of a community or country	Incest:	Having sex between people who are very closely related e.g. a brother and a sister or a father and daughter
Bargaining:	An agreement in which two or more people or groups promise to do something for each other	Rape:	To force somebody to have sex when they do not want to; the crime of raping somebody
Strategy:	A plan designed for a particular purpose; the process of planning something or carrying out a plan in skilful manner	Defilement:	Deliberately to damage something holy or sacred; to make something dirty or no longer pure
Tactics:	A plan or method used to achieve something, often against an opponent	Psychopathological:	
Intra and Inter Generational:	Within and between generations	Human Resource:	
Upheaval:	A change involving disturbance, confusion, trouble etc.	Vitality:	Liveliness and energy
Safeguard:	A thing that serves as a protection from harm,	Psychosocial:	
		Psychological:	
		Stress:	Pressure, tension or worry resulting from problems in one's life

Trauma: An unpleasant experience that causes one distress or anxiety; an emotional shock producing a lasting harmful effect

Resilience:

Vulnerability: Factors affecting people to be harmed or attacked easily

Discrimination: Treating a person or group differently than others

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