

ABANDONED ON THE Streets



Office of the Ombudsman



A REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF NEGLECT
AND ACT OF BIAS IN THE DISCHARGE OF DUTY BY CITY AND DISTRICT COUNCILS
IN REGARDS TO CHILDREN LIVING AND OR WORKING IN THE STREETS

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MARCH, 2019

Sys/Inv/1/2019

EXECUTIVE SUMMARY

“Street children are lovely blossoms just dropped from the tree after a heavy storm. Now they need to be put together with a needle and threads of security and shelter to live into a beautiful circle of life’s garland” -Munia Khan

‘Abandoned on the Streets’ is my report as the Ombudsman of the Republic of Malawi on an investigation into allegations of neglect and act of bias in the discharge of duty by City and District Councils over the manner in which they execute their functions under the Constitution and the Child Care, Protection and Justice Act in relation to children living and working in the streets.

The investigation was conducted following a letter of complaint dated 10th July 2018 from Eye of the Child, a local Non-Governmental Organization. In the letter they alleged that the City and District Councils have acted with neglect and bias in discharging their duties towards children living and working in the streets of Malawi. During the investigation my Office reviewed relevant documentation and interviewed different state and Non-Governmental Organizations.

The investigation made the following findings;

1. The Ministry failed in its duty to popularise and implement the NSCLWS throughout its lifespan (2014-2018). This left the stakeholders with no guideline on matters to do with children living and working in the streets. This was maladministration.
2. After the expiry of the un-implemented NSCLWS, the Ministry has even failed to draw a succeeding guide
3. By ignoring activities to do with children living and working in the streets whose vulnerability is higher in favour of other social welfare activities, the DSWOs have acted with bias. This is maladministration.
4. The unavailability of DSWOs when required for instance in court appearances and withdrawing of children from the streets is neglect of duty. This is maladministration.
5. The insistence by the DSWOs to be paid a DSA for activity that does not warrant payment of DSA and even labelling those NGO’s that refuse to pay such DSA is abuse of power. Hence maladministration.
6. The City and District councils have substantially failed to live up to their obligations under the Act thereby making a mockery of the law itself and increasing the vulnerability of children living and working in the streets.

The report further presents directives and recommendations aimed at providing redress to maladministration proven by the investigation as follows;

1. Every DSWO should develop a schedule of all the cases pending in the courts involving children who live and work in the streets and draw a plan to ensure court appearance of social welfare officers. The schedule and plan should be provided to the Office of the Ombudsman by 30th April 2019.
2. The Controlling Officer should issue or if such circular is already available should re issue such a circular to all DSWO’s highlighting instances on when DSA is payable and emphasizing that any unjustifiable claim for DSA shall be subject to disciplinary action. A copy of the circular should be made available to my office by 30th April 2019.
3. The Controlling Officer should write all bona fide NGOs who work with the Ministry advising them to report to her office any DSWO who makes payment of unwarranted DSA a condition

for that DSWO to work on an activity with them. This letter should be written and sent by 30th April 2019. Copies of such letters should be sent to me by the same stated date.

4. The Ministry should within 90 days from the date of this report engage the Blantyre, Lilongwe, Mzuzu and Zomba City Councils and all District Councils to strengthen their capacity in issues involving children living and /or working in the streets. Reports of such engagements should be provided to my office by 30th June, 2019.
5. The Ministry should initiate and facilitate drawing of service level agreements or strategic partnerships between the City and District Councils with the established NGOs that have all the structures and facilities for the reintegration of the children withdrawn from the streets. The copies of the agreements and or partnerships should be provided to my office by 30th June, 2019.
6. Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils should do an assessment of all children living and working in the streets. The report of such assessment should be provided to me by 30th April 2019 and should form a basis of discussions contained in the directive in paragraph 7 below.
7. The Ministry should organise a conference involving all relevant stakeholders in child care and protection where a more comprehensive and coordinated plan of action will be drawn from the report in paragraph 6 above and as per available legal and policy framework. This conference should be done by 30th May 2019.
8. Following from the conference in par 7 above Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils in collaboration with their respective NGOs and other stakeholders must draw up a sustainable plan of withdrawing all children from the streets. This should be done and a copy of the same should be made available to my office by 30th August 2019;
9. Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils should/must lead other stakeholders namely Police and NSAs in withdrawing Children living and working in the streets within twelve months from the date of this report. I shall expect to be given quarterly reports of this exercise with the last report to reach my office not later than 30th March, 2020;

ABBREVIATIONS

DSA	Daily Subsistence Allowance
DSWOs	District Social Welfare Offices
ECDs	Early Child Development Service
NGO	Non-Governmental Organization
NSCLWS	National Strategy on Children Living & Working in the Street
THE ACT	Child Care Protection and Justice Act
THE CONSTITUTION	The Malawi Constitution
THE MINISTRY	Ministry of Gender, Children, Disability, and Social Welfare
UNICEF	United Nations International Children Emergency Fund

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A. BACKGROUND

1. The Malawi Constitution (The Constitution) contains a bill of rights that stipulates the protection, provision and promotion of human rights in the country.
2. The bill of rights also contains rights that are specifically related to children. For instance, Section 23 provides for the right of children to know and be raised by their parents and section 24 states that children are entitled to be protected from economic exploitation or any treatment, work or punishment that is or likely to be hazardous, interfere with their education or be harmful to their health or to their physical mental or spiritual or social development.
3. The Constitution is complimented by various pieces of legislation that also provide for child rights but the most comprehensive is the Child Care, Protection & Justice Act, 2010 (The Act) which provides for child care and protection and justice; and for matters of social development of the child and for connected matters.
4. These two pieces of legislation provide for various duties and functions on the part of the state to ensure the wellbeing of the children of Malawi including the children living and or working in the streets. It is under these two legal instruments and the obligations and duties stipulated thereunder that Eye of the Child, a Non-Governmental Organisation (NGO) with particular interest on child rights brought the present complaint to my office.

B. THE COMPLAINT

The Complaint was received on 10th July 2018. The gist of the complaint is that Blantyre, Lilongwe, Mzuzu City and all the District Councils neglect their duty and act with bias when discharging their duties with respect to children living and/or working in the street in violation of section 23 of the Constitution and section 70 of the Act.

C. ISSUES FOR INVESTIGATIONS

1. Whether the City and District Councils have some duty towards children living and or working in the street and if so what are those duties.
2. Whether the City and District Councils have omitted to discharge these functions towards the children living and or working in the street.

D. METHODOLOGY

1. The systemic investigation employed a desk review method where all the relevant literature such as the Constitution, the Act, National Plan of Action for Vulnerable Children in Malawi, Malawi Reintegration Study, Malawi Child Protection Training Manual, Orphans and Vulnerable Children Policy, Social Welfare Policy and National Strategy on Children Living and Working in the streets (NSCLWS) (2014-2018) were analysed.
2. The office conducted interviews with the Ministry of Gender, Children, Disability and Social Welfare (the Ministry), all District Social Welfare Offices (DSWOs) some of the children living and or working in the streets as well as relevant stakeholders on child rights. (See Annex 1)

E. LEGAL MANDATE

1. The Office of the Ombudsman is an independent institution established by the Constitution and is complemented by the Ombudsman Act, 1996.
2. The Office of the Ombudsman has powers under section 123(1) of the Constitution to investigate any and all cases where it is alleged that a person has suffered an injustice and there is no remedy reasonably or practicably available by way of court proceedings to that person.

3. In addition, under section 5(1) of the Ombudsman Act, the Office of the Ombudsman has the mandate to inquire into and investigate any complaint laid before the Ombudsman concerning any alleged instance of unfair treatment, abuse of power, unreasonable, unfair conduct or omission by any organ or employee of the Government to name a few.
4. The investigation took a systemic approach for three main reasons. Firstly, the investigation potentially affects all children living and or working in the streets, their parents and their communities. Secondly, the investigation also affects the whole country since the consequences of the presence of the children on the streets are felt by every Malawian using the said streets. Thirdly, the issue of children living and working on the streets seems to be recurrent and institutionalised requiring a deep and broader inquiry.

F. EVIDENCE GATHERED

1. THE LEGAL AND POLICY FRAMEWORK OF THE ROLES, RESPONSIBILITIES AND FUNCTIONS OF THE CITY AND DISTRICT COUNCIL TOWARDS CHILDREN LIVING AND/OR WORKING IN THE STREETS

- I. Our desk research revealed that City and District councils derive their role, functions and responsibilities from the Constitution, relevant pieces of legislation and relevant applicable policies.
- II. Under the Constitution the State is obliged in as far as children are concerned to encourage and promote conditions conducive to the full development of health, productive and responsible members of the society.
- III. Chapter IV of the Constitution provides for Bill of Rights. Under section 15 the Executive, Legislature, Judiciary and other organs of government and its agencies are obliged to respect and uphold the rights stated in that Chapter.
- IV. Accordingly, the City and District Councils being organs of the State are obliged to uphold the rights of children which include children living and/or working in the street as provided in section 23 of the Constitution. This section entitles all children regardless of the circumstances of their birth to be treated equally and make their best interest and welfare to be primary consideration in all decisions that affect them.
- V. The Constitution further provides that all children have a right to be raised by their parents and to reasonable maintenance from their parents. In addition, all children particularly orphans and other children in situations of disadvantage shall be entitled to live in a safety and security and where appropriate to State assistance.
- VI. Furthermore, children are entitled to be protected from economic exploitation or any treatment, work or punishment that is likely hazardous; interferes with their education; is harmful to their health or to their physical, mental, spiritual or social development.
- VII. In as far as the Act is concerned, the Local Authorities have an obligation to safeguard and promote the welfare of all children; provide and maintain sufficient and appropriate recreational facilities; conduct inspection of child care facilities to ensure maintenance of standards; inspect structures, places and activities that impose potential or actual harm to children.
- VIII. Much of the evidence on the Policy framework was gathered during my interview with the officials from Ministry of Gender and is contained in section 2.1 below.

2. EVIDENCE FROM INTERVIEWS WITH STAKEHOLDERS

2.1. MINISTRY OF GENDER, DISABILITY AND SOCIAL WELFARE

- i. The Ministry is a policy holder for all issues that deal with children in general and children living and or working in the streets in particular. My inquiry revealed that in 2003 the Government adopted the National Policy of Orphans and other Vulnerable Children to direct Government and community response to provide care and support to orphans and vulnerable children.
- ii. In 2014 the Government through the Ministry adopted a NSCLWS for the period of 2014-2018. The aim of the NSCLWS was to coordinate different interventions for the promotion of rights and welfare of vulnerable children especially children living and working in the streets of Malawi. My inquiry revealed that this NSCLWS was never popularised to the City and District councils as well as other stakeholders for implementation.
- iii. Further in May 2015 the Ministry adopted National Plan of Action for Vulnerable Children in Malawi whose aim was to prioritise and scale up the response for protection, care and development of vulnerable children in Malawi.
- iv. Out of all these policies the NSCLWS was more specific to the investigation at hand and it gave the Ministry responsibility to mobilise resources, undertake research on children living and or working in the streets, develop and facilitate the code of conduct for the implementing institutions, promote and intensify programmes directed at rehabilitation, repatriation, family reunification and reintegration of children living and working in the streets into communities to reduce the number of children who are presently in the streets.

2.2. DISTRICT COUNCILS AND DISTRICT SOCIAL WELFARE OFFICES

- i. At district level, the DSWOs are the responsible officers for implementing child protection and care activities. However, my investigation found that almost all DSWOs are lowly funded such that the funding they get largely covers administrative functions. It was stated that the allocated funding for the past five years has varied in the ranges of MK1 to 5 million annually for all of their activities.
- ii. Despite this, it was stated that DSWOs have a number of activities they are implementing which indirectly serve the interests of the children living and or working in the streets. The activities include, Case Management; Early Child Development services (ECDs); social cash transfers; Probation Services; Repatriation of Children to their homes; Child Diversion and Rehabilitation of Child Offenders, albeit implemented on a small scale.
- iii. Some of the activities are implemented with funding from Development partners. For instance, currently United Nations International Children Emergency Fund (UNICEF) is funding an activity of reintegrating children into their respective communities in selected districts.

2.3. THE POLICE

- i. The Police operations in as far as issue of child protection is concerned are guided by Child Protection Policy and Procedures, 2014. The aim of the policy and procedure's document is to ensure that there is an appropriate uniform response by all members of the Malawi Police Service when dealing with a child victim, a child witness, a child offender and any other child whose rights need protection.
- ii. Further, the Child Protection Policy and Procedures sets out roles, duties and responsibilities

of Police Officers as integral members of the Child Protection Framework to safeguard and promote the welfare of children. Among others, the child protection roles include, observing the 48-hour rule; establishing and revamping child protection structures; lobbying support for child protection programmes; and creating and sustaining network for proper handling of cases involving children.

- iii. In view of their mandate, it was established that the Police mostly come into contact with the children living and or working in the streets as perpetrators of crimes and not as victims.
- iv. For instance, during the period of this investigation my office was invited to a meeting by the Blantyre City Assembly following the attack of two pupils by children living and working on the streets in Namiwawa township. Furthermore, recent media reports were awash with reports of arrest of 25 children living and working in the streets of Blantyre by Police on 25th February 2019 on allegations that they force people both on motor vehicles and pedestrians to give them money or they snatch bags from them.
- v. Nevertheless, all police formations visited had a child protection desk officer that is under the victim support unit. The desk does not receive special funding for its activities. This poses a challenge when it comes to implementation of some activities, which include, clear case management of offences by children; youth and school outreach programs; awareness campaigns of child rights; radio programs; training of police officers on how to handle issues of children; repatriation of children found in the streets; follow up of child cases that are in court and other tribunals; and counselling of children when they fall victims of crime and even where they are the offenders.
- vi. There are also community committees that work with the police. The challenge is that the members of the Committees have not been trained due to lack of funds.
- vii. It was also stated that Government does not have structures to accommodate children withdrawn from the street by the police in conjunction with the social welfare offices as they are waiting for diversion process such that the only option is to keep them in the Police cells or within NGO premises whenever such is available albeit rarely.
- viii. The diversion process is supposed to be done by DSWOs. However, in most cases this is not being done due to inadequate funding when faced with other priority areas leaving the police with no other option but to release the children back to the streets

2.4. NON -GOVERNMENTAL ORGANISATIONS

- i. Generally, NGOs are there to compliment Government efforts in its various programmes. In respect of NGOs working in the child care and protection field with focus on children living and or working in the streets, my investigation shows that they can be grouped into three categories:
 - a. Those that are exclusively dealing with children living and or working in the streets and their main focus is to assist in reintegrating the children into their communities;
 - b. Those that deal with Children who have been withdrawn from the streets and other vulnerable children.
 - c. Those functioning as vocational training centre primarily for children living and or working in the streets and other youth in the surrounding community.
- ii. Almost all NGOs stated that instead of them complementing Government efforts, Government is not doing much on children living and or working in the streets such that in their view Government is actually complementing their activities because it is them that are doing more in this regard.

- iii. For instance, none of the District Councils have a rehabilitation or transit centre for children living and or working in the streets. In that regard, Councils seek the assistance of the NSAs where there is a need of putting a child in some place after being withdrawn from the streets.
- iv. Furthermore, unlike the District Social Welfare Offices, the NGOs, especially those in Blantyre and Lilongwe have well lined up activities that start from street outreach programs to withdrawal from the street, child and family assessment and then reintegration.
- v. Other NGOs acknowledged that sometimes, they implement activities together with the District Social Welfare Office. However, the challenge here is that when the programs have been initiated by the NGOs, the officials from the District Social Welfare office demand that they be given a daily subsistence allowance (DSA) even though it is an activity that does not warrant an officer to be given DSA.
- vi. Where DSA has not been provided for, most officers from District Social Welfare offices do not avail themselves for implementation of that activity. In fact, the DSWOs go as far as labelling such NGO's and such NGO's end up not getting enough support from the DSWOs on any of their activities.
- vii. Furthermore, they stated that when some of the DSWOs are given complicated cases they are on most occasions not ready to intervene and they refer those cases to the NGOs with an undertaking to participate in any intervention to be made which undertaking is never kept.
- viii. Despite all this work they do in complementing government functions, the NGOs interviewed stated that they rarely get financial assistance from the Government.

2.5. EVIDENCE FROM CHILDREN WHO LIVE AND OR WORK IN THE STREETS

Random interviews with some children who live and work in the streets revealed there is a disconnect between the District Social Welfare office and the children themselves. Most of these children have never interacted with the DSWOs throughout their stay in the streets.

G. ANALYSIS OF THE FACTS AND THE LAW

1. The legal and policy framework primarily obliges parents and guardians to provide for care and protection to their children. Where there are vulnerable and disadvantaged children such as orphans or children who live and or work in the streets, the State is under a particular duty to ensure that such children have the care and protection required.
2. In as far as child care, the State is obligated to provide basic necessities such as food, shelter, and recreational facilities; conduct inspection of child care facilities to ensure maintenance of standards; inspect structures, places and activities that impose potential or actual harm to children. When it comes to protection, this entails amongst other things protection from economic exploitation or any treatment, work or punishment that is likely hazardous; interferes with their education; is harmful to their health or to their physical, mental, spiritual or social development.
3. The legal framework further charges the various state organs to provide for child care and protection. Some of such organs are the City and District councils who are the subjects of the complaint herein. However, as observed during my investigation that the decentralisation process has not been fully implemented such that most of the functions and responsibilities are still centrally controlled by the Ministry.
4. As a policy holder the Ministry has since 1994 come up with a number of policies on child care and protection. The most relevant to the present investigation is the NSCLWS. This was the document that highlighted at least seven crucial aspects to be addressed when it came

to issues of child care and protection namely: advocacy; prevention; protection/mitigation; community participation; coordination; reintegration; and resource mobilisation. It further apportioned specific responsibilities to relevant stakeholders one of such were the City and District Councils. This document was adopted but was never popularised.

5. By not popularising the NSCLWS, the City and District councils and the other stakeholders could not implement the NSCLWS thereby leading to disjointed, misdirected and uncoordinated efforts defeating the whole purpose of coming up with the NSCLWS.
6. The development of such strategies involves a lot of resources in terms of time, funds and human resource and therefore the expectation is that the document developed and adopted, should yield positive results on the ground. The impression it creates is that the motivation behind the development of the strategy was the need to use the available financial resources for its development than to seriously address the plight of children who live and or work in the streets.
7. It is the responsibility of the ministry through DSWOs to promote and intensify programmes directed at rehabilitation, repatriation, family reunification and reintegration of children living and working in the streets into communities to reduce the number of children who are presently in the streets.
8. The DSWOs have responsibility over all social welfare issues at district level. During the investigations, the DSWOs stated that priority is given to ECD, Social Cash Transfer and case management other than specific aspects of care and protection of children currently living and working in the streets. Whilst preventative measures are very important, the same should not be at the expense of those currently living and working in the streets.
9. For instance, my investigation has revealed that where there is a need for court appearance for the children living and or working in the streets found in conflict with the law, most of the times the district social welfare office staff are not available to represent such children in the courts despite that being one of their obligations. In such circumstances, courts have resorted to seek the assistance of child welfare officers from the NGOs.
10. The evidence has shown that most activities specific to children living and working in the streets are done by NGOs who usually involve the DSWOs. However, the DSWOs demand payment of DSA even in those instances where DSA is not payable. If the NGO does not bulge to their demands, the DSWOs do not avail themselves. It is regrettable that personal financial interests even where such financial interest are not justifiable, is what motivates the DSWOs to discharge their duties.
11. Another omission that was noted is the unavailability of DSWOs when it comes to withdrawing children from the streets which process requires the DSWOs to take a leading role. However due to their unavailability the police are left with no other option but to release the children back to the streets where the cycle is simply repeated.
12. According to the Act, the local authorities are supposed to safeguard and promote the welfare of children. In that regard, the local government is supposed to provide accommodation to children within its area who appear to be in need of accommodation as a result of their being lost or abandoned or seeking refuge. They are further obliged to trace the parents or guardians of any lost or abandoned child or to return the child to the place where the child ordinarily resides and where the authority does not succeed to refer the matter to the probation officer or DWSO or the police. However, our investigations revealed that both the city and district councils have substantially failed to live up to their obligations under the Act.
13. In as far as City Councils are concerned, the investigation noted that they have completely abandoned implementation of the Act and yet the problem of the children who work and live

in the street is more prominent in the cities. For instance, despite the Act obliging them to have safety homes, I observed that there are no such homes in any of the City councils in the country. This compounds the vulnerability of the children living and working in the streets in that if they are not taken by the very few NGOs in the area, their only option becomes the streets or the police cells. On the streets they are either vulnerable to all kinds of abuses or inducted into all sorts of criminal activities.

14. As for the District councils, the evidence suggest that they are implementing the Act on a minimal scale through activities such as sensitisation of communities and repatriation. However, most activities such as provision of safe homes, child assessment and home assessment have been left to the NGOs.
15. Most of the challenges noted in the investigation are exacerbated by the incomplete implementation of the decentralisation process. This has brought confusion on the apportionment of responsibilities between the Ministry and the District Commissioner and reporting lines of the DSWOs.

H. FINDINGS

My analysis has established that the City and District Councils have neglected and acted with bias as they discharge their function in the following ways: -

1. The Ministry failed in its duty to popularise and implement the NSCLWS throughout its lifespan (2014-2018). This left the stakeholders with no guideline on matters to do with children living and working in the streets. This was maladministration.
2. After the expiry of the un-implemented NSCLWS, the Ministry has even failed to draw a succeeding guide
3. By ignoring activities to do with children living and working in the streets whose vulnerability is higher in favour of other social welfare activities, the DSWOs have acted with bias. This is maladministration.
4. The unavailability of DSWOs when required for instance in court appearances and withdrawing of children from the streets is neglect of duty. This is maladministration.
5. The insistence by the DSWOs to be paid a DSA for activity that does not warrant payment of DSA and even labelling those NGO's that refuse to pay such DSA is abuse of power. Hence maladministration.
6. The City and District councils have substantially failed to live up to their obligations under the Act thereby making a mockery of the law itself and increasing the vulnerability of children living and working in the streets.

I. INJUSTICE OCCASIONED

Laws and policies are put in place to address a specific observed wrong or situation in a society. They are not supposed to be documents we draft and then tick some box to have satisfied some international obligations and let to gather dust on our shelves. Rather they are supposed to be implemented and deliver their original intention. The flagrant systemic failure by Ministry and the City and District Councils to discharge their functions under both the Constitution and the Act has entangled the children living and working on the streets in a vicious cycle not easy to break away from. This has perpetuated the pathetic situation of children living and working on the streets, increased their vulnerability and exposure to the criminal elements and consequently made the streets dangerous not only for the children themselves but also the ordinary Malawians who use the said streets. No matter how much we ignore, vilify or scorn them, children living and working in the streets are legally entitled to state protection. That the state has simply abandoned

them is a matter of national shame but most importantly a great injustice to the children themselves and to all Malawians.

K. REMEDIES

From the foregoing, the losses that are suffered by the children living and working in the streets are numerous. In determining the remedies, I have kept in mind that fact but also that the subject matter at hand involves a group of people who as a result of systemic failures by State are caught in a vicious cycle and have specific serious vulnerabilities. Accordingly, the remedies are aimed at going to the root of these problems.

I thus direct as follows;

1. Every DSWO should develop a schedule of all the cases pending in the courts involving children who live and work in the streets and draw a plan to ensure court appearance of social welfare officers. The schedule and plan should be provided to the Office of the Ombudsman by 30th April 2019.
2. The Controlling Officer should issue or if such circular is already available should re issue such a circular to all DSWO's highlighting instances on when DSA is payable and emphasizing that any unjustifiable claim for DSA shall be subject to disciplinary action. A copy of the circular should be made available to my office by 30th April 2019.
3. The Controlling Officer should write all bona fide NGOs who work with the Ministry advising them to report to her office any DSWO who makes payment of unwarranted DSA a condition for that DSWO to work on an activity with them. This letter should be written and sent by 30th April 2019. Copies of such letters should be sent to me by the same stated date.
4. The Ministry should within 90 days from the date of this report engage the Blantyre, Lilongwe, Mzuzu and Zomba City Councils and all District Councils to strengthen their capacity in issues involving children living and or working in the streets. Reports of such engagements should be provided to my office by 30th June, 2019.
5. The Ministry should initiate and facilitate drawing of service level agreements or strategic partnerships between the City and District Councils with the established NGOs that have all the structures and facilities for the reintegration of the children withdrawn from the streets. The copies of the agreements and or partnerships should be provided to my office by 30th June, 2019.
6. Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils should do an assessment of all children living and working in the streets. The report of such assessment should be provided to me by 30th April 2019 and should form a basis of discussions contained in the directive in paragraph 7 below.
7. The Ministry should organise a conference involving all relevant stakeholders in child care and protection where a more comprehensive and coordinated plan of action will be drawn from the report in paragraph 6 above and as per available legal and policy framework. This conference should be done by 30th May 2019.
8. Following from the conference in par 7 above Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils in collaboration with their respective NGOs and other stakeholders must draw up a sustainable plan of withdrawing all children from the streets. This should be done and a copy of the same should be made available to my office by 30th August 2019.
9. Blantyre, Lilongwe, Mzuzu and Zomba City and all District Councils should or must lead other stakeholders namely Police and NSAs in withdrawing Children living and working in the streets within twelve months from the date of this report. I shall expect to be given

quarterly reports of this exercise with the last report to reach my office not later than 30th March, 2020;

Dated this 22nd Day of March, 2019

A handwritten signature in black ink, consisting of a large, stylized 'M' with a horizontal line extending to the right.

**Martha Chizuma
OMBUDSMAN**

LIST OF INTERVIEWEES

S/N	NAME	ORGANIZATION	DESIGNATION	DISTRICT
1	Willard Munkhondia	Action Aid	Programmes Manager	Chitipa
2	Owen Nyirenda	World Relief	Early childhood development & Child Protection Officer	Chitipa
3	Joyce Luhana	Chitipa District Council	District Social welfare Officer	Chitipa
4	Brian Mzembe	Dowa Police Unit	VSU Coordinator	Dowa
5	Amlan Phiri	Dowa Magistrate Court	Magistrate	Dowa
6	Frank Damalekani	Dowa District Council	District Social welfare Officer	Dowa
7	Mike Munthali	Future Plan for Children	Child Protection Officer	Karonga
8	Edgar phiri	Ukhondo Services Foundation	Executive Director	Karonga
9	Atupele Mwalweni	Karonga District Council	District Social welfare Officer	Karonga
10	Angella Manyika	Plan Malawi	Community Development Coordinator – child protection	Kasungu
11	John Washali	Kasungu District Council	District Social welfare Officer	Kasungu
12	Russel Mhone	Mzimba Labour Office	District Labour Officer	Mzimba
13	Maxwell chimphonda	Mzimba Police Unit	Community policing coordinator	Mzimba
14	Jim Wotchi	Mzimba District Council	District social welfare officer	Mzimba
15	Tina Dzamwa	Luke International	Project Coordinator	Mzuzu
16	Vidh Kambuzi	One Stop Centre	Psychiatric Nurse Midwife	Mzuzu
17	Edward Chisanga	Mzuzu City Council	District Social welfare Officer	Mzuzu
18	Thomas Moyo	Action Aid	Project Coordinator	Nkhatabay
19	Chanda Manda	GENET	Project officer	Nkhatabay
20	Chanda Manda	Nkhatabay District Council	Assistant Social Welfare Officer	Nkhatabay

21	Tifa Ngoma	Nkhotakota Aids Support Organization Trust	Executive Director	Nkhotakota
22	Andrew Masoakhumbira	Nkhotakota Youth Organization	Programmes Manager	Nkhotakota
23	Goodwell Kalimanjira	Nkhotakota District Council	Assistant Social Welfare Officer	Nkhotakota
24	Peter Gondwe	Life Concern	Executive Director	Rumphi
25	George Mlowoka	YONECO	Project Officer	Rumphi
26	Joshua Luhana	Rumphi District Council	District social welfare officer	Rumphi
27	Yohane Yotamu		Assistant Social Welfare Officer	Rumphi
28	Harry Sulumba	Min of Gender	Chief Child Protection Officer	Lilongwe
29	Mr Mulula	Lilongwe City Assembly	Director of Health & Social Services	Lilongwe
30	Mr. Mzembe	Lilongwe City Assembly	Principal Social Welfare Officer	Lilongwe
31	Mrs Norris Chirwa	Malawi Human Rights Commission	Director of Children Rights	Lilongwe
32	Ass Supt Alexander Ngwala	Malawi Police	National Child Protection Officer	Lilongwe
33	Lydia Muloza	Area 3 Police		Lilongwe
34	Sr Anna Masawe	Tikondane	Project Coordinator	Lilongwe
35	Yohane Chidzala	Tikondane	Social Worker	Lilongwe
36	Bridget Chetama	Tikondane	Social Welfare Coordinator	Lilongwe
37	Eric Matuta	Project Officer	Centre for Youth and Children Affairs (CEYCA)	Lilongwe
38	Desmond Mhango	Executive Director	CEYCA & Coalition of Child Rights Organisation	Lilongwe
39	Mr. Macheka	District Social Welfare Office	District Social Welfare Officer	Mwanza
40	Thokozani Dzimbiri	Save the Children		Mwanza
41	Mr Nyirenda	Red Cross		Mwanza
42	Ellen Dossi	Association of Progressive Women		Mwanza

43	Emmanuel Limbani	Association of Progressive Women		Mwanza
44	Boxten Kudziwe	CHREAA		Mwanza
45	Mrs MT Bakali	Police	OC	Mwanza
46	Mulida Chilakalaka	Police	VSU Coordinator	Mwanza
47	Msokwazakumbuyo	Police	Child Protection Officer	Mwanza
48	Christopher Ndaona	District Social Welfare Office	District Social Welfare Officer	Balaka
49	Nellie Kumalele	District Social Welfare Office	Ass District Social Welfare Officer	Balaka
50	Mercy Munthali	Police	Child Protection Officer	Balaka
51	Jacob Phiri	Youthnet & Counselling	Acting District Manager	Balaka
52	Clement Kolove	Chinansi Foundation	Program Manager	Balaka
53	Bertha Mijoya	District Social Welfare Office	District Social Welfare Officer	Machinga
54	H/W Masula	Judiciary	Magistrate	Machinga
55	Nyson Chibondo	Police	Child Protection Officer	Machinga
56	Mcloud Mphande	District Social Welfare Office	Chief Welfare Officer	Mangochi
57	H/W Mbwana	Kuiciary	Magistrate	Mangochi
58	Graciano Nicholas	CCJP		Mangochi
59	Peter Maseko	Pothawira Ana	Director	Salima
60	Fatima	World Relief	Field Coordinator for Child Development	Salima
61	Chrispin Onsewa	District Social Welfare Office	Assistant Child Welfare Officer	Salima
62	Auspicious Ndamuwa	Chisomo Children's Club	Centre Manager	Blantyre
63	Mrs Melayi Mhone	Blantyre District Council	Director of Administration	Blantyre
64	Kenneth Mbalati	Blantyre District Council	Social Welfare Officer	Blantyre
65	Ireen Lakudzala	District Social Welfare Office	Assistant Social Welfare Officer	Blantyre
66	Supt Horace Chabuka	Blantyre Police Station	Superintendent	Blantyre

67	S/Insp Zione D Lapani	Blantyre Police Station	S/Insp	Blantyre
68	S/Insp Timothy Mvula	Blantyre Police Station	S/Insp	Blantyre
69	Sgt Emmanuel Kalungu	Blantyre Police Station	Sergeant	Blantyre
70	Godknows Maseko	Step Kids Awareness	Founder	Blantyre
71	Lydia Galileya	Samaritan	Social Worker	Blantyre
72	Yohane Yolamu	Samaritan	Social Assistant	Blantyre
73	Chelsea Mangulama	Samaritan	Social Worker	Blantyre
74	Pamela Boris	Blantyre City Council	Social Welfare Officer	Blantyre
75	Alfred Nyendo	Blantyre City Council	Human Resource Management Officer	Blantyre
76	Regison Mkolombwe	Nsanje District Council	Chief Administration Officer	Nsanje
77	Felix Chisale	District Social Welfare Office	District Social Welfare Officer	Nsanje
78	Emmanuel Mbewuka	District Social Welfare Office	Social Welfare Assistant	Nsanje
79	Robert Sawiche	District Social Welfare Office	District Social Welfare Officer	Mulanje
80	John Taulo	District Social Welfare Office	District Social Welfare Officer	Chiradzulu
81	Mike Kalende	District Social Welfare Office	District Social Welfare Officer	Ntcheu
82	Mr. Mulambuzi	Ntcheu District Council	District Commissioner	Ntcheu
83	Mr. Tembo	Dedza District Council	District Commissioner	Dedza





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