

SPEECH

**BY MS CARRIE AUER, UNICEF REPRESENTATIVE AT THE
NATIONAL CONSULTATIVE WORKSHOP TO REVIEW THE ADOPTION OF
CHILDREN ACT**

5 OCTOBER, 2011

CAPITAL HOTEL, LILONGWE

The Honorable Minister of Gender, Children and Community Development

Madam Reen Kachere, (MP)

The Chairperson of the Special Law Commission on Child Adoption, Justice
Esmie Chombo,

The Principal Secretary in the Ministry of Gender, Children and Community
Development, Mr. Eric Ning'ang'a

The Law Commissioner, Mrs. Gertrude Hiwa,

Distinguished guests, ladies and gentlemen

Let me begin my remarks this morning by congratulating you, Honorable Minister, on your recent appointment to this important ministry. It is a well-deserved appointment because, as many of us in this room know, you have a long history of human rights activism that I am sure will serve you and the

children of Malawi well in your new portfolio. As far as we are concerned, you have come back home and we at UNICEF will do our level best, as we have always done, to be a reliable partner in your quest to improve the lives of all children in Malawi.

Today is a significant occasion in Malawi's efforts to provide a better legal environment for the realization of child rights. For a long time now, we have bemoaned the absence of a robust legal framework that protects children from adoptions that fall short of national and international standards. The current legal framework has not only placed adopted children at risk of trafficking and exploitation but it has also cast a long shadow of doubt on the entire system of adoptions as it currently exists in Malawi.

We know that strong national laws will go a long way in addressing some of the issues and controversies that accompany inter country adoptions in general. It is therefore gratifying that after long and arduous work by the Special Law Commission, we are nearing that stage in Malawi where adoption laws will not only conform to international standards but will also provide the necessary protections for children who are being adopted.

Honorable Minister, as you are aware, the current National Child Adoption Law was passed in 1949. Not only is it antiquated, it also does not conform to the Convention on the Rights of the Child which Malawi ratified in 1992. It is clear that reforming the law on adoption is only one step – albeit an important step - in the right direction. A lot more work will be required of us to

create a national system that has the capacity to enforce the legal requirements. This will entail building the capacity of social welfare officers to manage and follow up children whose families cannot provide appropriate care, strengthening data collection and management systems to identify and follow up children in need of alternative care at national and sub-national levels, and improving coordination between all the different players involved in the adoption process: social welfare, the courts, and child care institutions.

This meeting marks the culmination of various activities that UNICEF has supported in strengthening the child protection system in Malawi. Among these are:

1. Mapping of existing child protection institutions which will provide the government with relevant information on the status of child protection in Malawi;
2. Development of a costed implementation plan which will guide the implementation of the Child Care, Protection and Justice Act – the backbone of the child protection system in the country;
3. Assessment of alternative care in Malawi;
4. Review of the Guidelines for Foster and Institutional Care in Malawi which will guide the provision of care and support to children in foster homes and orphanages; and finally,

5. A Headcount Study on Child Care Institutions which revealed that Malawi currently has 104 orphanages, special needs centers, and church homes providing alternative care to 6,000 children.

Honorable Minister, the revised Child Adoption Act will ultimately be the final piece in the jig-saw puzzle that, to date, includes the Child Care Protection and Justice Act, the Prevention of Domestic Violence Act, and the National Registration Act. These laws are crucial for child protection in Malawi. Let me at this juncture commend the government for moving with great resolve and alacrity to have these laws either amended or enacted. It is not an overstatement to say that the legal environment for children today bears little resemblance to what it was only two years ago. Within this period, these key laws have been passed and the children of Malawi can now rest easy knowing that any violations of their rights will attract the full sanction of the law.

Finally, it would be remiss of me not to thank you, Honorable Minister, and your team of dedicated officers for a job well done. Your ministry has earned its praise and you can deservedly feel proud of the achievements you have scored. Let me also reserve special thanks to Justice Esmie Chombo for the stellar work that she and her special commission have put into the review process. We are grateful for your support, Justice Chombo, and we note with pride that in you, the children of Malawi have a true friend of the Bench. Of course none of this work would have been possible without the unflinching

support of the Malawi Law Commission under the able leadership of Commissioner Gertrude Hiwa.

In conclusion, let me assure you Honorable Minister of UNICEF's continued support to this process. We will not flinch until we see the revisions become law and the children of Malawi enjoy the full protections that the law will accord them.

Zikomo!