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Linus Malu - Malawi August 2018

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Dear All,

I arrived in Mzuzu, Malawi on 26th April and began work on 2nd May. I had two problems when I arrived, which are now resolved. First, it took a week to get a house for me, but now I am comfortably accommodated. The second problem was that there was no office space for me for a few days, but this has been partially solved. For now, only my office is located in a three-bedroom house, the rest of the staff are still in the old office, about 150 meters from my office. This arrangement makes coordination and supervision difficult.



The Legal Department has seven staff. Four are based at the Synod office at Mzuzu, while the other three are based at Karonga, Nkhatu Bay and Mpherembe - all in northern Malawi. We met on the 7 May and this meeting was important because it was an opportunity for all of us in the Department to meet and plan. We agreed on a strategic plan for the rest of 2018 and early 2019.

The core areas of competence of the Department is mediation/legal and paralegal services. At the Mzuzu office we mediate an average of 10 cases every day. Since my arrival we have mediated over 120 cases with over 70 percent successful mediation.

The major issues that are reported to us are gender-based violence of various types; land cases, particularly land grabbing; and labour cases, mainly unfair dismissal. When mediation fails or cannot be pursued, we help the complainants to get orders from the court. Some of the orders we commonly procure from the courts are protection, child maintenance and wife maintenance orders. We help our clients to obtain summons and have these summons served. In most cases we pay for the costs of these summons and also the costs of serving them when the location of the defendant is close. We also assist our clients in drafting statements of claims. Since June, we have obtained about 25 summons from the courts and have drafted over 20 statements of claims. Three cases instituted by the Department on behalf of clients are pending at the courts in Mzuzu. Two of these cases are on gender-based violence, the third is unfair dismissal. We obtained a judgment in July for a gender-based violence case at the Mzuzu Court. The case originated from Nkhata Bay and is about property grabbing and child custody.

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In May, we created a database of all cases reported to us. This database provides basic information on each case. This is a major departure from the past, when the office did not have computerised information on cases handled by the Department. We will continue to improve on the quality of the database, to ensure it is of high standard.



The Department held two public awareness programmes on gender-based violence and human trafficking in June. These campaigns were held in Karonga, a busy border town in northern Malawi, and Kavuzi, a village near Nkatha Bay, a popular town along Lake Malawi. In the two programmes, officers of the Department interacted with members of the community to educate them on the legal provisions against gender-based violence and human trafficking, and the elements of crimes associated with them. Our officers also heard the views of the communities on the two crimes, and how to combat them. Generally, there is good knowledge within the communities about gender-

based violence, but the problem has persisted because it is somewhat embedded in the culture of the people. Thus, there is need to continue to create awareness, encourage the government to enforce the laws by prosecuting more people, and also developing preventive measures, such as empowering women and ensuring that many girls are in school. There is limited knowledge about human trafficking in the communities we visited. People do not seem to understand how practices they consider as normal could be human trafficking. Some of these practices are: sending under aged children to work, or sending young girls to marry outside the country. We think that a lot should be done to educate people on the legal provisions on human trafficking, and on prosecuting offenders.

In June, we started a new project with the Child Justice Court, Mzuzu. The aim of the project is to assess how the Child Justice Court treat children. Generally, the project assesses the quality of justice provided by the court. The project monitors the court on the following issues: whether and how the court adheres to its rules and procedures, the average time it took the court to complete a case, the types of cases reported to the court, the ages of alleged offenders, the level of participation of children, and access to the court by children. Two staff from our office attend the court's sessions twice a week to observe proceedings.

During our meeting in May we agreed to resume our involvement with the "One Stop Centre" at the Central Hospital, Mzuzu. The "One Stop Centre" was established by UNICEF and the Ministry of Health, Malawi, to bring together different professionals under one office on a daily basis, to deal with gender-based violence and related problems. Our staff participate in the activities of the Centre on Thursdays. Victims of gender-based violence report at the Centre and will have free access to a doctor, a counsellor, a social welfare officer, and the Police, all in one office.

The Department is interested in contributing to providing preventive measures to reduce the high rate of gender-based violence and human trafficking in Malawi. We are currently conducting a survey in northern Malawi. The objective of the survey is to determine the types of gender-based violence commonly found. The survey seeks to find the root causes, the people perpetrating the nefarious act, and the common victims of human trafficking. The survey is taking place in the following towns/communities: Mzuzu (Chiputula and Chibavi), Karonga, Nkhata Bay, Kavuzi, Chigwere, Bia, Mpherembe and Mtwalo. The researchers are expected to distribute about two thousand questionnaires to respondents in these areas between 1st July, 2018 and 31st August, 2018.

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The first edition of the newsletter of the Department will be published and circulated from September, 2018.

Please pray for us on the following points:

- For improved funding for the Legal Department of the Church and Society Programme in the coming years.
- For a peaceful, successful, free and fair tripartite elections in Malawi in 2019.
- For the people of Malawi in their struggle for development, peace, stability, prosperity, and national unity.
- For all the clients of the Legal Department of the Church and Society Programme for divine assistance in their struggle for survival and justice.

Linus Nnabuike Malu