A HUMAN RIGHTS-BASED APPROACH TO SOCIAL PROTECTION PROGRAMMES IN MALAWI WITH SPECIAL FOCUS ON PERSONS WITH DISABILITIES: A CASE STUDY OF AFFORDABLE INPUT PROGRAMME (AIP)

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EXECUTIVE SUMMARY

1.0 INTRODUCTION

The Malawi Human Rights Commission (the Commission) with technical and financial support from the Danish Institute for Human Rights (DIHR) and Network of African National Human Rights Institutions (NANHRI) conducted research on social protection programmes in Malawi with special focus on persons with disabilities. The research primarily focused on reviewing the institutional, legal and policy framework on social protection in Malawi. Furthermore, the research engaged relevant state officials, non-state actors, assessed existing social protection system, programmes and gaps, engaged persons with disabilities and assessed the impact of Covid-19 on social protection programmes with special focus on persons with disabilities.

The research has contributed greatly to the Commission’s work, plans and priorities in the sense that it has led to the identification of gaps in laws, policies and implementation of social protection programmes in Malawi. Further, the research collected data on inequalities, discriminatory practices and other forms of barriers persons with disabilities face in enjoying the right to social protection. The research was also in line with the Commission’s 2018-2022 Strategic Plan specifically strategic outcomes (1) which is about enhanced efficiency, effectiveness and responsiveness in the protection and investigations of violations of human rights and (3) which is about enhanced availability and accessibility of up-to-date and relevant human rights information and knowledge.

The research complemented the Commission’s mandate of protecting and promoting human rights and investigating violations of human rights. The research was also in line with the Commission’s Thematic Approach where its mandate is delivered through five technical thematic directorates namely: Directorate of Economic, Social and Cultural Rights, Directorate of Elderly and Disability Affairs, Directorate of Civil and Political Rights, Directorate of Child Rights and Directorate of Gender and Women’s Rights. As observed, the themes in the research cut across all the directorates of the Commission but the directorate of Economic, Social and Culture rights took lead of the activity and was ably assisted by the directorate of disability and elderly rights.

2.0 KEY FINDINGS AND ANALYSIS

2.1 Existence of Laws and Policies on Social Protection vis-à-vis Persons with Disabilities

Malawi has no specific piece of legislation on “social protection”. However, Malawi has a Disability Act (2012) as a piece of legislation which has provisions related to social protection specifically on persons with disabilities, section 14 of the Disability Act. Malawi has several policies and strategies on social protection such as (i) the Malawi National Social Support Policy of 2012 and (ii) The Malawi National Social Support Programme II (2018-2023) as general policies on social protection.
(iii) The National Disability Mainstreaming Strategy and Implementation Plan (2018-2023) as policies related to social protection specifically designed for persons with disabilities.

2.2 PWD’s Knowledge on the Right to Social Protection

The research established that there is a considerable level of awareness among persons with disabilities with regards to their right to social protection despite the lack of human rights awareness programmes targeting the PWDs on AIP.

2.3 Affordable Inputs Programme as a Social Protection Programme with Reference to PWD’s

AIP does not have deliberate policies which ensures that persons with disabilities participate in its planning, implementation and monitoring perpetuating discrimination against PWDs.

2.4 Statistical Data on 2021/22 AIP Beneficiaries and Persons with Disabilities

The available data on AIP is not segregated by disability.

2.5 Persons with Disabilities as Beneficiaries of 2021/2022 AIP

There is information gap with regards to the number of persons with disabilities who benefitted from the 2021/22 AIP.

2.6 Accessibility of AIP by Persons with Disabilities in Selling Points

AIP does not have specific guidelines or measures in place to ensure PWDs who are beneficiaries of the AIP should easily access the commodities in the selling points.

2.7 The 2021/2022 AIP and the Human Rights-Based Approach

The research established that the AIP under study did not adequately apply the basic tenets of the human rights-based approach in its design, implementation and evaluation.

2.8 2021/2022 AIP and Covid-19

Covid-19 pandemic made PWD’s “accessibility” to AIP worse and more difficult due to some of the Covid-19 prevention and containment measures which were put in place and were difficult to comply due to the nature of the disability.
3.0 RECOMMENDATIONS

3.1 Central Government

1) Government should consider “mainstreaming” disability issues in all MDA’s with regard to the planning and implementation of their activities and programming.

2) Government should consider putting in place coordinated efforts by MDA’s (Ministries, Departments and Agencies) in the planning and implementation of social protection programmes so as to enhance synergies and reduce duplication of similar activities.

3) Government should consider increasing the cash paid out to beneficiaries of the Social Cash Transfer Programme so that it is on par with the value of AIP inputs redeemed by one AIP beneficiary.

3.2 The Ministry of Agriculture

1) The Ministry of Agriculture as a policy holder of the AIP should consider adopting a synergy approach in the implementation of the subsequent AIP. Accordingly, the ministry should work closely with the Ministry responsible for disability affairs, OPDs and the Malawi Human Rights Commission in reviewing the current AIP guidelines to ensure that the guidelines incorporate international human rights standards and comply with the human rights’ basic principles.

2) The Ministry of Agriculture should consider developing a deliberate policy which should ensure that AIP is participatory and inclusive in its design, implementation and evaluation. The policy should clearly indicate that disability should be one of the criteria for beneficiary identification.

3) The Ministry of Agriculture should consider making sure that farming households are segregated based on gender as well as disability. Similarly, beneficiaries of the AIP should be segregated by gender as well as disabilities. It is envisaged that this will overcome the data challenge which the research singled out as critical challenge of the programme.

4) The Ministry of Agriculture should consider reducing distances that AIP beneficiaries travel to purchase the AIP commodities by increasing selling points within the communities.

5) The Ministry of Agriculture should consider reversing its decision of removing beneficiaries of social cash transfer programme from AIP beneficiary list as has been the case with the 2022/23 growing season. This decision is discriminatory as some social cash transfers beneficiaries receive as little as K10,000.00 for two months. This amount is too
little and inadequate for such beneficiaries to purchase farm inputs which costs as much
as K80,000.00 (a bag of fertilizer, for example).

6) The Ministry of Agriculture should consider ensuring that the public, specifically persons
with disabilities, should be adequately sensitized on the Affordable Inputs Programme
about their rights and entitlements, the programme’s eligibility criteria and requirements
in appropriate languages and formats in timely way. In addition they should be informed
of the programme’s complaints handling mechanism.

7) The Ministry of Agriculture should consider putting in place guidelines or policies which
clearly stipulate that suitable persons with disabilities should automatically be selected as
beneficiaries of AIP and women and the elderly should be highly considered.

8) The Ministry of Agriculture should consider “mainstreaming” disability such as including
disability issues in the AIP Guidelines such as incorporating the specialized needs of AIP
beneficiaries who are PWD’s. This may include putting in place relevant structures and
infrastructure to cater for AIP beneficiaries who are Persons with Disabilities.

3.3 District Councils

1) District Councils should consider adopting a multi-stakeholder approach in identifying
beneficiaries. That is, the Councils should incorporate relevant offices and institutions
such as the social welfare office, MACOHA, DDF executive members among others. This
is to ensure that the concerns and interests of PWDs are taken into considerations.

2) District Councils should consider putting in place mechanisms to ensure easy access of
AIP by PWDs at selling points. For example, establishing guidelines for selling points which
among others, should indicate that PWDs should not be queueing at selling points.

4.0 WAYFORWARD

1) The Malawi Human Rights Commission should conduct a human rights-based approach
capacity building trainings of critical stakeholders in the AIP realm both at national and
local levels. This would ultimately ensure that the programme adheres to international
human rights standards.

2) The Malawi Human Rights Commission should also embark on national wide human rights
awareness campaigns targeting persons with disabilities. This would aim at empowering
PWDs as rights holders with human rights knowledge so that they can demand their rights from duty bearers and also hold them accountable.

3) The Commission should also conduct national wide monitoring for both AIP and other social protection programmes in order to establish their compliance with international human rights standards.

4) The Commission should enhance synergies between itself as national human rights institution and government line ministries, civil society organizations and specialized institutions working on interventions and programming for persons with disabilities.

5) The Commission should lobby government to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security as well as advocate for the implementation of all the relevant regional and international instruments that have provisions on the rights persons with disabilities and social protection.

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LIST OF ACRONYMS

AIP : Affordable Inputs Programme

CISANET : Civil Society Agriculture Network
1.0 INTRODUCTION

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The research has contributed greatly to the Commission’s work, plans and priorities in the sense that it has led to the identification of gaps in laws, policies and implementation of social protection programmes in Malawi. Further, the research collected data on inequalities, discriminatory practices and other forms of barriers persons with disabilities face in enjoying the right to social protection. The research was also in line with the Commission’s 2018-2022 Strategic Plan specifically strategic outcomes (1) which is about enhanced efficiency, effectiveness and responsiveness in the protection and investigations of violations of human rights and (3) which is about enhanced availability and accessibility of up-to-date and relevant human rights information and knowledge.

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2.0 INSTITUTIONAL BACKGROUND

The Commission is a National Human Rights Institution (NHRI) for Malawi established by the Constitution of the Republic of Malawi (the Constitution). Section 129 of the Constitution provides that:

“There shall be a Human Rights Commission the primary function of which shall be the protection and investigation of violations of the rights accorded by the Constitution or any other law”

Among other duties and functions of the Commission as provided for in the Act is to:

Promote more particularly the human rights of vulnerable groups such as children, the illiterate persons, persons with disabilities and the elderly.¹

Furthermore, under section 14 (i) of the Human Rights Commission Act, the Commission has the responsibility of assisting in the formulation of programmes for the teaching of, and research

¹ Section 13 (1) (c)
in, human rights, and where appropriate, to take part in their execution in institutions and other bodies, including in, schools, universities, and professional circles.

The Commission therefore, has a legal mandate under the laws of Malawi to undertake activities aimed at protecting and promoting human rights of all the people within the jurisdiction of Malawi.

3.0 PROBLEM STATEMENT

According to the Malawi National Social Welfare Policy of 2018 “Social Protection” encapsulates policies which ensure that all people have basic economic and social necessities during periods of disasters and other unforeseen difficult circumstances.

Social protection figures prominently in the UN Agenda 2030: Sustainable Development Goals (SDG's) or sustainable development especially in 3 SDGs: Goal 1 (End poverty in all its forms everywhere); Goal 5 (Achieve gender equality and empower all women and girls); and SDG 10 (Reduce inequalities within and among countries) (United Nations Research Institute for Social Development, 2016). SDG Goal 1, for example, has specific targets and indicators relating to social protection clearly illustrating its importance in the global development Agenda (SDG Indicator Metadata, 2021).

This is echoed in the World Bank’s Social Protection and Labour Strategy 2012 – 2022 which states that Social Protection policies and programs can provide a broad-based foundation for inclusive growth and social stability. However, it is important to state that for social protection systems to successfully deliver their transformative potential they must have solid foundations in human rights (United Nations Research Institute for Social Development, 2016). In its General Comment Number 19, the UN Committee on Economic, Social, and Cultural Rights – a Treaty body mandated to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – added that when implemented from a rights-based approach, social protection through its redistributive character plays an important role in poverty reduction and alleviation, prevents social exclusion and promotes social inclusion.

Social protection is also prioritized in African Union Agenda 2063 under Aspiration 1: Goal 1: “A high standard of living, quality of life and well-being for all citizens”. This therefore justifies the need for a human rights-based approach to social protection in design, implementation and evaluation of social protection programmes.

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3 Target 1.3. of SDG Goal 1 reads: “Implement nationally appropriate social protection systems and measures for all including floors, and by 2030 achieve substantial coverage of the poor and vulnerable.
4 Indicator 1.3.1. of Target 1.3 of SDG goal 1 reads: “Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and vulnerable.”
The human rights based approach (HRBA) is a conceptual framework which is applicable in all development fields, and that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It is used to analyze obligations, inequalities and vulnerabilities, and to tackle discriminatory practices and unjust distributions of power that impede and undercut human rights.

Under a human rights based approach, plans, policies and programmes are anchored in a system of rights and corresponding obligations established by international law.

This helps to promote sustainability, empowering people themselves (rights holders) especially the most marginalized – to participate in policy formulation and hold accountable those who have a duty to act (duty bearers).

A human rights based approach consists of a number of essential attributes:

- As policies and programmes are formulated, the main objective should be to fulfill human rights.
- A human rights based approach identifies rights holders and their entitlements and corresponding duty bearers and their obligations, and works towards strengthening the capacities of rights holders to make their claims and duty bearers to meet their obligations.

Such a human rights-based approach to social protection is anchored on right to social protection which includes main categories of measures: social insurance schemes, where beneficiaries are requested to contribute financially and social assistance schemes, which are non-contributory and typically funded by taxes and are hence designed to redistribute resources to groups deemed eligible due to vulnerability or deprivation (United Nations Research Institute for Social Development, 2016). The Right to social protection in essence includes the right to access and maintain benefits. As a conceptual framework, the Human Rights Based Approach to Social protection is “normatively based on international human rights standards and operationally directed to promotion and protection of human rights and is used to analyze obligations, inequalities and vulnerabilities, and to tackle discriminatory practices and unjust distributions of

power that impede and undercut human rights” (United Nations Research Institute for Social Development, 2016).

Malawi is guided by policy and legal framework both at international and national level on matters of ensuring that the vulnerable section of its population enjoys the right to social protection. At international level, the right to social protection is firmly established in the United Nations Universal Declaration of Human Rights of 1948 which recognizes the right to social protection as an inalienable human right. Article 9 of International Covenant on Economic, Social and Cultural Rights (ICESCR) obligates State Parties to the Covenant to recognize the right of everyone to social protection including social insurance. The Convention on the Rights of Persons with Disabilities (CPRD) requires that state parties recognize the right of persons with disabilities to social protection without discrimination on the basis of ability (Article 28). The Bill of Rights (Chap IV) of the Constitution of the republic of Malawi in section 20 (1) guarantees equal and effective protection for all persons and prohibits discrimination on any basis including based on disability.

Besides, the Disability Act of 2012 recognizes “the right of persons with disabilities to adequate standards of living for themselves and their families including access to adequate food, clothing, and housing and continuous improvement of living conditions” (Section 14 [1][a]). The Law further obligates the State to safeguard and promote realization of the right to adequate standards of living without discrimination on the basis of disability (Disability Act of 2012, Section 14[1][b]). Section 14 (2) of the Disability Act stipulates that the Government shall: “(a) ensure access by persons with disabilities to appropriate and affordable social services; (b) ensure access by persons with disabilities to social support programmes; and (c) develop national guidelines to enable persons with disabilities that are receiving social benefits to move into self or open labour market employment”.

At policy level, Malawi has a National Social Support Policy (2012) whose vision is “enhanced quality of life for those affected by poverty and hunger and improved resilience for those who are vulnerable to risks and shocks”. The Policy goal of National Social Protection Policy is “to reduce poverty and enable the poor to move out of poverty”. The policy attempts to improve the welfare of the ultra-poor by formulating and executing programmes and projects that improve the welfare of the ultra-poor. One of the guiding principles of the policy is ‘tackling social exclusion and marginalization.’ It clearly stipulates that Social Support should address social as well as economic vulnerabilities, by protecting disempowered individuals such as vulnerable women, men and children, people with disabilities, the elderly and households affected by HIV against discrimination and exploitation. It further stipulates that “Social Support should promote the progressive realisation of human rights as articulated in Malawi’s constitution (Cap 4, Sec 30, 37, 43) and other relevant national and international legal instruments.” The policy has a universal coverage as it indicates that “welfare support will be provided to uplift the livelihoods of those

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6 See art. 22 and 25 of UDHR (1948)
who are unable to support themselves and have limited factors of production and lack family and community support."

Social protection programmes currently running in Malawi primarily target 10% of the ultra-poor population and there are plans to increase this bracket to 15% of the population of the ultra-poor. Implementation of these social protection programmes are guided by National Social Support Policy explained above. These however, have their own specific eligibility criterion and coverage depending on their focus areas.

Besides the National Social Support Policy of 2012, Malawi has a National Social Support Programme II (MNSSP II) which was launched in 2018 and covers the period of 2018 to 2023. The 2018-2023 MNSSP II – which operationalizes the National Social Support Policy of 2012 has 3 pillars: Pillar 1: Consumption support; Pillar 2: Resilient livelihoods; and Pillar 3: shock-sensitive social protection. Amongst the key interventions listed under the National Social Support Programme II (MNSSP II) are: Social Cash Transfer Programme, Public Works Programme, and School Meal Programme. Whilst Affordable Inputs Programme (AIP) or Farm Input Subsidy Programme (FISP) is not listed amongst the 5 listed interventions under the MSSP II, the MSSP II clearly provides linkages of the interventions under the Programme with FISP. For example, under the sub-section “establishing links with other national programmes and services that build resilient livelihoods through increased productivity” the MSSP II envisages to “link MSSP II beneficiaries, in particular from Social Cash Transfer and Public Works Programme, to programmes and services that provide agricultural support such as Farm Input Subsidy Programme (FISP) and Agricultural Extension.” (Malawi National Social Support Programme II, 2018-2022).

However, despite the availability of legal and policy framework supporting the right to social protection and existence of social protection programmes currently running in Malawi there was an urgent need for research to investigate their inclusiveness and the extent to which persons with disabilities are having equal access and are adequately benefiting from such social protection programmes. The Malawi National Disability Mainstreaming Strategy (2018-2023) observes that there is a dearth of nationally representative concrete data and information on the level of access to programmes and services for persons with disabilities in Malawi, and that this is largely due to poor targeting of disability in national and sectoral development strategies and attendant monitoring frameworks at both local council and central government levels.

7 The provision of consumption support through timely, predictable and adequate cash and/ or in-kind transfers to poor and vulnerable people throughout their life cycles (MNSSP II, 2018-2023)
8 Promoting resilient livelihoods through tailored packages based on individual, household, and communal needs via poverty graduation pathways and inter-programme linkages and by facilitating access to and the utilization of services beyond the MNSSP II programmes. (MNSSP II, 2018-2023)
9 The development of a shock-sensitive social protection systems that meets seasonal needs, prepares for and responds to unpredictable shocks in cooperation with the humanitarian sector and supports recovery and the return to regular programmes (MNSSP II, 2018-2023)
This absence of disability-specific data on persons with disabilities that have benefited from various social protection measures save for the Cash Transfer Programme makes it rather difficult to establish the impact of the Programme on persons with disability, the majority of whom may not have been targeted (Malawi National Disability Mainstreaming Strategy 2018-2023).

This lack of data contributes to the question as to whether a human rights-based approach is embraced when administering social protection programmes in Malawi. These factors perpetuate high levels of poverty in persons with disabilities and leads to violations of their human rights. Furthermore, there was need to review the adequacy of policies and laws in Malawi on social protection programmes in Malawi.

4.0 JUSTIFICATION

The Social Protection Floors Recommendation (No. 202) recognises the importance of national social protection floors to provide basic social protection guarantees to all persons, including persons with disabilities, across their life cycle, with priority being given to poverty, vulnerability, and social exclusion. Despite the existence of legal and policy framework on the right to social protection among the vulnerable population, persons with disabilities in Malawi continue to face discrimination in various forms and this exclusion has subjected them to a high risk of poverty and vulnerability. Social protection systems play a critical role in assisting people with disabilities, not only providing access to benefits and services but also access to jobs.¹⁰

Therefore, it was extremely vital that this research was conducted in this area to (1) review the institutional, legal and policy framework on social protection in Malawi, (2) engage relevant state officials, non–state actors, stakeholders, (3) assess existing social protection systems, programmes and gaps, and (4) engage persons with disabilities. The research was also critical in investigating the extent to which persons with disabilities are involved in the formulation of laws and policies, their participation in the designing, planning and implementation of social protection programmes. Additionally, the research also helped to determine the extent to which persons with disabilities benefit from social protection programmes in Malawi.

The research was conducted in reference with the Affordable Inputs Programme (AIP), a significant social protection programme that Malawi Government has been championing since 2020. It is also Government’s biggest social programme in terms of its budget. As ably put by Professor Kambewa from Lilongwe University of Natural Resources (LUANAR), in “Malawi subsidy programs have been implemented since the 1960s to increase access to external farm inputs and their adoption by the resource poor smallholder farmers with the desire of stimulating production, increasing farmers income, and spurring economic growth. The subsidies have covered the span from universal to targeted programmes” (Kambewa, 2020)¹¹.

¹⁰ Hans –Horst Konkolewsky, UN Special Rapporteur on Persons with Disabilities, writing in International Social Security Review, Vol. 70. No. 4
¹¹ Kambewa, D. 2020. “Rethinking Agricultural Input Subsidy Programs and the role of Agricultural Extensions: Lessons for future programs”. In Mwapata Institute Policy Perspectives No. 01. October 2020
AIP replaced Farm Input Subsidy Programme (FISP). The government of Malawi administered FISP from 2004/5 to 2019/20 giving some small holder farmers access to subsidized inputs, including fertilizer and improved maize and legume maize (Mwapata Institute, 2021). Whilst FISP was regarded a success in some respects it was characterized by some challenges including delays in input distribution and ineffective targeting of beneficiaries. It therefore had limited impact on food security (Dorward, A. and Chirwa, 2013). Upon coming to power in June 2020 the new Tonse Alliance government led by President Lazarus Chakwera abolished FISP and replaced it with AIP. The main goals of AIP are to achieve food security at household and national levels; improve nutrition; and reduce poverty through further increasing farmers access to improved farm inputs such as fertilizers, certified seeds of maize, rice and sorghum (Mwapata Institute, 2021; and Anti-Corruption Bureau AIP Monitoring Report, 2021). The target has been vulnerable subsistence or smallholder farmers.

In the 2020/21 financial year, AIP targeted all smallholder farmers under the Ministry of Agriculture farming household database which was estimated at 4,279,100 (Anti-Corruption Bureau AIP Monitoring Report, 2021). The programme aimed to provide 429,910 metric tons of fertilizer and a minimum of 21,396 metric tons of cereal seed. The package per smallholder farmer was as follows: 50kg bag of UREA fertilizer; NPK 50 kg bag of 23:10:5+6s+1.0Zn fertilizer; Either 5 Kg of hybrid seed or 7 Kg of OPV maize seed or 7 Kg of rice seed or 7 Kg of Sorghum seed. A farmer was paying Malawi Kwacha (MK) 4,495 for each bag of NPK or UREA and MK 2,000 per pack of Cereal seed (Anti-Corruption Bureau AIP Monitoring Report, 2021).

The Malawi government allocated MK142 billion from the national budget to Ministry of Agriculture to implement AIP. However, despite the huge resources allocated to and wider target of AIP there is apparently limited research that has been done to assess the extent to which AIP – as a social protection intervention – has adhered to human rights-based approach in the context of right to social protection as it relates to persons with disabilities. For example, how many persons with disability households’ farmers have benefited from the program? To what extent have the persons with disability households’ farmers been involved in the design, implementation and evaluation of the program? Has government come up with deliberate mechanisms within the design, implementation and evaluation of the AIP to ensure that the voice and special needs of persons with disabilities are taken on board. The research therefore focused on 2021/2022 AIP.

5.0. OBJECTIVES

5.1. Main Objective
The research was aimed at investigating the extent to which social protection programmes in Malawi adhere to and incorporates a human rights-based approach in the protection and

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13 The title is “Agricultural Inputs Subsidies: The recent Malawi experience”. Oxford University Press.
14 The database was linked to the National Registration Bureau (NRB) Database.
promotion of the right to social protection particularly of persons with disabilities. The Affordable Inputs Programme (AIP) was used as a case study.

5.2. Specific Objectives
The research had the following specific objectives:

5.2.1. Reviewing and examining the institutional, legal and policy framework on social protection in Malawi with special focus on persons with disabilities.

5.2.2. Assessing the extent to which AIP incorporates and adheres to human rights-based approach in their design, implementation and evaluation especially as it relates to persons with disabilities\(^1\).

5.2.3. To establish whether the State has deliberate mechanisms or measures in place to enable equal and easy access by persons with disabilities to AIP.

5.2.4. To find out whether persons with disabilities face any inequalities, discriminatory practices and other forms of barriers in accessing AIP.

5.2.5. To investigate if persons with disabilities are aware of their right to social protection.

5.2.6. To assess the impact of Covid – 19 on AIP with focus on persons with disability.

5.2.7. To investigate if the state has a sustainable recovery plan to the COVID 19 pandemic targeting persons with disabilities.

6.0 METHODOLOGY
6.1 AREA OF STUDY
The research was conducted at national and local level. At national level, the study focused on key informant interviews with relevant Ministries such as Ministry of Agriculture, Ministry of Gender and Social Welfare (department of Disabilities), Ministry of Finance and Economic Affairs, and members of the National Taskforce Committee on AIP. Besides, national level non-state organizations working in the agricultural sector as well as in disability sector were interviewed. These include: CISANET (Civil Society Agriculture Network), FEDOMA (Federation of Disability Organizations in Malawi) and the Mwapata Institute Research group.

The study also engaged the National Statistics Office (NSO) on possible reports produced in the recent past related to the research. This is besides the desk research on AIP that was conducted and social protection and disability reports related to the study. Additionally, the study interviewed a total of 77 individuals who comprised small holder farmers and AIP beneficiaries, government agricultural extension workers at local level, officials of disability persons’ organizations including the Malawi Council for the Handicap (MACOHA) and NGOs in the

\(^1\) Using the case study of AIP, a human rights-based approach entails assessing existing social protection systems and programs in order to establish gaps in relation to persons with disabilities from a human rights perspective.
agriculture sector working at local level in the following 3 districts: Zomba, Salima, and Mzimba. Of the 77 individuals 44 were persons with disabilities.

6.2 RESEARCH STRATEGY
The research employed both qualitative and quantitative methods of research. Furthermore, the research focused on one social protection programme namely the Affordable Farm Inputs Programme as a case study. The case study approach afforded persons with disabilities the opportunity to account for their experiences in accessing AIP. The study targeted persons with disabilities and other relevant stakeholders as respondents.

Quantitative research on the other hand attempts to gather data by objective methods about relations, comparisons, and predictions and attempts to remove the investigator from the investigation (Smith, 1983). Descriptive quantitative research complemented the qualitative aspect of the study to come up with credible and accurate data. The data collected from desk research, key informant interviews and the experiences of persons with disabilities and other stakeholders (listed above) was triangulated before answering the key research questions.

6.3 TARGET POPULATION
The research targeted national and local level stakeholders including persons with disabilities (as already listed in 6.1. above) who were purposively selected. The interviews with local level stakeholders were done after the desk research and key informant interviews at national level.

6.4 DATA COLLECTION
The methods that were employed for the collection of primary data were structured, semi-structured interviews and focus group discussions. Secondary data was collected from literature review and organizations promoting the welfare of persons with disability and stakeholders in the agricultural sector.

6.4.1. Focus Group Discussion (FGD)
The study took advantage of this form of qualitative research. This is an excellent technique for gathering people from similar backgrounds or experiences to discuss a specific topic of interest (Overseas Development Institute, tools for policy impact, 2011). This technique allows the researcher to interact with participants and probe more deeply. Focus group discussions with persons with disabilities were conducted in each of the districts namely; Salima, Mzimba and Zomba. It is worth pointing out that the research took into consideration the 40:60 rule (males: females) in each of the focus group discussions.

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17 Overseas Development Institute, Tools for policy Impact, 2011
18 Malawi’s Gender Equality Act
6.4.2. Key Informants Interviews

An interview is a data-collection technique that involves oral questioning of respondents, either individually or as a group. The researcher or research assistants ask questions to elicit response from respondents (Dawson 2002). Key informants were interviewed using an interview guide. At Central Government level, Principal Secretary for the Ministry of Gender, Social Welfare and Community Development were interviewed.

Similar interviews were conducted at district level with the Director of Agriculture/DADO, AIP coordinator (district), officials of FEDOMA and MACOHA, District Social Welfare Officer, the Traditional Authorities (T/As) and Social Protection Officer at T/A level. Semi-structured interviews were further conducted with persons with disabilities.

7.0 LIMITATIONS OF THE STUDY

7.1 The Principal Secretary for Agriculture, National Coordinator for AIP in Lilongwe were not interviewed. They did not respond to the Commission’s request for an interview. These were key to the study as they are policy holder and responsible Malawi Government ministry on matters of AIP.

7.2 This was a mini-research which covered only 3 districts out of the 28 districts in Malawi. In the three districts, Focus group discussions were held in two traditional authorities. The sample selected few areas from the three administrative regions of the country namely the Northern Region (Mzimba), Central Region (Salima) and the Southern Region (Zomba).

7.3 Statistics on persons with disabilities in the country were not readily available during the research period in Government offices namely the National Statistics Office and the Disability Department and this affected the quantitative method of data collection and analysis. In addition, the websites of these organizations do not have such information.

8.0 LITERATURE REVIEW

8.1. Institutional Framework on the right to Social Protection

8.1.1 The Malawi Human Rights Commission

The Malawi Human Rights Commission (the Commission) is a National Human Rights Institution (NHRI) for Malawi established by the Constitution of the Republic of Malawi (the Constitution). Section 129 of the Constitution states that:

“There shall be a Human Rights Commission the primary function of which shall be the protection and investigation of violations of the rights accorded by the Constitution or any other law”

Section 130 of the Constitution mandates the Commission to carry out investigations on its own motion. Section 130 states that;

“The Human Rights Commission shall, with respect to the applications of an individual or class of persons, or on its own motion, have such powers of investigation and recommendation as are reasonably necessary
for the effective promotion of the rights conferred by or under this Constitution, but shall not exercise a judicial or legislative function and shall not be given powers to do so."

The Commission’s investigative powers on human rights issues is further provided in its enabling statute, the Human Rights Commission Act (the Act). Section 12 of the Act provides that:

“The Commission shall be competent in every respect to protect and promote human rights in Malawi in the broadest sense possible and to investigate violations of human rights on its own motion or upon complaints received from any person, class or persons or body.”

Among other duties and functions of the Commission as provided for in the Act is to:

Promote more particularly the human rights of vulnerable groups such as children, the illiterate persons, persons with disabilities and the elderly.\(^{19}\)

In pursuant to its mandate as outlined above, the Commission as an institution, undertake activities aimed at protecting and promoting human rights of all the people including persons with disabilities within the jurisdiction of Malawi. Specifically, the Commission has specific directorate, the Directorate of Disability and Elder Rights. This is the directorate that is responsible for the promotion and protection of the rights of persons with disabilities.

8.1.2. Ministry of Gender, Community Development and Social Welfare

The Ministry of Gender, Community Development and Social Welfare is a government institution responsible for spearheading a broad range of programmes aimed at promoting the welfare of Malawians including persons with disabilities.\(^{20}\) Notably, the Ministry has the department of Disability and Elderly Affairs whose overall objective is to coordinate the implementation of disability and elderly programmes in Malawi. The department’s mission is to promote the inclusion of persons with disabilities and older persons at all levels of society through the creation of an enabling environment for the respect of diversity, human rights and participation in socio-economic development.\(^{21}\)

The department of Disability and Elderly Affairs is mandated to promote the quality of life for persons with disabilities and older persons by ensuring that their rights are protected so that they fully participate in national development. Key functions of the department include:

- Provision of policy direction.
- Guidance, oversight, coordination, facilitation, backstopping, monitoring and evaluation, facilitation of mainstreaming of disability and elderly issues in public and private sector.
- Promotion and protection of rights of persons with disabilities and older persons.
- Ensuring the empowerment of persons with disabilities socially and economically.

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\(^{19}\) Section 13 (1) (c)
\(^{21}\) Ibid.
• Coordination and implementation of programmes for persons with disabilities and older persons by various stakeholders in Malawi.
• Developing and implementing social protection programmes for persons with disabilities and the elderly.
• Capacity building of key stakeholders on disability and ageing.
• Promoting research, education and training on disability and ageing.
• Spearheading the development and review of legal frameworks for persons with disabilities and the elderly.

At the level of government, the Ministry of Gender, Community Development and Social Welfare through the department of Disability and Elderly Affairs is the responsible institution in ensuring the promotion and protection of the right to social protection for persons with disabilities.

8.1.3. The Ministry of Agriculture
The Ministry of Agriculture is another government of Malawi institution which is mandated to promote and accelerate broad-based, sustainable agricultural development policies that enhance economic growth and contribute to poverty reduction.\(^\text{22}\) The ministry envisages a nation that enjoys increased agricultural productivity and ensures food security and sustainable agricultural growth and development. The ministry’s mission is to “promote and facilitate strides that increase agricultural productivity and sustain good management and efficient use of land based natural resources to ensure food security and increased income.”\(^\text{23}\) The ministry is responsible for the implementation of the AIP programme, which is the focus of the present study. Persons with disabilities are also programme beneficiaries of the AIP programme. Therefore, the ministry is another institution that promotes the right to social protection, specifically by implementing the AIP whose beneficiaries includes persons with disabilities.

8.1.4. Malawi Council for the Handicapped (MACOHA)
MACOHA was established by an Act of Parliament, the Handicapped Persons Act 1971 Cap: 33.02 as a statutory corporation. It attempts to facilitate the empowerment of persons with disabilities to enable them to actively participate in the socio-economic development activities in their communities and the country. MACOHA work towards helping men and women with disabilities to be more independent, self-sufficient, and recognized as equals within Malawian society; receiving the same educational and other opportunities that exist for able-bodied people. The institution also lobbies for these rights and helping families access disability and educational aids, they also have vocational training centres. The institution’s mission is to implement government policies by providing rehabilitation programs and services and promoting public interest towards the empowerment of people with disabilities in order to achieve an

\(^{22}\) See [http://agriculture.gov.mw](http://agriculture.gov.mw)

\(^{23}\) Ibid
inclusive society. MACOHA is therefore, an institution championing the rights of persons with disabilities which includes the right to social protection.

8.1.5. Federation of Disability Organizations in Malawi (FEDOMA)
The Federation of Disability Organizations in Malawi (FEDOMA) was founded in 1999, as an umbrella Organizations of Persons with Disabilities (OPDs) in Malawi to provide a unified voice for all OPDs. FEDOMA has a specific mandate as the voice of persons with disabilities of all kinds throughout Malawi and in acting on their behalf, ensuring that persons with disabilities have access to services and support that the able-bodied community takes for granted. FEDOMA is registered under the Trustees Incorporation Act and the Malawi Council for the Handicapped (MACOHA) and works in liaison with the Ministry Gender, Community Development and Social Welfare. Among its objectives, FEDOMA promotes and advocate for the rights of persons with disabilities; advocate for and monitor the equalization of opportunities for persons with disabilities as stipulated in the United Nation’s Standard Rules; and coordinating and strengthening the capacity of the affiliated OPDs. Therefore, from perspective of Non-Governmental Organization, FEDOMA is the institution that promote the rights of persons with disabilities which includes the right to social protection.

8.2. LEGAL FRAMEWORK

The right to social protection in Malawi is legally supported by both domestic and international law. The United Nations Universal Declaration of Human Rights of 1948 stipulates that social protection is an inalienable human right. Article 9 of International Covenant on Economic, Social and Cultural Rights (ICESCR) obligates State Parties to the Covenant to recognize the right of everyone to social protection including social insurance.

The UN Convention on the Rights of Persons with Disabilities (CRPD), in Article 28 on “Adequate Standard of Living and Social Protection”, requires that state parties recognize the right of persons with disabilities to social protection without discrimination on the basis of disability. The Section specifically obligates States to:

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take

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24 See http://www.fedoma.org
25 See art. 2 of UDHR (1948)
appropriate steps to safeguard and promote the realization of this right, including measures:
(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability related expenses, including adequate training, counselling, financial assistance and respite care;
(d) To ensure access by persons with disabilities to public housing programmes;
(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 11 (e) of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) guarantees equal and effective protection for all persons and prohibits discrimination on any basis including based on disability.

The African Charter on Human and Peoples’ Rights (ACHPR - Banjul Charter) provides for social protection and security in Article 18 (4) wherein it states that “the aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs”.

The Bill of Rights (Chapter IV: Human Rights) of the Constitution of the Republic of Malawi in section 20 (1) guarantees equal and effective protection for all persons and prohibits discrimination on any basis including based on disability.

Section 13 of the Constitution provides for Principles of the National Policy and which call on the State to progressively develop policies and legislation towards achieving the goals of children and persons with disabilities, gender equality, health and education among others. For persons with disability, the principle of national policy in section 13 (g) provides for the institutionalization of measures to avail greater access to public places, fair opportunities in employment and the fullest possible participation in all spheres of the Malawi society.

Similarly, the Constitution in Section 30 (1) provides for the right to development and enjoyment of economic, social, cultural and political development for its citizenry and calls on state organs to put measures in place to ensure that marginalized persons such as women, children and the disabled are supported to realize this right. In addition, Section 30 (2, 3) prescribes measures to
ensure, “Equality of opportunity for all in their access to basic resources, education, health services, food, shelter, employment and infrastructure”.

Besides, the Disability Act of 2012 recognizes “the right of persons with disabilities to adequate standards of living for themselves and their families including access to adequate food, clothing, and housing and continuous improvement of living conditions” (Section 14 (1)(a)). The Law further obligates the State to safeguard and promote realization of the right to adequate standards of living without discrimination on the basis of disability (Disability Act of 2012, Section 14(1)(b)). Section 14 (2) of the Act stipulates that the Government shall:

“(a) ensure access by persons with disabilities to appropriate and affordable social services;
(b) ensure access by persons with disabilities to social support programmes; and
(c) develop national guidelines to enable persons with disabilities that are receiving social benefits to move into self or open labour market employment”.

8.3. POLICY FRAMEWORK

At policy level, Malawi has a National Social Support Policy (2012) whose vision is “enhanced quality of life for those affected by poverty and hunger and improved resilience for those who are vulnerable to risks and shocks”. The Policy goal of National Social Protection Policy is “to reduce poverty and enable the poor to move out of poverty”. The policy attempts to improve the welfare of the ultra-poor by formulating and executing programmes and projects that improve the welfare of the ultra-poor. Social protection programmes currently running in Malawi primarily target 10% of the ultra-poor and there are plans to increase this bracket of the ultra-poor to 15% of the population. Besides the National Social Support Policy of 2012, Malawi has a National Social Support Programme II (MNSSP II) which was launched in 2018 and covers the period of 2018 to 2023. The 2018-2022 MNSSP II – which operationalizes the National Social Support Policy of 2012 – has 3 pillars: Pillar 1: Consumption support; Pillar 2: Resilient livelihoods; and Pillar 3: shock-sensitive social protection. Amongst the key interventions listed under the National Social Support Programme II (MNSSP II) are: Social Cash Transfer Programme, Public Works Programme, and School Meal Programme. Whilst Affordable Input Programme (AIP) or Farm Input Subsidy Programme (FISP) is not listed amongst the 5 listed interventions under the MSSP II, the MSSP II clearly provides linkages of the interventions under

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26 The provision of consumption support through timely, predictable and adequate cash and/ or in-kind transfers to poor and vulnerable people throughout their life cycles (MNSSP II, 2018-2023)
27 Promoting resilient livelihoods through tailored packages based on individual, household, and communal needs via poverty graduation pathways and inter-programme linkages and by facilitating access to and the utilization of services beyond the MNSSP II programmes. (MNSSP II, 2018-2023)
28 The development of a shock-sensitive social protection systems that meets seasonal needs, prepares for and responds to unpredictable shocks in cooperation with the humanitarian sector and supports recovery and the return to regular programmes (MNSSP II, 2018-2023)
the Programme with FISP. For example, under the sub-section “establishing links with other national programmes and services that build resilient livelihoods through increased productivity” the MSSP II envisages to “link MSSP II beneficiaries, in particular from Social Cash Transfer and Public Works Programme, to programmes and services that provide agricultural support such as Farm Input Subsidy Programme (FISP) and Agricultural Extension.” (Malawi National Social Support Programme II, 2018-2022).

Furthermore, the National Policy on Equalization of Opportunities for Persons with Disabilities endeavours to promote the rights of persons with disabilities to enable them play a full and participatory role in society. The policy aim is to ensure that concrete steps are taken for people with disabilities to access the same fundamental rights and responsibilities as any other Malawian citizen. The policy encourages integration of disability issues in all government development strategies, planning and programmes.

Malawi has also a National Disability Mainstreaming Strategy and Implementation plan. The National Disability Mainstreaming Strategy and Implementation plan provides a framework for promoting public sector led equity and inclusive development through implementation of national and sectoral policies that take cognizance of the human rights and development needs of persons with disabilities in line with provisions of the UN CRPD, Sections 20, 13, 18 and 30 the Malawi Republican Constitution, the Disability Act of 2012.

The Social Protection Floors Recommendation (No. 202) recognises the importance of national social protection floors to provide basic social protection and security guarantees to all persons, including persons with disabilities, across their life cycle, with priority being given to poverty, vulnerability, and social exclusion.29

8.4. EXISTING LITERATURE/REPORTS ON ACCESS TO AIP BY PERSONS WITH DISABILITIES

The preceding sections clearly indicates that Malawi is guided by institutional, policy and legal framework both at international and national levels on matters of ensuring that the persons with disabilities enjoys the right to social protection. However, existing literature suggests that persons with disabilities in Malawi do not fully enjoy their rights to social protection as they do not adequately benefit to the existing social protection programmes, notably the AIP. For example, the Nation Newspaper dated 10th August, 2021 published a story which stated that in Rumphi district, persons with disabilities (People with Albinism) complained that they were left out of the 2020/21 Affordable Inputs Programme (AIP).30 An official from FEDOMA and Association of Persons with Albinism (APAM) confirmed that he had received about 14 complaints about being left out of the AIP beneficiaries list.31 On the other hand, officials from district agriculture office

29 Social Protection Floors, 2012 (No. 202)
30 Malawi News Agency, “People with Albinism Want Inclusion in AIP”. The Nation Newspaper, 10th August 2021
31 Ibid.
stated that only unregistered farmers were left out as AIP beneficiaries hence if these PWD’s were left out as AIP beneficiaries then it means they were not in the Ministry of Agriculture’s database/registry of farming households.\textsuperscript{32}

Sepulveda et al have put forward the argument that human rights can provide practical guidance to the design, implementation and evaluation and monitoring of poverty reduction efforts. Because human rights strive to empower the poor, the focus of poverty alleviation efforts is fundamentally shifted from a charity or needs based approach towards a concentration on rights and entitlements, which in turn give rise to obligations on the part of the State.

From a human rights perspective, individuals are rights holders that can make legitimate claims, and States and other actors are duty bearers that are responsible and can be held accountable for their acts or omissions.\textsuperscript{33}

Similarly, the same newspaper dated 19\textsuperscript{th} August 2021 carried a story where a visually impaired man, Wisted Dishoni in Nsanje district complained to have been left out of AIP beneficiary \textsuperscript{34}list nor any other social protection programmes such as the social cash transfer. His sentiments were echoed by MACOHA official in the district who indicated that very few persons with disabilities benefits from the AIP programme in the district. The MACOHA official, Alfred Manyozo added that the district has a population of 4 199 persons with disabilities but only 200 are on Social Cash Transfer programme.

In their study on “Challenges of Access to Farm Input Subsidy by the Most Vulnerable Groups in Malawi” Mvula et al. found that persons with disabilities are are not included in the beneficiary list because of their disability status.\textsuperscript{35}

8.5. CONCLUSION

Domestic law and International Human Rights treaties such the ICESCR, CRPD, CEDAW and ACHPR, which Malawi is a State Party supports the right to social protection and obligates Malawi to include persons with disabilities as beneficiaries of social protection programmes and from a human rights perspective it is crucial that policy makers actively ensure that vulnerable and disadvantaged groups such as persons with disabilities are reached as a matter of priority. Besides that, Malawi has in place institutional and policy framework supporting the realization of social protection programmes by persons with disabilities. Existing literature however, suggests persons with disabilities face challenges in realizing their right to social protection. Media and research

\textsuperscript{32} Ibid.


\textsuperscript{34} The Nation Newspaper Correspondent, “People with Disabilities Push for Inclusion.” The Nation Newspaper, 19\textsuperscript{th} August 2021

\textsuperscript{35} Peter M. Mvula, Ephraim W. Chirwa, Mirriam Matita and Andrew Dorward, Challenges of Access to Farm Input Subsidy by Most Vulnerable Groups in Malawi. (October 2011) available at http://www.ndr.mw:8080/xmlui/bitstream/handle/123456789/255/Challenges%20of%20access%20to%20farm%20input%20subs%20by%20most%20vulnerable%20groups%20in%20malawi.pdf?sequence=1
reports clearly indicates that persons with disabilities are sidelined in social protection programmes and notably the AIP.

9.0. KEY FINDINGS AND ANALYSIS

9.1. Existence of Laws and Policies on Social Protection vis-à-vis Persons with Disabilities

While the desk-research under literature review established available legal and policy framework, the research was designed to understand, from the perspective of duty bearers at national level, whether or not there are laws, policies or strategies specifically on social protection. The question was posed to the Ministry responsible for social protection issues on the existence of laws and policies on social protection. The respondent observed that currently, Malawi has no specific piece of legislation on “social protection”. The respondent was however, quick to mention that Malawi has a Disability Act (2012) as a piece of legislation which has provisions related to social protection specifically on persons with disabilities. The respondent for example, quoted section 14 of the Disability Act which stipulates that:

(1) The Government shall - (a) recognize the right of persons with disabilities to adequate protection standards of living, for themselves and their families, including— (i) access to adequate food, clothing and housing; and (ii) the continuous improvement of living conditions; and (b) take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

(2) The Government shall— (a) ensure equal access by persons with disabilities to appropriate and affordable social services; (b) ensure access by persons with disabilities to social support programmes; and (c) develop national guidelines to enable persons with disabilities that are receiving social benefits to move into self or open labour market employment.

On policies and strategies, the respondent stated that Malawi has several policies and strategies on social protection. The respondent mentioned (i) The Malawi National Social Support Policy of 2012 and (ii) The Malawi National Social Support Programme II (2018-2023) as general policies on social protection. On the other hand, the respondent gave examples of (i) The National Policy on Equalization of Opportunities for Persons with Disabilities (2006) and (ii) The National Disability Mainstreaming Strategy and Implementation Plan (2018-2023) as policies related to social protection specifically designed for persons with disabilities.

9.2. PWD’s Knowledge on the Right to Social Protection

The research established that there is a considerable level of awareness among persons with disabilities with regards to their right to social protection. Most of the respondents interviewed

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36 Social protection issues in Malawi falls under the Ministry of Gender, Community Development and Social Welfare
during the focus group discussions stated that they are aware that they have the right to social protection programme. In Mzimba and Salima for example, all participants in the focus group discussion respondent that they are aware. In Zomba however, of the 11 respondents who are persons with disabilities, 4 males and 3 females stated that they were aware of their rights while no males and 4 females stated that they were not aware of their rights.

Despite this level of awareness, it is relevant to mention that PWDs were open to state that despite them having knowledge about their human rights there is nothing they could do whenever their rights were violated. The study further established that during the onset of the 2021/22 AIP season, there were no deliberate human rights awareness programmes targeting PWDs in order to acquaint them with human rights issues and empower them to demand their rights from duty bearers in case of violations. The lack of human right awareness programmes during the 2021/22 AIP season was against the tenets of human rights-based approach. It is worth noting that a “human rights-based approach identifies rights holders and their entitlements and corresponding duty bearers and their obligations, and works towards strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations.”

37 By not incorporating the human rights awareness component into the AIP, it meant that the rights holders were not empowered and consequently had no capacity to demand their rights from corresponding duty bearers.

9.3 Affordable Inputs Programme as a Social Protection Programme with Reference to PWD’s

Respondents noted that AIP is a government food security social protection programme under the general policy goal of “food security” in Malawi. They observed that the AIP does not have any deliberate policies which ensures that persons with disabilities participate in its planning, implementation and monitoring. In addition, respondents pointed out that AIP does not have any deliberate measures in place to enable equal and easy access by persons with disabilities to the programme’s inputs.

As is evident from the sections that follows, the absence of deliberate disability specific policy to enable equal and easy access of the AIP commodities by persons with disabilities perpetuates human rights violations. The human rights-based approach demands that programmes require that policies and programmes should be developed and formulated in such a way that its objective should be to fulfil human rights and that they ensure equality and non-discrimination (targeting the most disadvantaged as a matter of priority) and comply with the standards of accessibility, adaptability, acceptability and adequacy. The disability specific policy in the AIP would thus, avert the discriminatory practices which characterised the 2021/22 AIP and promote human rights of

37 United Nations Research Institute, no 2 above, p.1
38 Ibid,
PWDs as enshrined in the Republican Constitution and other international human rights instruments.

9.4 Statistical Data on 2021/22 AIP Beneficiaries and Persons with Disabilities

The research established that in as much as the numbers of AIP beneficiaries were available in all the targeted districts, the data was not segregated by disability (see table 1 below). All key respondents from district agriculture office in the targeted districts indicated that they did not have statistics on the number of persons with disabilities who benefited from AIP in the 2021/2022 growing season.

However, the research established that some institutions namely: Malawi Council for Handicapped (MACOHA); National Statistics Office and the Centre for Social Research have national wide statistics on persons with disabilities. The respondents however, emphasised that their data base is not aligned and specific to AIP.

![2021/2022 AIP Beneficiaries in 3 Selected Districts](image)

Figure 1. 2021/2022 AIP beneficiaries in Mzimba, Salima and Zomba

The findings coupled with the absence disability specific data clearly suggests that persons with disabilities were not a primary concern in as far as AIP is concerned. The programme ignored the fact that vulnerable individuals such as PWDs may experience various forms of discrimination and inequalities within its implementation framework. To deal with these inequalities and discrimination, segregated data especially on beneficiaries is very critical because it would allow duty bearers to identify and understand the inequalities as well as coming up with remedial
mechanism. In human rights-based approach availability of accurate and reliable data is also vital in programming and policy formulation. Therefore, the absence of disability focused data in the AIP is a missed opportunity to address inequalities and discrimination.

9.5 Persons with Disabilities as Beneficiaries of 2021/2022 AIP

In as much as the research established that there is information gap with regards to the number of persons with disabilities who benefitted from the 2021/22 AIP in the districts under study, the data collected indicates that while some PWDs were beneficiaries, other PWDs did not benefit from the programme (see figure 2 below). Respondents from district agriculture office in all the target districts observed that AIP is a programme intended to assist vulnerable farmers who cannot manage to purchase farm inputs on their own. These respondents noted that persons with disabilities are considered vulnerable and due to their vulnerability, they automatically qualify for the programme. One respondent, a traditional leader in Mzimba indicated that when registering AIP beneficiaries in his area, priority is given to households whose members are either elderly, orphans, persons with disabilities or the neediest. The research, however, revealed that disability per se is not a qualification for one to be identified as a beneficiary of AIP. As pointed out earlier, there is no guideline or policy which clearly stipulates that persons with disabilities should automatically be selected as beneficiaries of AIP. A senior traditional leader in Salima for example, indicated that no person with disabilities benefited from AIP in the 2021/22 growing season in his area. Similarly, in Sub Traditional Authority Ntholowa in Zomba, a representative of PWDs cited that out 350 PWDs in his area of jurisdiction, only 54 had benefited from the programme. This was despite the PWDs meeting the selection criteria cited by District Agriculture Office. A similar situation was recorded in Salima where out of 70 PWDs in one community, only 20 benefitted.

It was further established that some names of PWDs are deliberately removed from beneficiaries list by the powers that be. In Mzimba South for example, one respondent, a disability rights advocate and himself a visually impaired person, stated that he resolved a case where a name of person with disability was removed from beneficiaries list for no apparent reason and it took the intervention of the Districts’ Disability Forum (DDF) to have his name reinstated. In Zomba, some PWD’s stated that according to them one of the criteria used in identifying AIP beneficiaries is that one be a practicing farmer. They observed that some PWDs who don’t do farming due to nature of their disabilities and as of such are not listed as AIP beneficiaries. As of such these PWD’s face discriminatory practices in as far as selection of AIP beneficiaries is concerned.

During focus group discussions with PWDs, it was clear that some of them were beneficiaries while others were not. The voices of the persons with disabilities themselves exemplify how discriminatory the AIP is towards PWD.
One respondent with physical disability (female) in Mzimba for example, stated in vernacular that “Chaka chilichonse amandilemba kuti ndilandire nawo ndidzagule nawo feteleza ndi mbeu zotsika mtengo koma mayina omalizira akabwera ine dzina langa limakhala palibepo. Dzina langa amalichotsapo nthawi zonse” (every year, I am registered as one of AIP beneficiaries, but when the final list comes, my name does not appear on it. They remove me always). Another female respondent said: “Ife anthu olumala sitimalandira nawo feteleza otsika mtengo akuti popeza sitigwira nawo ntchito za chitukuko kumadera athuwo” (We persons with disabilities do not benefit from AIP. People say we can not benefit because we don’t participate in development activities in our communities.)

The research further revealed that some PWDs whose names could not make it into the final beneficiary list, were shared the inputs which other beneficiaries redeemed, on internal arrangement made by traditional leaders. One respondent, a female with visual impairment in Zomba stated in vernacular that: “Ineyo sanandisankhepo kuti dzina langa likhale nawo pa mndandanda wa maina kuti ndigule nawo feteleza wotchipaya. Komano nthawi zonse ndimagawana ndi anthu ena.” (My name has never been selected to be among the AIP beneficiary list. I am always made to share with others).

It is worth noting at this point that most of these narrations are from female PWDs. This suggests that women with disabilities experience greater discrimination and high levels of exclusion in communities in as far as AIP is concerned. Women with disabilities are subjected to dual discrimination; firstly, based on their gender which also assigns them to a lower status and
secondly, based on how society perceives disability. These factors are likely going to perpetuate poverty and exclusion of female persons with disabilities in society.

9.6 Accessibility of AIP by Persons with Disabilities in Selling Points

The research established that generally, the AIP does not have specific guidelines or measures in place to ensure PWDs who are beneficiaries of the AIP should easily access the commodities in the selling points. Most respondents in all the sampled districts including persons with disabilities themselves indicated that PWD’s as a vulnerable group of people and as AIP beneficiaries are treated similar to able-bodied individuals and farmers when it comes to redeeming the farm inputs in the selling points. Respondents pointed out that PWDs have to travel long distances from their homes to point of sale, PWDs also have to queue on the same lines with able-bodied persons.

Due to long distances that PWDs are forced to travel to redeem the inputs, some persons with disabilities who have mobility challenges are forced to send their relatives to redeem fertilizer on their behalf. In Salima, one respondent noted that it was not automatic that relatives of PWDs would redeem fertilizer on behalf of their disabled relatives. The respondent noted that some managers at selling points could not allow one to redeem fertilizer on behalf of another. This therefore meant that PWDs in such situations could not be able to redeem fertilizer. The respondent also pointed out that in the 2021/22 AIP season, fertilizer was erratic in the selling points and people could actually spent nights at selling points or visit the selling points on the daily basis but unable to redeem the fertilizer. PWDs themselves noted that this situation affected them such that they could not be able to redeem fertilizer during the season.

Other respondents, duty bearers, conceded that AIP in it self have no deliberate guidelines or policy to ensure that PWDs easily access the commodities at selling points. These respondents were however, quick to note that during AIP briefings in the villages, they emphasis that PWDs, the elderly and Pregnant women should not be queuing when redeeming the fertilizer at selling points. In Mzimba for example, one respondent pointed out that at every selling point, there is a committee established within the community to oversee activities happening at the selling points.

The respondent emphasized that this committee is empowered to make sure that PWDs, the elderly and pregnant women are not queuing at selling points. Another respondent, a chairperson of a village development committee (VDC), stated that at every selling point, there are community policing forum committees who oversee the security of selling points and these are helpful in ensuring that PWDs, the elderly and pregnant women redeem fertilizer easily.

Despite the above sentiments however, it was clear that in their quest to access the AIP in selling points, PWDs are exposed to various inequalities, discriminatory practices and different forms of
barriers with regard to accessing affordable inputs in selling points. These inequalities, discriminatory practices and barriers undermined the human dignity of PWDs and go against the provisions of the CRPD which Malawi has ratified.

9.7 The 2021/2022 AIP and the Human Rights-Based Approach
The research established that the AIP under study did not adequately apply the basic tenets of the human rights-based approach in its design, implementation and evaluation. Respondents interviewed in Mzimba and Salima, showed that government is aware of the human rights-based approach to programming but implementation is a problem. In Zomba however, the general feeling of respondents was that looking at the implementation process of AIP, it is doubtful that stake holders and government officials are aware of the human rights-based approach. The 2021/22 AIP Guidelines did not specifically provide that the programme will follow the human rights-based approach in its implementation.

It was further established that from the designing of the programme, there is lack of evidence to show that persons with disabilities or their representative were involved which suggests that the designing process was not inclusive. During focus group discussion, all respondents who participated stated that they were not involved and did not participate in the selection of beneficiaries. Data from the district agricultural offices in the districts under study also show that the 2021/2022 AIP beneficiaries were only segregated by gender, with no disaggregation by disability. It is thus clear that that the selection process was not inclusive and non-participatory to persons with disabilities.

Respondents further observed that the programme was marred by nepotistic and corrupt practices perpetrated by those responsible for beneficiary registration and Identification. Due to these malpractices, deserving persons with disabilities were discriminated against. Respondents further noted that the programme had no clear accountability and transparency mechanism to provide checks and balances in the programme. The discriminatory aspect of the AIP was also evident from the fact that respondent’s especially from district agricultural offices indicated that beneficiary identification was based on the principles of “Productivity” and “Vulnerability.” Farmers, including those with disabilities who did not belong to either of the two categories were left out and consequently “discriminated” against.

Respondents further stated that during the period under study, there was non availability of the commodities under AIP in most selling points. The non availability of these commodities resulted in beneficiaries including persons with disabilities queuing for long hours and visit the selling points for two or more days in order to redeem the commodities. Beneficiaries especially persons with disabilities who are already vulnerable were exposed to further vulnerability which was degrading and inhuman. The AIP thus did not respect the “human dignity” of persons with disabilities.
9.8 2021/2022 AIP and Covid-19

Generally, the research established that Covid-19 pandemic made PWD’s “accessibility” to AIP worse and more difficult due to some of the Covid-19 prevention and containment measures which were put in place. One respondent with hearing impairment stated that the wearing of face masks brought in communication difficulties for his disability category because they rely on lip-reading and the wearing of face masks made communication difficult for them as they could not lip-read and understand what someone who has put on a face mask was saying. Another respondent with visual impairment also pointed out that the social distancing in the queues was very difficulty to his disability category as they could not be able to measure and see the recommended distance between people on the queues at the selling points.

AIP/Covid-19 related messages were not transcribed in braille format and thus inaccessible to his disability category. Some other respondents who are physically challenged and uses wheel chairs for mobility, also lamented of inaccessible infrastructure in AIP outlets which did not have ramps which those on wheelchairs could use for easy mobility.

There was also a concern from another PWD in Mzimba who indicated that the non-availability of commodities in the selling points exposed them to the covid-19 virus. This particular respondent indicated that whenever the commodities arrived at a selling point, there was a scramble for them such that some Covid-19 preventive measures such as the social distancing for example, were not adhered to.

During the implementation of the 2021-2022 AIP the Covid pandemic was at its peak however the government did not put in place any measures to assist PWD’s with easy access to the programme.

9.9 Key Challenges and Weaknesses of AIP generally and specifically for PWD’s

The research was designed to bring to light the challenges and weakness of the 2021/2022 AIP in general and specifically to persons with disabilities. It was established that the current AIP Guidelines do not specify any considerations for people with disabilities. As a matter of example, persons with disabilities are not automatic beneficiaries of the programme. This perpetuates discrimination as the findings revealed that some persons with disabilities were left out. The research also revealed that persons with disabilities themselves or their representative such as Organizations of Persons with Disabilities (OPDs) are not included in the design, implementation and evaluation of AIP. This means that persons with disabilities are always at the receiving end and they have no platform to voice out their concerns at different levels of the AIP. This is a clear indication that the programme does not incorporate the principles of inclusion and participation within the framework of human right-based approach.
As noted earlier, the research established that there is non-availability of data with regards to persons with disabilities who were beneficiaries of the programme. The AIP programme beneficiaries in particular, and farming households in general are only segregated in terms of gender and not disability. This is disadvantageous to persons with disability as availability of accurate data is very critical in policy formulation, planning, programming and evaluation of programmes.

The research further revealed the 2021/22 AIP programme was characterized by low and insufficient supplies of the inputs in most remote centers. This means that people had to travel to the selling outlets multiple times, spending long hours there while waiting for the supplies to be replenished. This was very unfavourable for those with disabilities. Distances to the markets and AIP outlets were also long, with limited markets serving larger communities. This means that if one could access the inputs on behalf of the beneficiaries, that opened room for fraudulent activities as some could take advantage to defraud the vulnerable.

Another key weakness established during the research is that the programme has no deliberate policy to empower rights holders (persons with disabilities to demand and claim their rights from duty bears. This means that in the first place, persons with disabilities have no ground of knowing and understanding their rights and corresponding duties within the AIP framework. It also entails that PWDs cannot demand their rights from duty bearers due to this perceived gap in knowledge.

Similarly, there is no accountability mechanism on the part of duty bearers in the case of failure to fulfill their obligations in the design, implementation and evaluation of the programme with specific focus to persons with disabilities. For example, one respondent from the Ministry of Gender, Community Development and Social Welfare, which is a line ministry for disability affairs reported that they were flooded with complaints from persons with disabilities with regards to implementation of the AIP under study. The respondent stated that since they did not have a mandate to handle those complaints, they referred them to the responsible ministry (Ministry of Agriculture) and other relevant offices. However, it was not clear as to what extent such complaints were handled due to lack of accountability mechanisms.

The research revealed that District Social Welfare office is not involved in the AIP process from the beginning to the end. This is problematic as AIP is a social protection programme which ought to be championed by the Social Welfare Office just like the other programmes such as the Social Cash Transfer. Improving synergies at district level will therefore address issues of double targeting.

9.10 AIP Strengths and Positives
The AIP is designed as a quasi “universal” subsidy programme for subsistence farmers and this is generally a good policy measure as it ensures that Government realizes its obligations towards
realization of nationwide food security and hence national development. And because of the quasi “universal” nature of AIP some persons with disability benefit.

The AIP remains one of the most popular social protection programmes and to some extent has averted food insecurity. According to Malawi’s Integrated Household Survey 5 (2019-2020) Malawi’s population as of 2020 comprised of 84.4% rural inhabitants the majority of whom are subsistence farmers and for whom the agricultural inputs (fertilizers, seeds) that the AIP provides are key for their farming activities and livelihood hence the popularity of the AIP.

The programme has over the years enabled farmers, including persons with disabilities, to purchase inputs such as seeds and fertilizer at a lower prices which would otherwise be impossible. An old man with physical disability in Mzimba for example, commended the programme in vernacular:

“Chaka chino ndakwanitsa kupeza matumba okwana 24 ndipo chakudya chimenechi chindikwanira mpaka chaka chamawa (During this growing season, I managed to harvest 24 bags of maize and I believe this is enough to feed my family until the next season”).

10.0 RECOMMENDATIONS
The research has revealed that the AIP as a social protection programme was characterised by inadequate basic tenets or principles of human rights-based approach. This has consequently led to inequalities and discriminatory practices which violates the rights of PWDs. Therefore, AIP as a social protection programme needs to embrace the basic principles of human rights-based approach. It is therefore recommended as follows:

10.1 The Ministry of Agriculture

1) The Ministry of Agriculture as a policy holder of the AIP should consider adopting a synergy approach in the implementation of the subsequent AIP. Accordingly, the ministry should work closely with the Ministry responsible for disability affairs, OPDs and the Malawi Human Rights Commission in reviewing the current AIP guidelines to ensure that the guidelines incorporate international human rights standards and comply with the human rights' basic principles.

2) The Ministry of Agriculture should consider developing a deliberate policy which should ensure that AIP is participatory and inclusive in its design, implementation and evaluation. The policy should clearly indicate that disability should be one of the criteria for beneficiary identification.

3) The Ministry of Agriculture should consider making sure that farming households are segregated based on gender as well as disability. Similarly, beneficiaries of the AIP should
be segregated by gender as well as disabilities. It is envisaged that this will overcome the data challenge which the research singled out as critical challenge of the programme.

4) The Ministry of Agriculture should consider reducing distances that AIP beneficiaries travel to purchase the AIP commodities by increasing selling points within the communities.

5) The Ministry of Agriculture should consider reversing its decision of removing beneficiaries of social cash transfer programme from AIP beneficiary list as has been the case with the 2022/23 growing season. This decision is discriminatory as some social cash transfers beneficiaries receive as little as K10,000.00 for two months. This amount is too little and inadequate for such beneficiaries to purchase farm inputs which costs as much as K80,000.00 (a bag of fertilizer, for example).

6) The Ministry of Agriculture should consider ensuring that the public, specifically persons with disabilities, should be adequately sensitized on the Affordable Inputs Programme about their rights and entitlements, the programme’s eligibility criteria and requirements in appropriate languages and formats in timely way. In addition they should be informed of the programme’s complaints handling mechanism.

7) The Ministry of Agriculture should consider putting in place guidelines or policies which clearly stipulate that suitable persons with disabilities should automatically be selected as beneficiaries of AIP and women and the elderly should be highly considered.

8) The Ministry of Agriculture should consider “mainstreaming” disability such as including disability issues in the AIP Guidelines such as incorporating the specialized needs of AIP beneficiaries who are PWD’s. This may include putting in place relevant structures and infrastructure to cater for AIP beneficiaries who are Persons With Disabilities.

10.2 District Councils

1) District Councils should consider adopting a multi-stakeholder approach in identifying beneficiaries. That is, the Councils should incorporate relevant offices and institutions such as the social welfare office, MACOHA, DDF executive members among others. This is to ensure that the concerns and interests of PWDs are taken into considerations.

2) District Councils should consider putting in place mechanisms to ensure easy access of AIP by PWDs at selling points. For example, establishing guidelines for selling points which among others, should indicate that PWDs should not be queueing at selling points.
11.0 WAYFORWARD

1) The Malawi Human Rights Commission should conduct a human rights-based approach capacity building trainings of critical stakeholders in the AIP realm both at national and local levels. This would ultimately ensure that the programme adheres to international human rights standards.

2) The Malawi Human Rights Commission should also embark on national wide human rights awareness campaigns targeting persons with disabilities. This would aim at empowering PWDs as rights holders with human rights knowledge so that they can demand their rights from duty bearers and also hold them accountable.

3) The Commission should also conduct national wide monitoring for both AIP and other social protection programmes in order to establish their compliance with international human rights standards.

4) The Commission should enhance synergies between itself as national human rights institution and government line ministries, civil society organizations and specialized institutions working on interventions and programming for persons with disabilities.

5) The Commission should lobby government to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security as well as advocate for the implementation of all the relevant regional and international instruments that have provisions on the rights persons with disabilities and social protection.

12.0 CONCLUSION

The research findings established that AIP does not embrace a human rights-based approach adequately. The design, implementation and evaluation of AIP is not fully participatory and inclusive. This has resulted in persons with disabilities experiencing discriminatory practices among other things in accessing AIP in particular and other social protection programmes.

Accessibility to social protection programmes for persons with disabilities remains a huge challenge. This is against the background that Malawi has at its disposal relevant institutional, legal and Policy frameworks supporting the right to social protection. Policies and laws such as the equalization of opportunities for persons with disabilities and the Disability Act (under review) the CRPD among others' have not been implemented fully and consistently implemented and this has had a negative impact on the welfare of persons with disabilities.

It is also worth noting that statistics on beneficiaries who are persons with disabilities are not readily available. There is no clear data as to how many persons with disabilities benefited from 2021/2022 AIP, how many were left out and why. Even though the study was conducted in the three districts, the absence of data on beneficiaries in the three districts is also an indication that the situation is the same across the country. The implication is that if the status quo remains unchecked, there will be no data to inform policy and programming and PWDs will continue facing inequalities and discrimination.

The research also highlighted the fact that government and other duty bearers are failing in their implementation of the equalization of opportunities for persons with disabilities. The exclusion of PWDs or their representative such as OPDs from the design, implementation and evaluation of AIP and other social protection programmes is a catalyst for discriminatory practices against persons with disabilities. If persons with disabilities are left out of processes and procedures that are aimed at designing and implementing programmes that will affect them, then it would constitute failure on the part of Government and duty bearers in general to promote the equalization of opportunities for persons with disabilities. This also acts as a hindrance to the enjoyment of human rights by PWDs and also total disregard of PWDs’ motto “Nothing for Us without Us.”

On a positive note, however, the AIP has been appraised by PWDs who have benefited from the programme. It is thus, clear that despite the challenges highlighted, the programme is one of those social protection programmes that has had positive impact in improving the welfare of its beneficiaries. It is thus imperative that government need to seriously look into the gaps and work towards addressing those gaps by adopting a human rights-based approach.