



## **MALAWI COUNTRY REPORT**

IMPLEMENTATION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION (1995)  
AND THE OUTCOMES OF THE TWENTY THIRD SPECIAL SESSION OF THE GENERAL ASSEMBLY (2000)  
IN THE CONTEXT OF THE TWENTIETH ANNIVERSARY OF THE FOURTH WORLD CONFERENCE ON WOMEN  
AND THE ADOPTION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION 2015



Ministry of Gender, Children, Disability and Social Welfare  
Private Bag 330  
Lilongwe 3  
Malawi

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## Acronyms

AIDS	Acquired Immuno Deficiency Syndrome
AU	African Union
BDPFA	Beijing Declaration and Platform for Action
CBCCs	Community Based Child Centres
COMESA	Common Market for Eastern and Southern Africa
COMSIP	Community Savings and Investment Programme
COWLHA	Coalition of Women Living with HIV and AIDS
CPR	Contraceptive Prevalence Rate
CVSUs	Community Victim Support Units
FAWEMA	Forum for African Women Educationalists in Malawi
FEMCOM	Federation of Women
GBV	Gender Based Violence
GFP	Gender Focal Points
GEWE	Gender Equality and Women Empowerment Programme
GRB	Gender Responsive Budgeting
HIV	Human Immunodeficiency Virus
IEC	Information Education and Communication
IHS	Integrated Household Survey
ILO	International Labour Organisation
JRS	Jesuit Refugee Services
MAF	MDG Acceleration Framework
MARDEF	Malawi Rural Development Fund
MDHS	Malawi Demographic Health Survey
M & E	Monitoring and Evaluation
MEDF	Malawi Enterprise Development Fund
MGDI	Malawi Gender and Development Index
MGDS	Malawi Growth and Development Strategy
MGTT	Malawi Gender Trainers' Team
MIE	Malawi Institute of Education
MIJ	Malawi Institute of Journalism
MISA	Media Institute of Southern Africa
MLF	Microloan Foundation
MLFS	Malawi Labour Force Survey
MSME	Micro, Small and Medium Enterprises
MUSCCO	Malawi Union of Credit and Cooperatives
NABW	National Association of Business Women
NASFAM	National Smallholder Farmers' Association of Malawi
NCIC	National Construction Industry Council
NGM	National Gender Machinery

NGO-GCN	Non-Governmental Organisations Gender Coordination Network
NPFA	National Platform for Action
OVOP	One Village One Product
PAP	Poverty Alleviation Programme
PMTCT	Prevention of Mother to Child Transmission
SACCOs	Savings and Credit Cooperative Societies
SADC	Southern Africa Development Community
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health Rights
STIs	Sexually transmitted infections
SWG	Sector Working Group
TEVET	Technical, Entrepreneurial, Vocational Education and Training Authority
TFR	Total Fertility Rate
TTCs	Teacher Training Colleges
UNFPA	United Nations Population Fund
UN Women	United Nations Entity for Gender Equality
USADF	United States African Development Foundation
VAW	Violence against Women
VSL	Village Savings and Loan
VSUs	Victim Support Units
WEDGE	Women's Entrepreneurship Development and Gender Equality
YEDF	Youth Enterprise Development Fund
YFHS	Youth Friendly Health Services

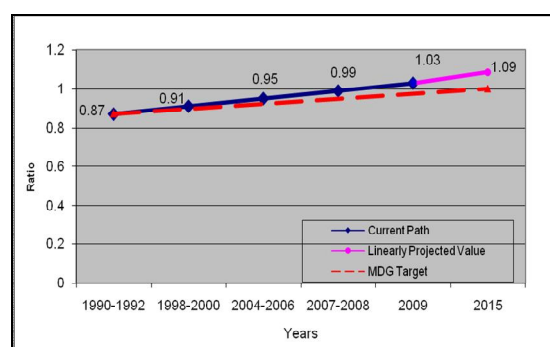
## 1. OVERVIEW ANALYSIS OF ACHIEVEMENTS AND CHALLENGES SINCE 1995

1. Malawi took bold steps in the implementation of the Beijing Declaration and Platform for Action (BDPFA) by producing a National Platform for Action in 1997, and organising a Bringing Back Beijing Conference hosted by the Civil Society. Malawi has been implementing the BDPFA using two main approaches, namely: **mainstreaming strategies and affirmation action strategies**. A combination of the two has produced effective result in some areas. For instance, parity in enrolment in primary education was achieved due to policy and programme/project interventions, some of which targeted girls.
2. Women’s percentage in the non-agriculture wage employment has also increased. At the same time, there are still challenges to the realisation of gender equality, and these **include a weak National Gender Machinery, limited funding, and slow implementation of policies and laws related to gender equality**.
3. During the period of implementation, setbacks that Malawi has faced include reduced number of women in Parliament and Cabinet, increased gap between men and women in HIV prevalence rate, and increased poverty among rural female headed households.

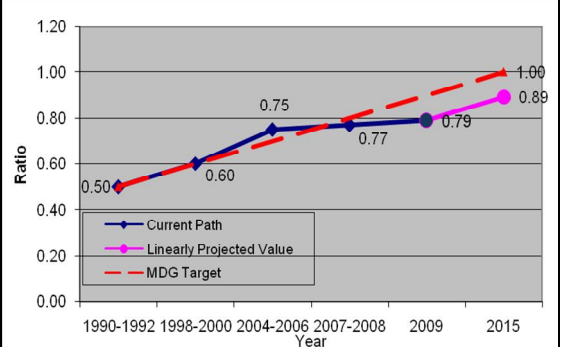
### 1.1 Increased girl to boy ratio in primary and secondary education enrolment

4. With reference to progress attained in the Malawi education system,<sup>1</sup> the Malawi Progress Report on Millennium Development Goals (2012) revealed that the enrolment ratio of girls to boys in primary education reached parity in the 2008/2009 school year. The highest was at 1.04 in 2009, but dropped to 1.02 in 2011 as reflected in **Figure 1**. While gender parity in enrolment in secondary education is not yet achieved and is unlikely to be achieved by the MGD target date of 2015, the ratio of girls to boys increased from 0.60 in 2000 to 0.84 in 2011, **Figure 2** below refers.

**Figure 1: Ratio of Girls to Boys in Primary Education**



**Figure 2: Ratio of Girls to Boys in Secondary Education**



<sup>1</sup> The Malawi education system has a three tier structure of 8 years primary education, 4 years of secondary education and 4 years of university education. A national examination is administered at the end of the primary education and at the end of secondary education which enables learners to proceed to the next level. Not all that pass at each level are assured of a place at the next level due to limited places. Public Universities administer selection examinations. Progress from one level of the education system to a higher level is therefore highly competitive.

Source: Millennium Development Goals Report 2011

5. Despite that girls are still facing retention challenges in the education system, the trends in the two figures above reflect a lot of effort and commitment by the Malawi Government in partnership with development partners, NGOs and the private sector towards the realisation of the enjoyment of equal right to education by boys and girls. Different policies and programmes that are mentioned in the section of 'education and training if women' have so far contributed towards access to education by girls. The Government of Malawi is keen to build upon the gains made in the education sector to ensure the elimination of gender inequalities in the system and achieve gender equality.

### **1.2 Share of women in non-agriculture employment**

6. The share of women in formal employment is a measure of employment opportunities so that given equal opportunities, it is expected that the proportion of men and women would be equal. Despite being unable to achieve gender equality in women's share in the economy, good improvement has been made in closing the gender gap in non-agriculture sector employment. Between 2004 and 2011, the share of women in wage employment more than doubled from 15 percent to 33.3 percent. However, in the more comprehensive and reliable 2013 Labour Force Survey, the figure now stands at 30 percent. Assuming that the 2011 estimates were equally accurate, then the new figure is admittedly a set-back in the last three years. But taking into account the recognition by the National Statistics Office that previous data sources have not provided adequate information on the labour market situation, and comparing with the 2004 situation, this report still submits that there has been a general improvement in women's share of non-agriculture employment. This can be attributed to improved women's education, gender mainstreaming in the public sector and presence of private training institutions which are providing opportunities even to women.

### **1.3 Challenges towards the realisation of gender equality and women empowerment**

7. Malawi faces a number of challenges, including the following three critical challenges, in the implementation of the BDPFA as well as the MDGs and other commitments.

#### ***Inadequate Government funding for gender programmes and activities***

8. Inadequate funding is one of the major bottlenecks to achieving gender equality and women empowerment. Funding to gender programmes and activities, including towards the implementation of gender related laws, is fragmented and inadequate. Almost all the programmes on gender are supported by development partners. Gender budgeting guidelines that were developed by the Ministry of Gender in 2005 have not translated into targeted funding for gender programmes.

#### ***Weak institutional mechanisms and inadequate human capacity***

9. The National Gender Policy (2000- 2005) defined the National Gender Machinery (NGM) in Malawi as the Department of Gender Affairs in the Ministry responsible for Gender, and it is headed by a Director. The positioning of the NGM in a line Ministry has fundamentally compromised its authority and influence on central Government policies, strategies and programmes. As a result, gender issues are not taken seriously at central Government level and by senior and high level policy makers. This is clearly reflected in the Malawi Growth and Development Strategies (MGDS I & II) which, as the main Government development

documents, have failed to adequately mainstream gender in all its priority areas although gender is included as a stand-alone section.

10. The NGM (which according to Commonwealth is supposed to comprise public, civil society and private sector), has had no presence at regional/division, district and local levels of the Government service delivery structures. The gender functions of the NGM in these levels were delegated to a sister department in the Ministry (Community Development), whose officers also had no clearly defined responsibilities on gender issues. This left district level gender equality and women empowerment activities with limited coordination. Additionally, the NGM has had limited control over some of the support mechanisms set up to support implementation of the BDPFA. Malawi Gender Trainers' Team (MGTT) was set up by the NGM to build capacity across the sectors in gender mainstreaming and gender analysis. The team eventually disintegrated and the team members turned into individual consultants. The Gender Equality and Women Empowerment Programme (2012-2016) that is being coordinated by the Ministry responsible for Gender with financial support from EU and technical support from UNFPA is supposed to help in revamping the MGTT and strengthening the coordination and monitoring roles of the NGM generally. In addition the Ministry responsible for Gender is working towards upgrading key positions and creating new ones up to the district level, which is an assurance of Government commitment to creating strong institutional mechanisms for the promotion of gender equality and women empowerment.
11. The use of Gender Focal Points (GFP) to mainstream gender in the public sector has not been successful. GFP are designated by their respective Ministries and Departments, and these have mostly been low level officers with no clear mandates on their roles. Therefore, it is difficult for such officers to influence policy and decisions, hence inadequate mainstreaming of gender issues in most institutions.

#### *Slow approval of policies and Bills*

12. Government and the Parliament have been slow in approving policies and Bills. The revised National Gender Policy was drafted in 2008 after the first policy expired in 2005. To date, it is not approved. This means that for several years now, gender and women empowerment programmes and activities are being implemented without a policy. There are also bills which are critical for the promotion of gender equality and women empowerment that are taking too long to be enacted. For example, a proposed law on Marriage, Divorce and Family Relations has been outstanding since 2006; and a proposed law to govern customary land Bill since 2010.

### **1.4 Setbacks or reversals experienced**

13. The following are some of the setbacks / reversals Malawi has experienced from 2008:
  - a) Reduced number of women in Parliament from 22 percent in 2009 elections to 16.7 percent in 2014. Malawi has no quota system for and Members of Parliament are elected through the first past the post system.



- b) The failure of the first female State President<sup>2</sup> to gain a mandate from the electorate during the 2014 elections.
- c) Reduced number of women Ministers from 28.1 percent in 2013 to 15 percent in 2014.
- d) Between the IHS of 2004/5 and 2010/11, poverty levels for female headed households in rural areas increased by 3 percentage points, while those for male headed households remained static.
- e) The HIV prevalence gap between men and women doubled from 3 percent in 2004 to 6 percent in the 2010 Malawi Demographic Health Survey.
- f) The proposed law on HIV and AIDS has shelved provisions that focused on protection, including special rights for women and girls. Therefore instead of the previous HIV and AIDS (Protection and Management) Bill of 2013, there are plans to first submit it to Parliament as an HIV Management Bill that is primarily focusing on the institutional management of the epidemic.
- g) Despite the clear vulnerability of girls and women to HIV, and unlike the National HIV Policy of 2003, the revised National HIV and AIDS Policy of 2013 and its National Strategic Plan (2011 - 2016) have not specifically included women and girls among the list of vulnerable groups for purposes of the HIV response.
- h) The Penal Code Amendment law of 2011 introduced a new provision to criminalise lesbian behavior, in addition to an already existing provision penalising men who have sex with men.
- i) In 2010, a provision in a Constitutional Amendment Bill that sought to amend the of marriage with consent from 15 years to 16 years was not assented by the State President because of a public outcry that 16 years was still too low. Up to date, a revision to upgrade the age of marriage has not been submitted before Parliament, meaning that women in Malawi can still get married at the lower age of 15 years.

### **1.5 Constitutional, legislative and or legal developments in the promotion of gender equality and women empowerment**

14. Following Malawi's adoption of a democratic Government in 1995, the Government has created a conducive legal environment for the promotion of gender equality and women empowerment through the enactment of the following gender specific and gender related laws that are guided by international human rights treaties:
- a) The Constitution of the Republic of Malawi (1994). This has specific provisions with respect to gender equality as a principle of national policy, and special rights for women.
  - b) The Prevention of Domestic Violence (GBV) Act 2006.
  - c) The Child Care (Justice and Protection) Act, 2010.
  - d) The Deceased Estates Act (Wills, Inheritance and Protection) Act, 2011.
  - e) The Gender Equality Act, 2013.

These legal frameworks are explained in **Annexure 1**.

<sup>2</sup> who as Vice President automatically ascended to the Presidency after the death of a serving President in 2012

## 1.6 The share of Gender and women empowerment in the national Budget

15. The Malawi Government has not yet institutionalised gender responsive budgeting, though actions to achieve this are being pursued under the Gender Equality and Women Empowerment Programme (2012- 2016). The determination of share of gender and women empowerment in the national budget is based on the annual allocation to the Ministry responsible for Gender, and it includes other activities beyond gender. **Table 1** shows that as a percentage of the national budget, the allocations are very small although they have been increasing over the years. However, in real value, the budget reduced due to the devaluation and liberalisation of the local currency in 2012. In 2012/2013, the disbursements were much less because the 2.9 percentage allocation was supposed to cover a period beyond one year.

**Table 1: Share of Gender Ministry in the National Budget**

Year	Percentage of national budget
2009/2010	0.3
2010/2011	0.3
2011/2012	0.6
2012/2013	2.9
2013/2014	0.9

Source: Ministry of Finance

16. Government has weakly responded to persistent lobbying by gender activists and NGOs for increased funding for gender equality and women empowerment programmes, including for the Department of Gender Affairs. Anecdotal evidence suggests that donor funds for gender and women empowerment have also been reducing, and a previously existing basket fund for gender mainstreaming is no longer available. Hopefully, the implementation of the Joint Sector Strategic Plan for Gender, Children, Youth and Sports Sector Working Group (2013 – 2017) will promote joint programming and resource mobilisation and respond to the financial needs of the gender sector since it has clear indicators for tracking progress. The need for comprehensively institutionalising gender responsive budgeting in the public sector is also a logical way to go.

## 1.7 Mechanisms for dialogue between Government and civil society

17. The Malawi Government recognises the essential role of civil society in the promotion of gender equality and women empowerment. The Government has as much as possible created space for the effective participation of civil society Organisations in the implementation of the BDPFA and other gender equality and women empowerment activities. To ensure coordinated involvement of the civil society, the Ministry responsible for gender facilitated the establishment of the Non-Governmental Organisations Gender Coordination Network (NGO-GCN) in 1998. The purpose of the network is to coordinate civil society initiatives for gender equality and women empowerment through lobbying, advocacy, and implementation. The NGO-GCN was the third arm of the tripartite arrangement of the Development Assistance Group on Gender (DAGG), where plans including funding, for NGO-GCN activities were presented. Both development partners and Government have worked closely with the NGO-GCN and it has been a very strong voice on issues relating to gender equality and women empowerment in Malawi.

18. In order to ensure aid coordination and effective development, the Malawi Government started working towards the establishment of Sector Working Groups (SWGs) in 2008. One of these the Gender, Children, Youth and Sports Sector Working Group, which is an institutional framework for joint planning, coordination, budgeting, implementation and monitoring of activities in this sector. Under the SWG are several Technical Working Groups, one of which deals solely with gender equality and women empowerment. The composition of the SWGs includes Government, private sector, national and international NGOs, development partners and faith based Organisations. This is a very effective forum for engaging diverse stakeholders working in the area of gender.
19. The Ministry of Gender also involves NGOs on specific issues such as the development of policies and legal frameworks, annual commemoration days such as 16 Days of Activism, International Women’s Day, Rural Women, International Day of Girl Child etc.

## **1.8 In-country, bilateral, sub-regional and regional cooperation**

### *In- Country Cooperation*

20. The Sector Working Groups (SWGs) are an effective tool for promoting in-country cooperation in the implementation of the MGDS, the MDG Acceleration Framework (MAF) and BDPFA. The Gender, Children, Youth and Sports Sector Working Group has developed a Joint Sector Strategic Plan for 2013-2017. To facilitate better understanding and implementation of the Joint Sector Strategic Plan, a Communications Strategy has also been developed.

### *Sub-regional cooperation*

21. Malawi is a member of the Southern Africa Development Community (SADC), which has a strong Gender Equality and Women Empowerment component. **In June 2013, Malawi ratified the SADC Protocol on Gender and Development (2008). One important feature of the protocol is that it calls for the realisation of 5 percent women representation in decision making positions by 2015.**
22. Malawi is also a member of the Common Market for Eastern and Southern Africa (COMESA), which has a window for women empowerment in business and trade. To this end, COMESA created the Federation of Women (FEMCOM) which Malawi hosts since 2010. The Mission of FEMCOM is to ‘develop entrepreneurship in COMESA through programmes that promote, encourage and serve the needs of women and their businesses working in smart collaboration with relevant partners.’ Some business women are already benefiting through capacity development.

### *Regional Cooperation*

23. The African Union (AU) to which Malawi is a member, also addresses gender and women empowerment issues. Malawi is a party to the **Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003). In 2013, Malawi became the first country submit a report on the implementation of the Protocol to the African Commission on Human and People’s Rights.**

## **1.9 Impact of MDGs on implementation of the BDPFA**

24. The MDG goals have been incorporated in the Malawi Growth and Development Strategy II, which focuses on gender and women in several thematic areas. They have also greatly

inspired different efforts to promote girl education as a way of achieving universal primary education, as well efforts to improve maternal health.

25. The Malawi MDG Acceleration Framework and Action Plan (2013) prioritises four interventions, namely improving girl child school attendance and retention, especially secondary education and above; improving the economic status of women; promoting participation of women in decision making positions; and reducing gender-based violence (GBV). These priority areas are consistent with several areas of interest to the BDPFA.

### **1.10 Opportunities and challenges in implementing the BDPFA**

26. The several opportunities that are present include:

- a) Availability of a gender responsive Constitution, Gender Equality Act, gender related laws including and policies and compulsory primary education. For example, the Gender Equality Act imposes quotas for recruitment in the public service and in education opportunities (not less than 40 percent and not more than 60 percent for each sex).
- b) Presence of a critical mass of NGOs working in different areas of relevance to the BDFPA, with a coordination framework through the NGO GCN.
- c) Presence of development partners that support issues affecting women and girls.
- d) Existence of a Gender Equality and Women Empowerment programme (GEWE) to strengthen the coordination capacity of the Ministry of Gender, Children, Disability and Social Welfare, including gender programming in key sectors.
- e) Establishment of the Sector Working Group on Gender, Children, Youth and Sports, which provides a forum for negotiations, policy dialogue and agreements on plans among Government, development partners private sector and NGOs. Policy harmonisation is also achieved through relevant Technical Working Groups.
- f) Identification of gender equality and women empowerment as key to economic growth and poverty reduction as a thematic area in the MDGS II.

27. Various challenges still prevail, and these are:

- a) Low scale programming that is project based.
- b) Disjointed programming that usually ignores the coordination role of the Ministry responsible for Gender.
- c) Low commitment to gender responsive budgeting by the Ministry of Finance and insufficient technical knowledge on gender responsive budgeting in the public sector.
- d) Persistence to treat gender as a cross cutting issue, while sectoral planners and implementers have little or gender mainstreaming technical knowledge.
- e) Inadequate dissemination, implementation and enforcement of gender related laws and policies, partly due to insufficient resources.
- f) Lack of a well-coordinated system for monitoring resource allocation and expenditure on gender equality and holding the Government/sectors accountable towards improved resource allocation, including in the HIV response.

- g) Low capacity and political will to routinely compile sex and gender disaggregated data at all levels, including in some key surveys. This is also connected to poor capacity to retrieve gender related information by different sectors, including lack of a common and comprehensive database for gender related information.
- h) Lack of affirmative action laws to improve women's participation in political positions.

## SECTION 2: PROGRESS IN THE IMPLEMENTATION OF THE CRITICAL AREAS OF CONCERN

*The Malawi Government has been implementing initiatives in the areas of concern in the BDPFA, with some receiving priority attention than others. This has resulted in some areas making substantial progress and other areas having slow progress. In particular, Malawi has concentrated on four priority areas:*

***Poverty Alleviation and Empowerment:** encompassing women's participation in agriculture, access to economic resources, employment, women's reproductive health, food security and nutrition, environment and natural resource management.*

***The Girl Child:** addressing harmful traditional and cultural practices that negatively affect the girl child's right to proper growth, protection and development.*

***Violence Against Women:** covering gender-based discrimination against and marginalisation of women and girls in private, public and domestic arena.*

***Peace:** focusing on covers women's rights, international conventions, protocols and treaties that promote peace, plight of the Malawian women, children and persons with disabilities in relation to their shelter conditions, and women's participation in politics and decision making.*

### A: Women and Poverty

28. In Malawi, women face higher levels of poverty compared to men because there are gender disparities in education, resources, and access to opportunities. Between 2004 and 2010, there was a general decline of poverty levels by 2 percent for both male and female headed households. However, for the same period, women in rural areas grew poorer because poverty levels for female headed households increased by 3 percent, while those for rural male headed households did not change.
29. Under the BDFPA, women living in poverty require strategic actions that will put them at the centre of macroeconomic policies and development strategies; an enabling legal and administrative environment for increasing their economic resources; concrete measures for improving their access to credit and savings; and the development of gender based methodologies as well as researches to help in comprehensively responding to the female face of poverty. Malawi has made some progress, as well as encountered some challenges in these four areas.

#### **Strategic objective A.1: Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty**

##### *Progress*

30. Since attaining democracy in 1994, Malawi has had several development frameworks, starting with the Poverty Alleviation Programme (PAP), which was launched by the Government in August 1994. The mission of PAP was to transform the economic structures so that they meaningfully contribute towards improving the living standard of the people. Though this was a gender blind goal, perhaps the most direct strategy geared at addressing

women's poverty came through the National Platform for Action, which was launched in November 1997 by the then State President Bakili Muluzi. One of the priority areas of the NPFA was poverty alleviation and the empowerment of women, which was incorporated into the Malawi's first ever National Gender Policy (2000). The Policy was operationalised through the National Gender Programme (2004-2009). Though an evaluation of this programme was made, it insufficiently brought out measurable milestones of the overall impact of the NPFA and its related frameworks in reducing women's poverty. Also, both strategies documents have since expired.

31. The Government developed the Malawi Growth and Development Strategy (MGDS I, 2006 - 2011), aiming to reduce poverty through sustained economic growth and infrastructure development. The MGDS I contained isolated pockets of strategic actions that related to women. These included a sub-theme with the goal of 'mainstreaming gender in the national development process in order to enhance participation of women and men, girls and boys in sustainable and equitable development.' Overall, the broad mention of 'gender mainstreaming' was considered as a shortfall because it did not provide coherent guidance that would allow for specific attention to gender in all the thematic areas MGDS I. Another weakness was that the MGDS I failed to disaggregate all targets in its M & E framework by sex, thereby reducing chances of effective gender targeting in all the thematic areas.
32. Currently, the Government of Malawi has the MGDS II (2011 to 2016). This has a thematic area on gender, whose strategic actions include promoting women entrepreneurship and involvement in cooperatives; promoting equal access to appropriate technologies and micro-finance schemes; advocating for affirmative action to increase representation of women in politics and decision making positions; strengthening gender based violence (GBV) service delivery systems; strengthening legal and regulatory framework; and mainstreaming gender at all levels. While all these strategies can contribute to the reduction of women's poverty, **gender related strategic actions are missing from the key priority areas of Agriculture and Food Security; Energy, Industrial Development, Mining, and Tourism; Transport Infrastructure and Nsanje World Inland Port; Integrated Rural Development; Green Belt Irrigation and Water Development; Climate Change, Natural Resources and Environmental Management.** Whereas the agriculture sector has taken the initiative of developing a sectoral Gender and HIV Strategy (2012 - 2017), the absence of gender specific indicators for the respective key sectors under the MGDS II fosters weak accountability towards interventions that can specifically reduce women's poverty in most sectoral planning.
33. Malawi initiated gender responsive budgeting (GRB) in 2003 through a Government Assistance Project that was being funded by CIDA. In 2004, the Ministry responsible for Gender developed 'generic guidelines for mainstreaming gender in programme cycles and policies' as a tool to guide sectors in their gender mainstreaming efforts. However, these generic guidelines can be made more practical by sector-specific guidelines that directly match the mandate of specific sectors. Overall, the guidelines have not been enthusiastically translated into sector specific guidelines as a strategy for implementing GRB. The exception is the transport sector, which developed its own gender mainstreaming guidelines in 2013. This was as result of the Gender Equality and Women Empowerment Programme (GEWE, 2012 – 2015) that is targeting selected key sectors through the joint collaboration of EU, UNFPA and the Ministry responsible for Gender.

### *Challenges*

34. Weak implementation of gender responsive budgeting is an obstacle to ensuring that macroeconomic frameworks fully integrate the needs of women in poverty. It is clear that the concept of GRB has not permeated sectoral programming, including by overarching institutions like the Ministry of Finance/Economic Planning and Development. While there was an attempt by the Ministry of Finance to produce a gender sensitive budget call circular in the 2012/13 financial year, the guidelines not known by planners, leading to little or no application. Thus though there have been several GRB processes since 2003, these have not been consistent, and have only been strongly revived again in earnest by the GEWE programme in 2013. But since this is just a donor funded programme, more effort is required to encourage the Ministry of Finance to sustain GRB in all sectors.
35. **There is inadequate focus on women's unpaid care work** in budgeting and macroeconomic frameworks. **The Malawi Gender and Development Index (2011) suggests that the time that women spend on domestic, care and volunteer activities is six times that of men.** When not strategically addressed in macroeconomic policies and budgeting, poor women's responsibility for unpaid care work contributes to persistent gender inequalities, as well as the denial of their basic human rights to an education, political participation, decent work etc. Time use studies are one way of helping to determine programmes that should be put in place to address barriers that women face due to unpaid work. With the exception of an incomprehensive time use study in 2010, Malawi has not routinely conducted these studies in order to systematically guide existing efforts by Government to reduce the amount of time women spend in unpaid work, including through labour/energy saving technologies, improving the transport sector, health service delivery etc. Additionally, such time studies have not covered care work of women towards children with severe disabilities, which limit their participation in intervention that can reduce their poverty.
36. The failure to replace the National Gender since its expiry in 2005 sustains the weak gender responsive budgeting mechanisms as there is no strong guidance for macroeconomic frameworks, development strategies and sector programming to be tangibly directed at women's poverty. Meanwhile, there is only a Draft Policy that is in advance stages of formulation.

### **Strategic objective A.2: Revise laws and administrative practices to ensure women's equal rights and access to economic resources**

#### *Progress towards revising/enacting laws*

37. The Constitution of the Republic of Malawi of 1994 creates an enabling environment for ensuring women's equal rights and access to economic resources through the following guarantees:
  - a) Section 13 (a) requires the State to achieve and promote gender equality by adopting policies and passing legislation to ensure full participation of women in all spheres of life and to address social issues such as economic exploitation and the rights to property.
  - b) Section 25 provides that all persons are entitled to development, including the right to education and health.



- c) Section 24 (2) invalidates any law that discriminates against women. It also requires legislation to be passed to eliminate customs and practices that discriminate against women.
  - d) Section 28 protects everyone's right to property.
  - e) Section 29 guarantees the right to economic activity.
  - f) Section 30 stipulates that everyone has right to development; and that women, children and the disabled in are to be particularly given special consideration in the application of the right.
38. In 2006, Malawi enacted the Prevention of Domestic Violence Act, which was a milestone in offering concrete protection, including from economic abuse, to both women and men in the domestic sphere. Under the Act, 'economic abuse' includes the denying of a person the liberty to undertake any lawful income generating activity or access economic resources.
39. In 2011, Malawi repealed the 1967 Wills and Inheritance Act, which was discriminatory against certain groups of women by according different inheritance rights for different types of marriage. Furthermore, this law deprived most women of property because it accepted a wide group of a deceased husband's relatives to inherit property. Currently, over and above criminalising property dispossession, the Deceased Estates (Wills, Inheritance and Protection) Act of 2011 has narrowed down primary beneficiaries to the nuclear family, thereby strengthening protection of women's property as an economic resource.
40. The Gender Equality Act of 2013 contains provisions that have the potential to enhance women's equal rights and access to economic resources, i.e. through education opportunities and employment opportunities in public service. Currently, gender inequalities in education and employment affect most women's financial and social empowerment to accumulate economic resources.

*Progress towards revising policies//administrative practices*

41. In 2002, Malawi adopted a National Land Policy, which seeks to ensure tenure security and equitable access to land in order to achieve sustainable use of land and land based resources. Land is a powerful resource that women need in order to get out of poverty. However, the policy requires a law to operationalise it. The policy has been critiqued for its failure to concretely protect women's land rights, except to ensure their representation in Land Committees, when they get established by law. A proposed customary land Bill was not passed by Parliament in 2013, as it was shrouded in controversy, including whether it protects women's land rights strongly enough.

*Challenges*

42. Most progressive laws are not usually enforced because they have not been costed, and there is inadequate funding towards their implementation and monitoring. There is also narrow effective dissemination of laws, leading to limited knowledge, specifically in rural areas.
43. There are operational challenges in deceased estates matters. The Administrator General's office, which manages aspects of the implementation of the Deceased Estates (Wills, Inheritance and Protection) Act, remains highly centralised, thus causing logistical hardships, particularly to women with little resources.

44. The lack of a gender sensitive customary land law emanating from the failure to enact an appropriate law to govern customary land matters has meant that women's land tenure remains fragile, particularly in (patrilineal and some matrilineal) areas where their land access and control is severely undermined. More often than not the rights of women, children and the disabled are denied on the basis of customs and traditions that are no longer relevant, or they are totally disregarded due to prejudice and lack of representation.

**Strategic objective A.3: Provide women with access to savings and credit mechanisms and institutions**

*Progress*

45. Since the 1990's, the National Association of Business Women (NABW) has been one of the pioneer NGOs focusing on women's economic empowerment. With a membership of over 15,000, NABW has worked with a range of women's organisations and entrepreneurs in Malawi to provide loans, mentoring, awareness on HIV, market access and other issues. NABW's interest extended to agribusiness through the implementation of a programme with the United States African Development Foundation (USADF) on export-oriented enterprise development, focusing on agriculture and agro-processing. In addition, NABW was the Focal Point for the International Labour Organisation's (ILO) Women's Entrepreneurship Development and Gender Equality (WEDGE) up to December 2012. This role included conducting research on women's entrepreneurship issues in Malawi and a range of training courses and activities with women growth-oriented entrepreneurs.
46. On its part, the Microloan Foundation (MLF) has supported over 110,000 Malawian women to develop income generating activities since its formation in 2002. Over 60 percent of its business is in rural areas, where the institution works through a system of groups comprising 10 to 25 women. MLF also associates business management training and women's social empowerment actions to its micro-finance activities.
47. The Financial Cooperatives Act 2010 provides for the regulation and supervision of financial savings and credit cooperative societies (SACCOs). The Act has the potential to enable women to invest and borrow money and conduct business. However, the Act does not create specific SACCOs for women or disadvantaged groups and there is no mention of any affirmative action for disadvantaged groups such as women. Regardless, most SACCOs and cooperatives have noticed the need for such measures, and have created some products for women—more so because of men's higher participation compared to women. One women specific product is '*pamtondo*,' which mobilises groups of 10-15 members. These contribute a minimum of K20,000.00 in order to open a bank account with a SACCO. In turn, they are allowed to borrow up five times of their contribution.
48. During his tenure of office (2004-2012), late President Bingu wa Mutharika first launched the Malawi Rural Development Fund (MARDEF) and later the Youth Enterprise Development Fund (YEDF) in recognition of the fact that many Malawians are poor and jobless and struggle to access loans from money lending institutions to start small businesses. MARDEF has supported groups of people, including women's groups, with credit facilities for small scale businesses. The loan sizes increase with adherence to repayment terms. For instance, a group of six members called Amayi Aphindu Women Group (AAWG) in Liwonde Township in Machinga District explained that "*we started our small scale poultry business in 2006 with a MARDEF loan of K100, 000. We diversify our*

*business by producing malambe juice as well as mushrooms. We also order glycerine from Blantyre all for sale. After repaying the K100,000 to MARDEF, we went further to get other loans of K225,000 and K335,000 respectively.”* As for the YEDEF, its aim has been to provide young people, including young women, with the opportunity to venture into small business endeavours and create their own employment as a way of combating problems related to unemployment and poverty among the youth. Apart from the women specific challenges noted in subsequently, the challenge facing these two Government funds is low repayment rates, since many people perceive these funds as ‘free Government money.’ As of February 2014, the previous administration of President Joyce Banda merged MARDEF and YEDEF into one entity—the Malawi Enterprise Development Fund (MEDF). Apart from the two portfolios, MEDF is also meant to handle to farm input loan programme once registration processes with the Reserve Bank are formalised.

49. CARE Malawi is leading in the implementation of village savings and loan (VSL) schemes, which are mostly benefiting women. For instance, by March 2013, it had 146,987 (78 percent) registered women participants and 32,817 (22 percent) male counterparts. The agency responsible for Economic Planning has earmarked VSLs as an important component of the Malawi National Social Support Programme (2012-2016), but needs to ensure that these are better coordinated and scaled up in order to increase coverage—which in 2011, stood at less than 20 percent. A mapping exercise of VSLs has just been completed.

#### *Challenges*

50. MARDEF/YEDEF’s capacity to achieve strategic widespread economic empowerment of women living in poverty has been quite loose. Thus it is difficult to guarantee that equitable benefits will consistently accrue to older women, women with disabilities and other marginalised groups of women in order to make the funds more inclusive. If the new administration of President Peter Mutharika carries through with the approach of merging MARDEF and YEDEF into MEDF, this will be an opportunity for strengthening a gender response in the administration of the new fund.
51. Access to credit remains low. The acquisition of economic resources requires women’s access to credit. For example, the Integrated Household Survey of 2010/11 (IHS 3) indicated that 52 percent of female headed households are more likely to borrow business start-up capital than male headed households (37 percent). However, this is still an area where women face bottlenecks. Whereas 14 percent of men have access to credit, the number for women stands at 10.7 percent. According to IHS 3, women often lack access to credit from banks and microfinance institutions because of collateral and security guarantees. Formal lenders in Malawi including rural banks, savings and credit cooperatives, and special credit programmes supported by the Government and Non - Governmental Organisations prefer to give loans to households with diversified asset portfolios and with diversified incomes, thus putting women at an increased disadvantage when compared to men.
52. There is narrow collaboration between micro finance institutions and banks. Consequently, women end up being locked in small scale businesses because the financing that they obtain from microfinance institutions is very small. There is inadequate development of partnerships between microfinance institutions and banks so that the former can act as

guarantors to women who are ready to graduate to bigger businesses and require more funding than the ceiling for micro finance institutions allows.

53. There are limited alternatives for women entrepreneurs beyond micro businesses. The provision of loans by microfinance institutions targeting women has tended to revolve around micro businesses, thus making it difficult for women's growing businesses to secure big funding in the absence of collateral that they can offer to banks. Malawi does not have a women's financial institution.
54. Discrimination against women entrepreneurs by banks exists. There are very few women entrepreneurs that enjoy big loan facilities from banks because many banks still hold prejudices that women have low financial capacity or are not able entrepreneurs. One female entrepreneur told of how the bank management had called her to a special meeting and informed her that 'they were making an exception to give her a big loan as they normally do not do that for women. They therefore hoped she would not let them down.'
55. Most micro finance institutions have been known to charge exorbitant interest rates (i.e. above 40 percent). A 2014 survey that was conducted during the production of Malawi's National Human Development Report on Inclusive Growth revealed that this discourages many women from borrowing, making them to opt for village loans and savings instead. This therefore ensures that most women do not graduate from small scale businesses.
56. Illiteracy and lack of self-confidence inhibits the full effectiveness of micro-finance activities. This is more especially so because many credit and savings schemes are not well integrated with interventions for capacity building of members in order to improve literacy levels as well as their knowledge of socio-development issues that can affect their business, i.e. gender based violence, HIV, political participation etc.
57. There is loose coordination of village savings and loans schemes as a national programme. The one challenge facing VSL schemes is that there is yet to be full scale coordination of implementation of VSL schemes by the social protection department within the agency responsible for Economic Planning and Development. Therefore as of now, many of these schemes are being driven by NGOs and are fragmented. In addition, it has been observed that the VSLs have not prompted a culture of savings at individual level, since the tendency is to pump all money into small scale businesses while using some to sustain livelihoods. This also boils down to low knowledge by grassroots communities of saving mechanisms that are available in Malawi society, i.e. treasury bills, stock market etc.
58. There are inadequate gender sensitive policies and legal frameworks as well as programmes to promote women entrepreneurs which can be led by the Ministry of Trade, has been observed as a further restriction to women's access to credit.
59. The Micro Finance Act is gender blind. Though the main purpose of the Microfinance Act of 2010 is to uplift small or micro finance services, there is no clear definition of beneficiaries or disadvantaged groups. Nor are institutions mandated to specifically target women. This has the risk that microfinance institutions cannot take the initiative of providing women specific products.

**Strategic objective A.4: Develop gender based methodologies and conduct research to address the feminisation of poverty**

### *Progress*

60. Malawi has twice compiled a Gender and Development Index (in 2009 and 2011) with the aim of highlighting disparities between men and women in economic, social and political spaces; and the progress that the Government of Malawi has made in implementing national, regional and international instruments in addressing these disparities. As a reliable methodology of tracking women's development, the routine and thorough compilation of the index is pivotal in providing evidence that can help to address both income and human poverty for women.
61. Recognising that the collection of sex and gender disaggregated data is a wide spread challenge that is affecting gender sensitive/transformational programming in Malawi, the Ministry responsible for Gender has earmarked gender mainstreaming in research as a specific category of its Gender Equality and Women Empowerment Programme (2012-2015). In July 2013, the Ministry trained researchers from National Statistical Office, Centre for Social Research and other relevant officers from different sectors (including the Ministry itself) in 'gender mainstreaming in research work.' The aim is to ensure that researchers and officers that support the Government machinery are skilled in gender sensitive qualitative and quantitative methods of data production.
62. The GEWE Programme is institutionalising gender courses in Chancellor College as part of building the capacity of research institutions in gender mainstreaming. In 2013, the Royal Norwegian Embassy also supported lecturers from Lilongwe University of Agriculture and Natural Resources to attend a comprehensive six months gender training in Iceland with the aim of institutionalising gender within the research and learning institution.
63. Ad hoc research that can address the feminisation of poverty has been conducted in Malawi. This has included efforts by NSO to collect sex disaggregated data in Integrated Household Surveys, Welfare Monitoring Surveys, the National Census on Agriculture and Livestock, and the housing and population census. While the efforts started in the 1990's, over the years, the collection of sex disaggregated data in NSO reports has been routine. However, there has not been a stand-alone research by NSO to comprehensively understand and deal with women's poverty. However, in 2010, the NSO produced thematic reports of the 2008 housing and population census report, including on the thematic area of gender. The first purely 'gender survey' that the NSO has undertaken is the Gender Based Violence Survey (2012), which focused on 17 districts in Malawi.

### *Challenges*

64. There are no standard guidelines for researchers on how to conduct gender sensitive and gender transformational research.
65. There is ad hoc compilation of sex and less focus on gender disaggregated data. The absence of a legal requirement to promote the collection of sex and/or gender sensitive data means that gender related variables are incorporated by different players as a matter of discretion. The tendency by some sectors has been to limit themselves to the collection of sex disaggregated data that merely focuses on collecting basic data from males and females (or about numbers of men and women), **but requires the meticulous collection of data that reveals hidden information with the aim of understanding differentiated impacts, vulnerabilities, opportunities of men and women..** There is still a lot of work that is needed to improve the collection of gender disaggregated data, in order to capture qualitative data

that reveals hidden information and perceptions with the aim of understanding differentiated impacts, vulnerabilities, opportunities of men and women.

66. Monitoring and evaluation in national and sector programming is usually gender blind as there is no entrenched culture and/or incomplete skills to collect sex and/or gender disaggregated data.

### **Other strategic action towards reducing poverty undertaken by the Malawi Government**

#### *Progress*

67. Apart from the four specific strategic objectives of the BFFA discussed above, the cash transfer programme has been one measure for social support of the poor in Malawi. Since September 2005, Malawi has been implementing a cash transfer programme targeting 10 percent of the households that are both ultra poor<sup>3</sup> and labour constrained.<sup>4</sup> The second objective of the social cash transfer programme is to ensure that girls are attending schools. Qualified beneficiaries receive MK 600 for secondary school learners, and MK 300 for those in primary. In 2013, the programme was in nine districts, but has recently been expanded to 18 districts. Female headed households are most of the beneficiaries. One evaluation study revealed that the cash transfer programme has a strong potential to address poverty because it resulted in improved health and nutrition and ownership of livestock by beneficiary households.

#### *Challenges*

68. The cash transfer scheme has very low coverage (less than 20 percent), meaning that it is unable to benefit a large number of the ultra-poor in Malawi.
69. While the Government is doing its part, most of the funding for the programme implementation is from donors. This threatens sustainability of the intervention.
70. There is no systematic tracking of all social support interventions. The cash transfer is only one part of social support strategies in Malawi. Some include public works programme and village savings and loans. However, there is a gap in the consistent availability of current information to suggest that the various strategies are being routinely monitored and evaluated in order to gauge their reach and impact, particularly as this relates to the reduction of women's poverty.

### **B: Education and training of women**

71. The Malawi Growth and Development Strategy MGDS II (2011-2016) recognises that education is essential for the country's socio economic development and industrial growth and therefore has made it one of the key priorities for implementation.

#### **Strategic Objective B1: Ensure equal access to education**

##### *Progress*

72. Some positive progress in ensuring equal access to education has accrued from numerous policy and programmatic interventions by Civil Society Organisations, the private sector,

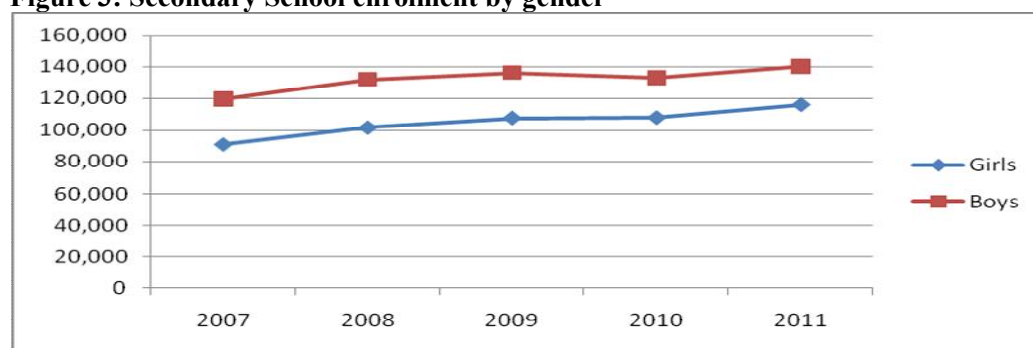
<sup>3</sup> Households that have few or no assets, little or no land, limited or no labour

<sup>4</sup> Households that have no able bodied household member in the age group 19-64 who is fit for work (are chronically ill and/or are child/female/elderly headed); or households where a member in the age group 19 to 64 years, who is fit for work, has to care for more than 3 dependants.

Government and development partners. The policy instruments include free primary education; the readmission policy for teen mothers, bursaries for girls; introduction of supportive initiatives such as Mother Groups, provision of locally made sanitary pads for the girls, improved sanitary facilities for girls, construction of girls' hostels; 50:50 allocation of places to community day secondary schools, targeted school meals programme (which includes the provision of take home food rations for girls in some schools); and campaigns for girls education as their right. However, most of these interventions have had low geographical coverage.

73. The education sector has important frameworks such as the National Education Sector Plan, NESP (2007-2017). This includes thematic areas of access and equity, quality and relevance, governance and management, which explicitly and implicitly address gender and other inequalities in education. The Government also adopted a National Girls Education Strategy (2014 – 2018) aimed fast-tracking progress to advance girl education.
74. Part 1.1. has provided statistics that show that gender parity has been achieved in primary school enrolment since the 2008/9 academic year. By 2012, enrolment rates of girls in primary schools were higher than those of boys by a ratio of 1.04: 1.
75. The enrolment for girls in secondary education has improved since 2007 as shown in **Figure 3**. In 2012, the figure was slightly below parity, standing at 0.94: 1.

**Figure 3: Secondary School enrolment by gender**



Source: MOEST Education Sector Performance Report 2011 – 2012

76. In Table 2, the gender gap for survival rates between boys and girls in standard 5 has improved from 4.4 percent in 2008 (boys lagging behind girls) to 1 percent in 2012. For Standard 8 the gender gap between boys and girls has improved from 9 percent in 2008 to 6 percent in 2012. However, it should be noted that for both sexes, survival rates have gone down considerably from 2008 to 2012.

**Table 2: Survival Rates for Std. 5 and Std. 6 between 2008 and 2012**

Year	Standard 5			Standard 8		
	Boys	Girls	Total	Boys	Girls	Total
2006	78.0	73.6	76.2	58.7	49.9	52.1
2009	62.7	65.2	62.7	41.1	37.9	38.8
2010	74.7	72.0	73.5	53.1	45.0	48.8
2011	75.4	74.8	75.0	53.8	47.2	49.7
2012	58.0	59.0	59.0	41.0	35.0	38.0

Source: EMIS 2013, Ministry of Education

77. As demonstrated in Paragraph 95, the education budget has been increasing since 2010/11 as a drive to improve access to education.

#### *Challenges*

78. Gender parity in tertiary education is far from being achieved, though some progress has been made. Under the Malawi Gender Equality Index of 2012, tertiary enrolment was at 66.4 percent for males compared to 33.4 percent for females. The reversal of this situation can be accelerated by the full implementation of the Gender Equality Act (2013), which mandates the Government to take active measures to ensure the enrolment at tertiary education institutions of either sex to a minimum of 40 percent and a maximum of 60 percent of students.<sup>5</sup>

79. Generally, the quality of public primary education in Malawi has been poor due to shortages of qualified teachers, limited access to new technologies, shortages of teaching and learning materials, shortages of infrastructure, and inadequate implementation of policies, among others. Challenges that affect children with disabilities, including appropriate sanitary facilities for girls with disabilities, are still wide spread.

### **Strategic Objective B2: Eradicate illiteracy among women**

#### *Progress*

80. Since 2004 when literacy rates for males were at 75.7 percent and 65.7 percent for females, the gender gap has significantly narrowed. In the 2010 MDHS, literacy rates stood at 81.8 percent for males 77.4 percent for females. However, women's literacy is still lower.

81. Malawi has been implementing a National Adult Literacy Program for many years and about 86 percent of the learners are women. Mass literacy education was introduced in 2009 and each year, 8,000 classes are organised with an average of 30 learners per class. At the end of the literacy cycle (10 months), the learners have literacy skills equivalent to 4 years of primary education.<sup>6</sup> Some NGOs that are implementing economic, social and legal empowerment programs for women integrate literacy and numeracy skills as an further empowerment tool for the women, usually through the use of the REFLECT methodology.

#### *Challenges*

82. Economic empowerment interventions that can fully support women to utilise their literacy and numeracy skills, i.e. through small scale businesses, remain scanty.

83. The isolation of adult literacy education from the mainstream education sector<sup>7</sup> makes it for eligible women to acquire further education qualifications beyond basic literacy skills. The fact that the programme relies on volunteers also affects commitment.

### **Strategic Objective B3: Improve women's access to vocational training, science and technology and continuing education**

#### *Progress*

84. Malawi has a recruitment policy of a minimum of 30 percent women in technical courses. **Table 3** indicates that the participation of women in vocational training in the colleges

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<sup>5</sup> Section 16

<sup>6</sup> the definition of literacy in Malawi is 4 years of primary education

<sup>7</sup> the adult literacy programme is spearheaded by the Ministry responsible for Gender



under Government has been fluctuating over the years. In the past five years, the only year when this quota was attained in public Technical Colleges is 2009 (35.1 percent). According to the Ministry of Education, recruitment for both public and private technical colleges for both regular and parallel programs was 5,415 males and 2,941 females in 2012/2013 academic year from year 1 to year 4, representing 35.2 percent of women enrolment. However, this national average masks the individual institutions that did not meet the quota.

**Table 3: Recruitment Trends for Public Technical Colleges**

Year	Males	Females	Total recruits	Females (%)
2009	385	209	594	35.19
2010	973	373	1,346	27.71
2011	890	272	1,162	23.41
2012	1,127	453	1,580	28.67
2013	782	302	1,084	27.86

Source: Ministry of Labor and Vocational Training

85. The National Construction Industry Council (NCIC) subsidises fees for women that are recruited for training in construction works. More effort is needed to popularise this intervention and attract more girls to join the industry.

#### *Challenges*

86. Women's access to vocational training, science and technology is an outcome of girls' performance in the primary and secondary education. Generally, the performance of girls in science related subjects has been worse off than that of boys.
87. The recruitment policy of a minimum of 30 percent women in technical courses is not being fully implemented (**Table 3**). There are few initiatives promoting women participation in vocational training, science and technology. Some isolated initiatives in the form of science camps have been tried, but have not been rolled out to cover larger populations.

#### **Strategic Objective B4: Develop non-discriminatory education and training**

##### *Progress*

88. Malawi has created a non-discriminatory policy and legal environment. The Gender Equality Act (2013) reinforces the right to equal access to education and training, including non-discrimination between girls and boys and women and men in education standards, scholarships and other opportunities. It also mandates the Government to ensure integration of female students in disciplines that are traditionally male-dominated.<sup>8</sup>
89. Gender has been mainstreamed in teacher training. Since 1997 the Malawi Institute of Education (MIE), which is responsible for curriculum development, started institutionalising gender with support from development partners. The Unit developed a Reference Manual on Gender Issues in Schools (1997), resulting in the removal of all stereotyping pictures and graphics from teaching and reading materials. In addition gender training to teachers is offered at MIE and Teacher Training Colleges (TTCs). In 2013, MIE collaborated with the Forum for African Women Educationalists in Malawi (FAWEMA) to produce a Gender Responsive Pedagogy manual for lecturers for all TTCs and other

<sup>8</sup> Sections 14, 15 and 18

learning institutions. The Ministry of Education has also designated gender focal points in education divisions and district education offices. The Ministry has taken steps to increase the intake of female teachers in order to deploy them in the rural areas where they can act as role models for female learners. In 2012/2013 academic year there were 3,116 female teacher trainees compared to 3,198 males in Malawi's five public TTCs.

90. The Ministry has intensified the education of learners with special needs by providing the necessary support and facilities to ensure that they access and complete their education.
91. Life skills education was introduced initially as non-examinable subject but it is now examinable. This is one way of addressing the special needs of female students who face increased vulnerabilities related to school related gender based violence, HIV etc.

#### *Challenges*

92. Special needs schools remain inadequate. In addition, policies have not strongly focused on identifying children with special needs (i.e. the blind) to attend school, but have left it to parents and guardians to make decisions. As a result, even where appropriate schools are accessible, not many blind children from the communities attend.
93. The enforcement of the education related provisions of the Gender Equality Act is yet to be facilitated by a well costed and funded action and monitoring plan.

#### **Strategic Objective B5: Allocate sufficient resources for and monitor the implementation of education reforms**

94. Demonstrated political will and Government commitment to increasingly allocate resource for the implementation of the National Girls Education Strategy (2014-2018) is essential. Coordination at the district level will ensure the sustainability of creative initiatives that NGOs are undertaking, including by mainstreaming them in education national programs as was the case with Mother Groups.

#### *Progress*

95. In the 2010/11 financial year, the overall education budget increased by 17.1 percent, representing 24 percent of the national recurrent budget. In 2011/2012 the budget was increased to 26 percent of the national recurrent budget.

#### *Challenges*

96. Despite the resource increase, District and Divisional Managers have indicated that monitoring is not sufficiently done so that the results are used to inform decision making in implementation. One clear example was the lack of capacity to monitor the implementation of the Readmission Policy for girls and boys that dropped out on pregnancy grounds. In some instances, this policy document is even not available in divisional offices or schools.
97. There is still need to scale up the building of secure boarding facilities for girls that are currently using self- boarding facilities in order to access distant schools. Such girls face increased risk from the predatory behavior of older men who have financial resources. A project to construct 17 girls' hostels is at standstill due to lack of funds.

## **Strategic Objective B6: Promote lifelong education and training for women**

### *Challenge*

98. As most women and girls miss the formal education, access to lifelong learning is the option for them. However, lifelong education is being promoted by private institutions mostly and is urban based, and expensive for women. The introduction of English in the literacy programs will offer women opportunity for further education.

### **General challenges and gaps affecting education of women and girls in Malawi**

99. The challenges affecting the education sector in general and girls' education in particular include high dropout rates, insufficient funding, inadequate teachers especially in the rural areas, lack appropriate sanitary facilities for girls, low girls' performance especially in science and mathematics, and inadequate dissemination of policies as well as implementation and monitoring policies and programs. Traditional practices which impact negatively on girls' education such as early marriages are also slow to eliminate.

100. Most of the initiatives by development partners and NGOs are short term and localised and therefore not making the much needed impact.

101. There are no support mechanisms for the teen mothers who face a hostile environment when they return to school and most of them drop out.

## **C: Women and Health**

### **Strategic objective C.1: Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.**

#### *Progress*

102. One of the notable areas in which Malawi has made strides in promoting women's access to affordable and quality health care, information and related services is family planning. The country has almost doubled its family planning users from 2004 (28 percent) to 42 percent in 2010. Successes have been attributed to improvements in family planning policy and programme implementation. For example, programming has transformed family planning delivery through mobile outreach services, deploying lower cadres of health professional to disseminate family planning information at community levels, and public-private partnerships that have led to the provision of free or affordable services by health facilities belonging to the Christian Health Association of Malawi (constituting 26 percent of health facilities in Malawi). And as paragraph 124 elaborates, Government introduced its own dedicated funding towards family planning in 2013. Progress made in improving health care access in different areas of women's health is also explained under the following strategic objectives.

#### *Challenge*

103. The major obstacle for the Ministry of Health to achieve the delivery of affordable and quality services to women is that many rural communities continue to face an acute shortage of (a) **health personnel and (b) accessible health facilities**. According to the World Bank, despite that 87 percent of Malawi's population living in areas considered rural, 96.6 percent of doctors are found in urban health facilities. The problem of distant health facilities, which contributes to congestion, is faced more severely by women with disabilities, since they are not usually given preference in service provision.

## **Strategic objective C.2: Strengthen preventive programmes that promote women’s health**

### *Progress*

104. One of the major preventative programmes for women is the cervical cancer programme, which the Ministry of Health (through the Department of Reproductive Health Services) has been implementing since 2004. This is in recognition of the fact that in Malawi, cervical cancer is the number one cancer in women in Malawi, and the second major killer of women (especially rural women)<sup>9</sup> next to obstetric complications. This programme is implemented in all district hospitals countrywide (except in Likoma district) and offers free screening services to all women of reproductive age. It is also integrated with treatment so that women do not develop full blown cancer. Since 2012, a pilot programme was introduced in Zomba and Rumphi districts, offering cervical cancer prevention vaccines to all girls between 9-13 years old. For in school girls, the focus is for all those in Std 4, while for out of school girls, the intervention targets those aged 10 years.

### *Challenges*

105. So far, there has not been deliberate effort to target girls with disabilities, particularly those who may not be in school. The Department of Reproductive Health Services has become aware that this group is being excluded, and that there is need to develop special strategies to reach girls with disabilities. A similar strategy is also necessary for women with disabilities in respect of the broader cervical cancer programme.

106. Though the Ministries of Health and Education are closely collaborating in the interventions, Ministries responsible for youth, gender and disabilities have not yet been close allies. This affects inclusiveness in the reach of messages as well as mobilisation efforts because so far, a critical mass of women is yet to be reached.

## **Strategic objective C.3: Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV and AIDS, and sexual and reproductive health issues**

### *Progress*

107. Malawi has a strong policy framework for the protection and promotion of SRH. It first adopted a National Reproductive Health Policy in 2002. This was later revised into the Sexual and Reproductive Health Rights (SRHR) Policy of 2009, thus providing a rights based framework for the promotion of SRH rights. The SRHR Policy integrates issues of HIV and AIDS, particularly in respect to the prevention of vertical transmission of HIV. It provides that all mothers with positive HIV tests should have access to free ARV services for the prevention of vertical HIV transmission. The policy further recognises STIs as a contributing factor to HIV acquisition, transmission, and progression, and intends to reduce the incidence of new STI and HIV infections in Malawi. Therefore, HTC services and condom use are to be fully integrated in the management of STI, and routinely offered to all men, women and young people, who present for STI services.

108. In 2012, Malawi made history by filling a constitutional gap (lack of specific safeguard of SRH rights) through the enactment of the Gender Equality Act of 2013. **For the first time, this domestic law guarantees the right to sexual and reproductive health in Malawi.** In

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<sup>9</sup> due to distance to health facilities

particular, this right includes the rights to: access to sexual and reproductive health services; access to family planning services; be protected from sexually transmitted infection; self-protection from sexually transmitted infection; choose the number of children and when to bear those children; control fertility; and to choose an appropriate method of contraception. Appropriate sanctions are meted out to health personnel that infringe on these rights. The Act came into force in April 2014.

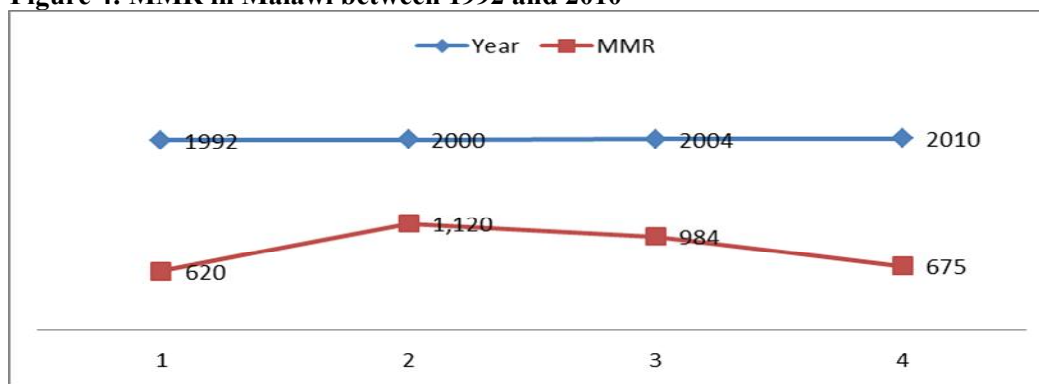
109. The Malawi Growth and Development Strategy II has several strategic actions for addressing SRH concerns, including reducing fertility, delaying marriages, improving maternal and child health, and enhancing the provision, access, delivery and utilisation of SRH services to all including the vulnerable and disadvantaged groups.
110. There are a variety of SRH services that are offered, though some of these are not widespread nationally. They include the integration of post exposure prophylaxis and ART services in ART sites; the provision of emergency contraception to victims of sexual violence in some victim support units; HIV testing for couples that includes addressing gender issues like violence and gender norms etc. The Ministry of Health also routinely collects data on STIs as part of its Integrated HIV Programme supervision exercises. In the third quarter of 2013, higher numbers of females (59 percent) had accessed STI treatment compared to males (41 percent).
111. Recognising the problem that the country faces with unsafe abortions and their high contribution to maternal mortality rates (17 percent), in 2013, the Malawi Law Commission empanelled a Special Law Commission to review the country's highly restrictive abortion law that only allows legal abortion to be performed in order to save a mother's life. This entity is yet to produce a report and proposed new/revised law on abortion.
112. Relatively high numbers of pregnant women in Malawi (72 percent) are delivering in public health facilities, thereby being attended to by skilled health care workers.
113. To address the challenge of high maternal mortality described in the challenges section, Government has embarked on a National Safe Motherhood Programme. The programme was first located in the office of the Vice President, then the first lady and then in the office of the President and Cabinet depending on the Government of the day (Democratic Progressive Party, and People's Party respectively). What has been consistent is the demonstration of political will to locate issues of safe motherhood at the highest level despite the diverse approaches of two different Governments that have managed the programme. With the People's Party, Traditional Leaders were put at the centre of the programme so that they could champion it at very local levels.
114. With regards to HIV and AIDS, a first gender assessment of the national HIV response using the UNAIDS Gender Assessment Tool has been conducted in 2014. This means Malawi joins the rest of likeminded countries that are willing to improve their HIV response by assessing their country situations using a standardised format that has been recommended by UNAIDS. The gender assessment is likely to lead in improvements in HIV programming so that HIV responses are methodically more gender transformative.
115. Malawi has also been innovative in managing the programme, because it pioneered and is implementing the Option B+ protocol. This means that all HIV infected pregnant or

breastfeeding women are started on lifelong antiretroviral treatment, regardless of their clinical stage or CD4 count. Globally, Option B+ has been admired as the first true implementation of a ‘test and treat’ programme, and therefore a game changer for global policy for HIV prevention and treatment. Paragraph 123 demonstrates that PMTCT spending is fairly high.

### Challenges

116. High maternal mortality ratio (MMR) remains a developmental challenge in Malawi. According to **Figure 7**, maternal mortality rates have improved since 2000, though not enough—making Malawi’s MMR still one of the highest in the world. The gap in the National Safe Motherhood Programme that aims to reduce maternal mortality ratio is that it does not address unsafe abortion as one of the contributing factors to MMR. Yet, apart from contributing 17 percent to the country’s MMR, various studies by the MoH (discussed below) have found that 70,000 women go through abortion every year, and that 31,000 women develop complications including loss of uterus, fertility, permanent injury and death.

**Figure 4: MMR in Malawi between 1992 and 2010**



117. Malawi has a high total fertility rate (TFR). According to the 2010 Malawi Demographic Health Survey (MDHS), the TFR is 5.7 births per woman. This figure slightly dropped from a fertility rate of 6.0 in the 2004 MDHS. Compared to other SADC countries, Malawi’s TFR is the fourth highest out of 14 countries. This means that many women in the country are faced with higher risks of poverty, low education and general poor health. One of the contributing factors to Malawi’s high TFR is the relatively low contraceptive use. The 2010 MDHS indicates that though improving, the contraceptive prevalence rate (CPR) for currently married women using any method of contraception is still below 50 percent (46 percent).
118. HIV prevalence for women is higher than that of men. In Malawi, current HIV prevalence for adults is about 10.4 percent. HIV prevalence for males aged 15-49 years has generally been dropping much faster (from 13 percent in 2001 to 8 percent in 2010). However, though rates for females have registered some drop, the pace is very slow (15.9 percent in 2001 to 13 percent in 2010). Even for females aged 15-24 years, their prevalence rate has only dropped from 6.4 percent in the 2004 MDHS to 5 percent in the 2010 MDHS. Looking at the figures between the 2004 and 2010 MDHS, the gap in HIV prevalence between men and women has widened. In 2004, the gap was at 3 percent (10 percent for

men and 13 percent for women, and in 2010, it stood at 6 percent (8 percent for men and 13 percent for women). Contributing factors to the fast decline in HIV prevalence for men when compared to women include: men's power as decision makers; early sexual debut amongst young women; the ability of one man to have many female sexual partners (including through intergenerational relationships); higher school retention of boys (resulting in their exposure to more life skills), male circumcision; and females' high affinity to HIV during unprotected sex due to their biological makeup.

119. Because aspects of sex work are illegal in Malawi, programmes to address sex workers (whose HIV prevalence rate is at 70 percent) are not comprehensive.
120. Unlike the 2003 National HIV and AIDS Policy, the National HIV and AIDS Policy of 2013 and the National HIV and AIDS Strategic Plan (2011-2016) has not particularly identified women and girls as among 'vulnerable groups' in the HIV response. This has the effect of limiting attention to the quality of funding that is allocated to this group in the response.

#### **Strategic objective C.4: Promote research and disseminate information on women's health**

##### *Progress*

121. Some of the research that the Ministry of Health (through the Department of Reproductive Health Services has conducted) between 2009 and 2011 has been in the context of addressing unsafe abortion. These include (a) a strategic assessment of policies, laws and programmes on unsafe abortion (2009), (b) a study on the magnitude of unsafe abortion (2009), and (c) a cost study of unsafe abortion (2010). Organisations like UNFPA, WHO, Clinton Health Access Initiatives, College of Medicine and Family Planning Association of Malawi have also played various roles in research relating to women's health in the context of family planning, gender based violence and HIV.

##### *Challenge*

122. There is weak leadership to organise and systematically store research reports and information on women's health, leading to poor accessibility of information, including from the Department of Reproductive services.

#### **Strategic objective C.5: Increase resources and monitor follow-up for women's health**

##### *Progress*

123. **PMTCT is a high priority, and gets one of the highest shares of the HIV treatment budget (23.9 percent in 2010/11 and 30.3 percent in 2011/12).**
124. In the 2013/14 annual budget, the Ministry of Finance allocated 26 million Malawi kwacha (USD80,000) for family planning commodities, making it the first time that such an allocation was made from domestic funds instead of donor aid. This was as a result of direct lobbying efforts by the Parliamentary Committee on Health and Population.<sup>10</sup> In August 2012, the USAID-funded Health Policy Project had conducted regional advocacy training for women parliamentarians from four countries during which parliamentary delegates from Malawi committed to establishing the first budget line item for family

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<sup>10</sup> with support from the USAID-funded Health Policy Project (HPP) and its partner Partners in Population and Development Africa Regional Office (PPD ARO)

planning. The funding decision was seen as representing an important governmental commitment to women’s health and to reducing the strain that high population growth puts on resources across all sectors.

### Challenges

125. Spending on HIV programmes related to women and gender equality is limited. Apart from PMTCT, HIV spending on women specific programmes, post exposure prophylaxis and GBV is very low (**Table 4**). This implies that the response is not adequately addressing gender inequalities as key drivers of the epidemic.

**Table 4: HIV spending on women specific concerns**

Key Areas of Expenditure	2010/11 (US\$)	(percent)	2011/12 (US\$)	(percent)
AIDS-specific programmes focused on women	440,420	3.8	0	0.0
Programmes to reduce Gender Based Violence	162,152	1.4	7,559	0.2
Pregnant women counselling and testing in PMTCT programmes	10,988,157	23.9	13,148,236	30.3
Post-exposure prophylaxis (PEP) <sup>11</sup>	95,135	0.2	0	0.0

Source: National AIDS Spending Assessment, 2013

126. The cervical cancer programme is being set back by an acute lack of resources because it is mainly financed by the Government. Apart from sporadic funding from WHO, there are no donors funding the programme. This regularly leads to stock outs of vinegar (used for screening). Ideally, women that have been detected with cervical cancer are supposed to be treated on the spot (one visit treatment), but in some district hospitals, this aspiration is frustrated by the absence of operational cryotherapy machines for the treatment of the cancer. For example, as of 2013, 22 out of the 28 hospitals had cryotherapy machines. Out of these, it is estimated that only 10-15 machines are currently operational. Each machine costs about MK 1,500,000 (USD 3,750) and with appropriate lobbying and advocacy, the private sector can easily contribute to this cause.
127. In the 2012/13 budget, only 12 percent of the total budget was allocated to health, compared to the **Abuja Declaration** target of 15 percent. WHO records suggest that donor funds make up at least half of Malawi’s health spending, calling into question the sustainability of health funding. Overall, while WHO recommends that total health spending should amount to a minimum of USD 54 per person, in 2013, Malawi’s spending was only equivalent to USD 15 per person. Deficiencies in health spending have a direct negative implication on the scale of allocations towards women’s health.

<sup>11</sup> It is recognised that apart from rape, this covers other forms of direct blood exposure. Therefore, the spending is generalised



## **D. Violence Against Women**

### **Strategic Objective D1: Take integrated measures to prevent and eliminate violence against women**

#### *Progress*

128. Violence against Women (VAW) in Malawi is usually addressed from a broader perspective in the context of Gender Based Violence (GBV). With the adoption of legislative and policy frameworks, the issue of GBV in Malawi moved from being a private issue to Government's responsibility. The Prevention of Domestic Violence Act (2006) provides a civil framework for addressing various acts of violence amongst people within a domestic relationship. The Gender Equality Act (2013) proscribes sexual harassment and harmful practices. The Child Care (Justice and Protection) Act of 2010 prohibits child betrothal, forced child marriage, and harmful practices against children. The MGDS II aims to eliminate GBV and harmful cultural practices. The National HIV and AIDS Policy (2013) and associated strategic documents have incorporated the elimination of harmful cultural practices. The Sexual and Reproductive Health Rights Policy (2009) includes domestic violence and harmful practices in its areas of focus. A revised National Response to Combat Gender Based Violence is being finalised to replace the one that expired in 2013, and it provides for coordinated effort and better monitoring for initiatives addressing VAW and GBV in Malawi.
129. The Ministry responsible for Gender has been spearheading the integration of GBV activities at the district level through its Community Action Groups and extension services as provided for in the National Response to Combat Gender Based Violence (2008 – 2013). The Ministry has established over 300 Community Victim Support Units (CVSUs) to provide GBV services at the community level. In addition, the Ministry, in collaboration with partners like EU, UNFPA and UNICEF, is establishing One Stop Centres that can offer comprehensive support to GBV survivors. Though the target is to establish these in 13 district hospitals under the Gender Equality and Empowerment Programme (2012 – 2015), so far, only one is operational at Chiradzulu district hospital. And between 2006 and 2011, the Ministry implemented a programme on Women, Girls, HIV and AIDS, which integrated VAW as one of its critical areas of impact. There is evidence that the programme has achieved the elimination or modification of harmful practices in the implementation districts. The National Response to Combat Gender Based Violence also mandated a variety of institutions such as the Malawi Law Commission, Malawi Human Rights Commission, Parliamentary Committees, the NGO Gender Coordination Network, and the Network on GBV to play their roles in the implementation of the Response.
130. The Malawi Police Service continues to operate Victim Support Units (VSUs), usually with the support of NGOs and development partners. By 2013, the Community Support and Justice Programme of the Malawi Police Service had established VSUs in 34 police stations, 61 police posts and 101 police units that were run by well trained personnel. The presence of VSUs has strengthened the collection of data on GBV. While 9, 272 GBV reports were made in 2009, this figure had multiplied threefold (to 29,488) by 2012. However, in 2013, the Police Service recorded that reports of GBV cases by 52.9 percent from their 2012 figures. They attributed this to its community policing program. Whereas

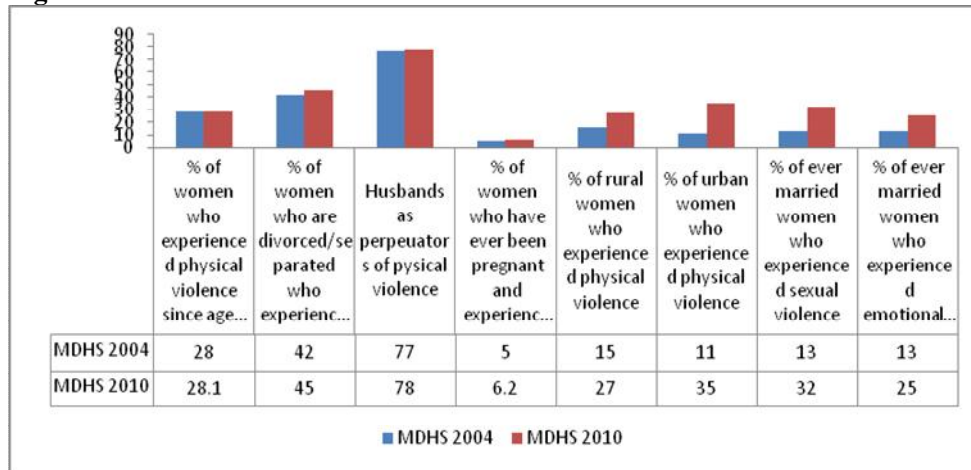
the pattern between 2009 and 2012 could suggest an increase in GBV cases, it can also be validly interpreted as a sign of awareness and capacity to demand rights on the part of GBV survivors.

131. There are many NGOs and Community Based Organisations that are working on VAW and GBV and promoting the human rights of women. Existing programmes include awareness creation, litigation support, economic empowerment, paralegal clinics rehabilitation/reintegration services, victim support services, legal literacy, training of law enforcers and the judiciary, and hot line initiatives. Organisations like Malawi Human Rights Resource Centre and GIZ even offer emergency contraception in VSUs.
132. An evaluation of the National Response to Combat Gender Based Violence (2008 – 2013) has revealed that the establishment of a network on GBV has improved coordination among NGOs, and that there is some progress in knowledge and awareness, attitude, reporting and outreach programmes related to VAW and GBV.

*Challenges*

133. The prevalence rate of domestic violence seems to be on the increase based on the MDHS of 2004 and 2010 as shown in **Figure 5** below. But as mentioned above, this can also be an indicator of improved reporting.

**Figure 5: Prevalence rates of Domestic Violence**



Source: Evaluation Report of the National Response to Combat GBV, 2014

134. The 2014 evaluation of the National Response to Combat GBV revealed that the lack of unified indicators and a national monitoring framework made it impossible to quantitatively assess the impact of the response. Monitoring was programme/project based, focusing mostly on performance other than impact. Therefore, the revised document on the GBV response is proposing the establishment of a monitoring framework with well-defined indicators to track progress.
135. The lack of a comprehensive information management system renders the efforts ineffective, as there is no meticulous documentation. Positively, the Ministry responsible for Gender is currently working actively to have this system. A comprehensive website is in the final stages of development.

136. There is weak referral system for cases of VAW/GBV and few VSUs. The implementation of the VSUs in relation to other services is not efficient as the services are scattered. The placement of the service at the police offices is misconceived by communities who have known the police role as arresting people. Orientation of the communities is necessary. The VSU are too few. A proper study on the impact of VSUs is necessary.

**Strategic Objective D2: Study the causes and consequences of violence against women and the effectiveness of preventive measures**

*Progress*

137. Several studies and surveys have been undertaken to establish the extent, cause and consequences of VAW and GBV in the communities and households, in the workplace and in schools. The National Statistics Offices conducted the first GBV Survey covering 17 districts in 2012 with support from the Ministry responsible for Gender, EU, UNFPA and UN Women. In the same year, the Ministry also conducted baseline studies on sexual harassment in the workplace and on socio-cultural practices that are connected to issues of GBV, SRH and HIV. The evaluation report of the National Response to Combat GBV (2014) is another informative study.
138. In 2012, the Coalition of Women Living with HIV and AIDS (COWLHA) conducted a study on Intimate Partner Violence, which established that women living with HIV are likely to experience sexual violence (38 percent compared to 29 percent for males). On the other hand, psychological violence was reported by more male respondents (59 percent) compared to 47 percent of female respondents. In addition, women mostly complained of the denial of access to HIV treatment from their spouses. Another COWLHA study on links between GBV, HIV and AIDS (2013) revealed that practices such as forced and early marriages, death cleansing, marital rape are culturally acceptable forms of GBV which impact more negatively on women and girls than on boys and men. Any initiatives addressing GBV or VAW has to take on board approaches that address these cultural practices.

*Challenge*

139. Coverage of studies is usually limited and not nationwide. Accessing GBV information is also a problem, mainly due to the absence of a central data base.

**Strategic Objective D3: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking**

*Challenges*

140. Malawi has neither a policy nor a law on trafficking, though it is expected that a relevant proposed law that was developed by the Law Commission in 2011 will soon be submitted to Parliament. Currently, issues of trafficking are loosely addressed by different legal frameworks such as the Child Care, Protection and Justice Act (2010) and the Penal Code. There are not many formal government interventions addressing issues of trafficking. This is notwithstanding the fact that trafficking in persons is happening at an alarming rate in Malawi both internally and to other countries. The few studies done on trafficking indicate that women and girls are trafficked from rural to urban Centres for prostitution. Families are trafficked from one district to another for cheap labor, especially in tobacco estates. Women and girls are trafficked to countries in Africa and

Europe for the sex industry. The Ministry of Internal Affairs and Public Security is spearheading the harmonisation of all migration related issues such proposed laws relating to refugees, trafficking in persons and immigration issues. The Norwegian Church Aid has a full programme to address trafficking.

141. Most initiatives to address the plight of prostitutes have been from the HIV and AIDS perspective. As a group with high risk behaviors, there are empowerment programs being implemented by institutions such as Youth Network and Counseling, Theatre for a Change, the Family Planning Association of Malawi and the Focus Project that have focused on sex workers including issues of GBV. Those sex workers that have participated in such programs are now freely participating in HIV and AIDS programs and have been empowered not to be exploited by their customers. There is the move to form an association of sex workers for their protection.

*General challenges and gaps in eliminating VAW and GBV*

142. Malawi is a patriarchal society with strong attitudes about women being subservient to men. VAW is therefore institutionalised and is part of the socialisation process and considered a norm by many communities. Changing such attitudes, norms and values to consider a woman as an equal partner is a slow process and requires a lot of long term investment in gender transformative programming.
143. The slow response of the justice system in the administration of justice, coupled with corruption and fear of reprisals discourages women from pursuing their right to justice. And the lack of a comprehensive monitoring system on the impacts of the various initiatives and documentation of best practices limits evidence based planning.
144. There is delayed implementation of the Prevention of Domestic Violence Act, 2006. The Act was found to have some technical limitations when courts started using it. It was sent to the Law Commission for review in 2009, and to date the work is not completed.
145. Poor funding of especially towards district GBV activities and weak community structures affects the GBV response.
146. The development of a unified monitoring system with a comprehensive information management system requires urgent attention in the new National Response to Combat GBV which has provided for a more coordinated approach to combat GBV. Male involvement in the GBV is essential and needs to be enhanced as a policy action. The UN GBV indicators must be incorporated into the M&E framework.

## **E: Women and armed conflict**

This report only focuses on the strategic objective related to refugees and internally displaced women because this is the most relevant to the Malawi situation.

**Strategic objective E.5: Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women**

*Progress*

147. Malawi has refugees from Congo, Burundi, Rwanda and Somalia. These are located at the Dzaleka Refugee Camp in Dowa district. As of July 2014, the camp had a population of 19,481 refugees (48 percent of whom are women).
148. Over the years, the United Nations High Commission for Refugees has been working with institutions like Red Cross, Jesuit Refugee Services and Plan Malawi on interventions that address issues of gender based violence, education and training. For instance, Jesuit Refugee Services (JRS) runs a pre-school, primary school, secondary school and a computer course at the camp. Since 2010, it also has been facilitating an on-line university diploma programme (3 years) for refugees. This course is mostly offered by American universities. Though the first Diploma cohort did not have a woman, the current intake has about three. Dzaleka camp has previously produced a female refugee scholar who is currently studying in China on scholarship after getting the highest Malawi School Certificate Examination (MSCE) grade of six points.
149. The World University Service of Canada (WUSC) also runs academic and leadership programmes for refugee girls in order to increase their chances of accessing WUSC student refugee scholarships in Canadian colleges and universities.
150. Vocational programmes for women have included the mobilisation of women that are survivors of different social and psychological challenges. These are supported to produce high quality artifacts that are sold in international and domestic outlets. The women get a share of the sales. In January 2014, women that were previously engaged in survival sex were supported by JRS to start a restaurant business. With regards to other courses, generally women are dominant in tailoring, but not so much in carpentry and brick-laying. The emphasis is on empowering them economically to start their own businesses.
151. Jesuit Relief Services runs a crèche for the purpose of releasing women with small children to engage in income generating programmes. Another equally relevant special play centre is for children with special needs, especially those with severe disabilities.
152. Realising that reproductive health services for internally displaced persons (due to natural disasters) were not systematically part of the emergency response, the Department of Reproductive Health Services is being supported by UNFPA to implement a programme for the delivery of high quality family planning, emergency deliveries and STI treatment in emergencies from 2014. The Department has a focal person that will work with well-trained district teams to ensure that the SRH response is tightly linked to other interventions of UN agencies, NGOs and the Department of Disaster Relief and Management in emergency situations.

### *Challenges*

153. Malawi has policies that do not allow refugees to take up wage employment, to conduct income generating activities outside the camp or to leave the camp. This later has tended to limit girls' education because though they can excel in their MSCE grades they do not qualify for university entry unless they are willing to pay commercial fees as international students. Women's economic empowerment interventions also become difficult to scale up as they have to be conducted within the confines of the camp, unless they are specially assisted by outside players.

154. A 2013 study by World Food Programme and UNHCR found that battery, sexual abuse and sexual harassment are commonly faced by refugees, with women mostly being victims. Perpetrators can be refugees themselves, or sometimes law enforcement personnel especially at Karonga Transit Camp where the refugees are given temporary shelter for one month. Not many cases are prosecuted, thus demonstrating gaps in legal advocacy and literacy. Because of poverty, some parents or guardians also accept money in exchange for child forced marriage. Plan Malawi has interventions to address some of these problems.

## **F. Women and the Economy**

**Strategic Objective F1: Promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources**

### *Progress*

155. The legal and policy frameworks generally supports non-discrimination and gender equality in employment and economic matters. The Constitution promotes the right to economic activity.<sup>12</sup> It also assures women, youth and people with disabilities special consideration in the promotion of the right to development, including through access to employment.<sup>13</sup> The Employment Act of 2000 prohibits discrimination in employment based on sex and promotes equal remuneration for equal value of work. The Gender Equality Act of 2013 proscribes sex discrimination, sexual harassment in the workplace and a quota system in public service employment (40:60 for either sex). Pillar 1 of the Malawi Decent Work Program (2011-2016) seeks to create more and better employment and income generation opportunities, and it pays attention to gender related challenges. This will be implemented in the context of the National Empowerment and Labour Policy (2014 - 2019), which identifies the employment of women and people with disabilities among its priority areas.
156. Women in Malawi are employed in their own individual right. The Malawi Gender and Development Index (2011) shows that there is gender parity in wages in agriculture, in civil service, formal and in informal sectors. **Still, there are still gender inequalities in opportunities to employment between women and men in non-agriculture sectors, where men dominate due to women’s low levels of education.** The share of women in wage employment in non-agriculture sectors was 15 percent in 2004 and increased to 33.3 percent in 2011. Though the share was projected to reach 35 percent in 2013, the more comprehensive Malawi Labour Force Survey (MLFS) of 2013 indicates that women constitute 30 percent of total wage employment in non-agriculture sectors. If the same methodologies were used in the two estimates, this implies that women’s share in wage employment has gone down in the past three years. But in any event, compared to the 2004 scenario, the share is still higher.
157. There are several clear efforts to integrate gender in public service sectors. For example, the Department of Human Resource Management and Development in the Office of the President and Cabinet has a gender unit and focal points in all public sector offices. It has

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<sup>12</sup> Section 29

<sup>13</sup> Section 30

mainstreamed gender into the curricula of the government Institute for Staff Development, and senior Government managers attend short courses on gender integration in the public sector. Members of the Public Service Commission were also trained in gender in 2014. Where necessary, especially in technical areas, recruitment adverts do encourage women to apply. Guidelines for gender integration for human resource management in the public sector have also been developed and disseminated. However, there is need for evidence that demonstrates the real impact of these interventions at outcome level. The National Police Service established a Gender Network in 2014, whose main aim is to promote gender equality in the Police Service.

158. The working conditions of women in the public sector remain enabling as they can take three months paid maternity leave. This is better than the minimum two months maternity leave that is permitted by the Employment Act, and which is the lowest in the SADC region.<sup>14</sup> In the private sector the situation varies and cases of women who go on maternity leave losing their jobs are reported. But generally, there is increased responsiveness to the needs of working mothers and young women.

#### *Challenges*

159. The MLFS (2013) indicates that women's share of employment in senior and middle management<sup>15</sup> is very low at 0.07 percent, compared 0.32 percent for men. **The unemployment rate for females (26 percent) is almost double that of males (14 percent).**
160. Women are still concentrated in agriculture and micro businesses. Low levels of education and ineffective implementation of policies are the main factors affecting women's participation in the economy.

### **Strategic Objective F2: Facilitate women's equal access to resources, employment market and trade**

#### *Progress*

161. With support from the European Union, the Malawi Government is implementing a Gender Equality and Women Empowerment (GEWE) Program which aims to reduce gender inequalities in accessing productive resources and development opportunities
162. There has been deliberate effort to encourage women to go into non-traditional areas. For example, though more needs to be done, in the Police Service, steady progress has been made to make women access employment from 5.6 percent in 1995 to 22.5 percent in 2013. The imposition of the quota in public service recruitment is also an effort to guarantee women space in the employment market.

#### *Challenges*

163. The Technical, Entrepreneurial, Vocational Education and Training Authority (TEVET) founded in 1999, provides technical, entrepreneurial and vocational education and training in the formal and informal sectors in Malawi. **Table 5** illustrates that the recruitment of females has fluctuated, with a peak being in 2011/12 (45.8 percent) before backsliding in subsequent years. TEVETA has problems to recruit female trainees through its community outreach programme because of the challenge that in the informal

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<sup>14</sup> along with Mozambique

<sup>15</sup> defined as legislators, senior officials and corporate managers

sector, 14 percent and 66 percent of women have no education or only have primary education respectively.

164. A Micro, Small and Medium Enterprises (MSME) report of 2012 established that 46 percent of businesses were owned by women compared to 52 percent for men. In 2012, only 0.3 percent of women businesses were in the medium enterprises category as opposed to 4 percent for men. Though Malawi has a policy on MSME (1998) and Micro-Financing Policy (2002), these do not make deliberate effort to target women. Neither does the Micro Finance Act 2010).

**Table 5: Recruitment of TEVETA apprentices**

Year	Males	Females	Percentage
2009 – 2010	386	208	35.0
2010 – 2011	964	362	27.3
2011 - 2012	571	486	45.8
2012-2013	732	211	22.3
2013-2014	776	308	28.4
Total	4968	2233	

Source: TEVETA

165. With regards to women’s equal access to resources, the Section on ‘women and poverty’ has outlined some laws that have potential to improve the situation of women, with dedicated implementation and enforcement. It has also alluded to the need to strengthen women’s land rights through the passing of a gender transformative customary land law. This is a pressing issue because the Malawi Gender and Development Index (2011) shows that 20 percent of women, as opposed to 80 percent of men, own land or houses in urban areas. In the rural areas, only 34.3 percent of people who operate plots are women. Notable is the fact that the proposed Bill on customary land that Parliament deferred for further scrutiny in 2013 has received criticism from gender activists that if it is passed in its current form, women, particularly in matrilineal areas, may become worse off. Challenges of the Bill include that it fails to prioritise those who do not have land in decisions that will be made by local land committees. Most of these are women, especially in patrilineal areas where they are not entitled to land. It also weakly reinforces issues of land control, which is a weak spot even where women are able to access land. Action Aid has taken special interest in gender aspects of the Bill, drawing from its Women’s Land Rights Project that it started implementing in 2009.
166. Malawi does not have a functioning Labour Market Information System. However, the country’s second comprehensive stand-alone labour force survey was conducted in 2013.<sup>16</sup> This survey has to be supported by a gender action plan in order to bring a substantial portion of women into the paid wage labour market.

**Strategic Objective F3: Provide business services, training and access to markets, information and technology particularly to low income women**

*Progress*

167. Many institutions that support low income women to engage in income generation activities in the informal sector do provide services such as loans, training in business

<sup>16</sup> The first one was performed in 1983 but the results were not published.



management, training in the use of relevant technologies (i.e. bakery, poultry keeping, and food processing equipment). Institutions such as NABW, National Smallholder Farmers' Association of Malawi (NASFAM), Community Savings and Investment Programme (COMSIP) and One Village One Product (OVOP) assist women's groups by linking them with supermarkets, and in using various value addition technologies. Since 2013, UN women also has a big programme with the Ministry of Agriculture aimed at facilitating this strategic objective with funding from the Royal Norwegian Embassy.

#### *Challenges*

168. Skilled business training is still not reaching many small entrepreneurs. The 2012 Micro, Small and Medium Enterprises report indicates that majority of the men (42 percent) and women (48 percent) taught themselves the business skills, while only 4 percent of men and 6 percent of women learnt the skills while managing their businesses. There were only 2 percent of men and 5 percent of women who attended a training programme.
169. Many women's businesses are lagging behind in the use of ICT, and do not have websites that can promote their industries domestically and internationally. In the rural areas, this is a combined function of low technology knowledge and lack of ICT facilities, including electricity and internet.
170. Low knowledge and access to sophisticated technology for value addition that meets international standards and insufficient programmes to support them in establishing appropriate linkages (i.e. through interventions by the Ministry of Trade) also prevents most women's groups from breaking through international markets. This problem has particularly been cited by women in mining.
171. In the various efforts to uplift women in business, there has not been much deliberate focus on women with disabilities and their needs. As a result, these have been excluded from most community level group interventions and services.

#### **Strategic Objective F4: Strengthen women's economic capacity and commercial networks**

##### *Progress*

172. Apart from the measures articulated in the section on 'women and poverty,' the Government has created a number of institutions to provide credit and capacity development for MSMEs. NGOs are also facilitating women's access to credit and other business services. Some of these institutions such as NASFAM, Community Savings and Investment Program (COMSIP) and Malawi Union of Credit and Cooperatives (MUSCCO) have gender policies both for staff and programme beneficiaries. Government through COMSIP is promoting generation of capital for businesses from within communities for investment in income generation activities. COMSIP membership in March 2014 was 99, 153 (65 percent were women). The section on 'women and poverty' has also provided data relating to a similar concept that is promoted by NGOs called village savings and loans. The savings and investment approach is proving to be successful, and a COMSIP case study in 2012 recorded that saving volumes of affiliated cooperatives was USD 46,266; for non-affiliated cooperatives it was USD 341,670; and for groups it was USD 944, 000. For the latter, it is observed that income generation activities for women in Malawi have traditionally applied the group approach, which enables the women to use their group solidarity as collateral for getting a loan. In the

village savings and loan schemes, women groups contribute to their village banks and supporting institutions provide them with matching funds.

### *Challenges*

173. Targeting of COMSIP and village savings and loan schemes is not routinely carefully guided by baselines and poverty profiles. Coverage also remains low, meaning that most deserving women, including those with disabilities, may not be fully benefiting. Care Malawi in collaboration with the social protection unit in the Ministry of Finance and Economic Planning have recently completed a mapping of village and saving loan schemes, which should hopefully improve the noted challenges.
174. Broadly, access to credit and finances affects women more than men. The Malawi 2012 MSME Report found that 46 percent of women as opposed to 41 percent of men had problems in accessing finances to grow their businesses. Of the women doing business, 55 percent did not use any financial services, compared to 62 percent of men. The higher number of men not accessing financial service is reflective of financial handicaps on the part of most women that are engaged in business. More women (17 percent) were accessing credit from Micro Financing institutions, while men in this position stood at 14 percent. About 20 percent of women were banked compared to 24 percent men.
175. Networking for women in business is small, with only 5 percent belonging to business networks in 2012 compared to 9 percent of men. Networking among women businesses is promoted through the World Rural Women's Day and Trade Fairs which are held at the country's Trade Fair Grounds where women display their products. However, these do not attract micro business women. Women have also been involved in trade fairs in the neighbouring countries, but such opportunities benefit only a few.

### **Strategic Objective F5: Eliminate occupational segregation and all forms of employment discrimination**

#### *Progress*

177. Malawi ratified the ILO Conventions 100, 111 and 183 which specify principle of equal pay for equal work as well as non-discrimination. Malawi has taken steps to incorporate these issues in its policies. The Employment Act (2000) promotes equal remuneration for work of equal value and prohibits victimisation of an employee by employer. Mechanisms to enforce the law such as the Labour Commissioner, the Industrial Court and the Office of the Ombudsman exist.
177. The Malawi Decent Work Country program M-DWCP- (2011 – 2016) acknowledges gender gaps and inequalities in the employment sector. The M-DWCP therefore seeks to create an environment for increased participation of women and other vulnerable groups and enhance employment of women and the youth among other groups.
178. The Gender Equality Act (2013) outlaws sex discrimination and has elaborate provisions for addressing sexual harassment in the workplace. The Gender Equality and Women Empowerment Programme (2012 – 2015) that is being coordinated by the Ministry responsible of Gender has a sexual harassment component, though this is only focusing on six institutions.

### *Challenges*

179. Malawi has just conducted a Labour Force Survey (2013), which indicates that gender inequalities in the employment still exist. Women are concentrated in the informal sector with a 96.6 percent participation against 83.8 percent for males. The participation of women in the formal sector is 6.4 percent as opposed to men at 16.2 percent. For women, this is a drop from 10 percent, according to National Statistics Office estimates in 2010. The figure for men has been static. The share of women in wage employment in non-agriculture sector is 30 percent, again a drop from 2011 estimates (33.3 percent). Factors like sex discrimination and sexual harassment have to be decisively tackled if women are to fully benefit from the labour market.
180. Despite that the Convention on the Rights of Persons with Disabilities (2007)<sup>17</sup> protects the rights of women and girls with disabilities in vocational and employment opportunities, labour related data collection has not mainstreamed disability. This denies women with disabilities targeted interventions that can address their discrimination in the labour market.

### **Strategic Objective F6: Promote harmonisation of work and family responsibilities for women and men**

#### *Progress*

181. Several legal measures are in place. For example, though inadequate, the provisions in the employment law on maternity leave<sup>18</sup> are an attempt to promote the harmonisation of work with family responsibilities. Workers including domestic workers (most of whom are women) are entitled to overtime allowance if they work long hours; leave days, a weekly day off and severance pay at the end of the contract. To protect part-time, temporary, seasonal and home-based workers, the Pensions Act (2011) introduced mandatory pension and incentives such as severance pay, long service allowance, overtime allowance and leave days for employees. Where there are disputes the aggrieved employee can take the case to the Industrial Court or the Ombudsman for redress.

#### *Challenge*

182. Malawi is yet to ratify ILO Convention 156 and on Workers with Family Responsibilities and Convention 183 on Maternity Protection. These instruments are key to enforcing anti-discrimination measures that can level the economic playing field for women and men through the promotion of State support for maternity leave and child care. Also, the Government has not ratified Convention No. 189 and Recommendation No. 201 concerning Decent Work for Domestic Workers (2011). This situation promotes the exploitation of domestic workers despite their legal entitlements. Generally, there have not been strong interventions to promote the rights of domestic workers.

### **Broad challenges affecting the promotion of women in the economy**

183. **Low levels of education among women is an obstacle to women's meaningful participation in the economy either through business or employment.**

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<sup>17</sup> Ratified by the Government of Malawi on 27 August 2009

<sup>18</sup> In Sections 47 and 48 the Employment Act 2000 specifically provides for 8 weeks full pay maternity leave within every 3 years. During that period the female employee maintains all her benefits and entitlements including contractual rights and seniority and period of work is not entrapped.

184. Current economic policies and fiscal and monetary frameworks do not strongly take into account issues of gender equality or women empowerment. There are no clear and specific targets, strategies and indicators for both the business and employment world to achieve in an effort to increase women's participation.
185. Low capacity of women especially rural women to profitably engage in micro-businesses is a major handicap. They rarely graduate into small-scale businesses (and usually only graduate from ultra to moderate poor), usually due to the very small amount of loans and lack of linkages to banks. The establishment of a women's bank/major loan facility that is well targeted and chamber of commerce is worth pursuing.
186. Most female workers, especially domestic workers, are not able to access justice and other services because they are not aware of the existing laws and regulations.

## **G. Women in power and decision making**

### **Strategic objective G.1: Take measures to ensure women's equal access to and full participation in power structures and decision-making**

187. Despite enabling provisions that promote gender equality in the Constitution, women's participation in decision making remains low. The major cause is decades of established social patterns of discrimination against women. The situation regarding women's participation and representation in politics is discussed differently from that relating to women's participation in high positions within Government and related structures.

### **Political positions**

#### *Progress*

188. Between May 2009 and May 2014, Malawi temporarily enjoyed the representation of a woman at the highest political level through President Joyce Banda. First, this was as a running mate and then Vice President to late President Bingu wa Mutharika's Democratic People's Party administration. Around 2010, she fell out with the President and was expelled from his party due to leadership disagreements when the late president wanted his brother to succeed him as presidential candidate in 2014. This led Joyce Banda to form her People's Party around 2011 while she still served as the country's Vice President. Then, in accordance with the Constitution, Joyce Banda found herself automatically assuming the position of President when late Mutharika suddenly died in April 2012. She would serve for the remainder of the five year tenure for late Mutharika (up to May 2014), and contest in the general elections to be given her own official mandate to rule for a full presidential term by the electorate. However, she failed to gain the electorate's mandate when she lost to late Mutharika's brother, Peter Mutharika during the May 2014 elections.
189. Between 1994 and 2009, **Table 7** displays that women's representation in Parliament steadily increased (though the peak figure still remained below 30 percent). However, the challenges narrated below show that this has been unravelled by a decline in female Parliamentarians in 2014.
190. The Government, through the Ministry responsible for gender, the NGO Gender Coordinating Network and UN Women, have worked hand in hand to drive the 50:50 campaign seeking to promote women's participation and representation in politics. In

2014, women nomination fees for women aspiring candidates was subsidised. Female aspiring MPs paid MK75,000.00 while men paid MK 100,000.00. Female aspiring councillors paid MK15,000.00 while their male counterparts paid MK20,000.00. In addition, the female candidates were supported with cash contributions to their campaigns.

191. The MGDS II aims at reducing gender inequalities, including by advocating for affirmative action to increase representation of women in politics, and encouraging 50:50 representation.

### Challenges

192. With a score of 0.266<sup>19</sup> in the Malawi Gender and Development Index (2011), women’s political power in Malawi is marginal. In the 2014 General Elections, there were two female presidential candidates as opposed to 10 male candidates. Both of them lost the elections. As highlighted above, Malawi’s first female President failed to secure an election win during the May 2014 general elections after serving for only two years. Full reasons for this loss are yet to be documented, though it is clear that a corruption scandal involving billions of kwachas that erupted towards the end of Joyce Banda’s tenure made its own contribution.
193. Cabinet positions, which are mostly held by politicians in Malawi, have mostly been dominated by men. **Table 6** illustrates a range of Cabinet appointments that have been made at randomly selected points (according to data availability) by the four administrations that Malawi has had post democracy. These statistics indicate that the ‘highest’ number of women Cabinet members was appointed in October 2013 during the administration of President Joyce Banda, when women constituted 28.1 percent of the Cabinet. Apart from the lower female representation of 12.9 percent in a 1999 Cabinet, the fact that women constitute only 15 percent in the first cabinet that has been appointed by the new President Peter Mutharika in June 2014 is a very low point.

**Table 6: Examples of female representation in Cabinet in four administrations, 1999-2014**

Administration	Female Ministers	Female Deputy Ministers	Total Cabinet	Women’s percent
Peter Mutharika—June 2014 appointments.	3	0	20	15
Joyce Banda—October 2013 appointments.	8	1	32	28.1
Bingu wa Mutharika—September 2011 appointments.	4	3	32	21.9
Bingu wa Mutharika— June 2009 appointments.	5	4	41	22
Bakili Muluzi—June 1999 appointments.	2	2	30	12.9

194. With regards to Parliament, statistics between 1994 to date (**Table 7**) show that the highest point for women’s representation in Parliament was between 2009 and 2014, when they had a 22 percent share of the seats. Low as this figure may be, the number tragically

<sup>19</sup> Against a full score of 1

slumped to around 16.6 percent in the May 2014 general elections. There were less than 300 women candidates as opposed to over 1,000 male candidates. The outcome for local Government elections was equally discouraging. The Malawi Electoral Commission has reported that whereas the May 2014 elections produced 401 male councillors, there are only 56 female councillors (representing 14 percent). This disappointing outcome is arguably an improvement from the results when local Government elections that were last held in 2000 produced a mere 9 percent of ward councillors.

195. The low scale of women’s political representation runs across all four major parties. The DPP had a higher number of women (31) than other political parties in 2009, which has now dramatically reduced to 8, in part due to the loss of almost half of its Parliamentary seats in the May 2014 general elections. The MCP has doubled its number of female representation from 3 to 6, which is hardly a milestone for a party that has a total of 53 seats. The same can be said of the movement from 1 to 2 seats by the UDF. The People’s Party (of former President Joyce Banda), which did not exist in the 2009 elections has 5 female MPs.

**Table 7: Women’s representation in Parliament: 1994 - 2014**

Year	Total seats	Women	Percentage
1994	177	10	5.65
1999	193	18	9.33
2004	187	27	14.44
2009	193	43	22.28
2014	192	32	16.66

196. The inability to make meaningful gains in the representation of women in Parliament or Local Councils draws attention to the challenges with the present ‘first past the post’ (simple majority) system that Malawi applies. Globally, it has been proven that the ‘first past the post’ system excludes women since they are less likely to be selected as candidates by male-dominated party structures. Conversely, proportional representation (quotas) is the best measure for accelerating gains towards women’s political representation. In 2011, the Malawi Law Commission produced proposed amendment laws in order to amend the Parliamentary and Presidential Elections Act as well as the Proposed Local Government Elections Act. The proposed amendments are setting quotas for political party executive positions, as well as their candidate lists (a minimum of 40 percent and a maximum of 60 percent for either sex). Regrettably, the 50:50 campaign has not made the enactment of these laws part of its agenda.

### **Decision making positions**

#### *Progress*

197. Though there have been fluctuations in measures that have been taken to elevate women to high decision making positions within Government, some women have been appointed in powerful decision making positions. Since 2004, women have occupied (though not consistently) positions of Chief Justice, Attorney General, Clerk of Parliament, Chairperson of Malawi Electoral Commission, Chairperson of Malawi Human Rights Commission, Law Commissioner, Solicitor General, Administrator General, Director of Public Prosecutions, Chief Secretary to the Government, Deputy Reserve Bank Governor,

Deputy Inspector General of Police, Executive Secretary of Malawi Human Rights Commission and Chief Legislative Counsel. By June 2014, some of these positions that were in the hands of men were—Attorney General, Chairperson of Electoral Commission, Administrator General, Director of Public Prosecutions, Deputy Inspector General of Police and Chief Secretary to the Government. Changes in Government administration have contributed to the fluctuations, with women being dropped and some being appointed to different positions under the administrations of the Democratic Progressive Party (2004 to April 2012), the Peoples Party (April 2012 to May 2014) and then the Democratic Progressive Party again (elected in May 2014 for the next five years).

198. Five more women judges were appointed during the tenure of President Joyce Banda (April 2012- May 2014), bringing the total to 9 women out of 34 judges (26.5 percent). The figure that was previously recorded in the Malawi Gender and Development Index of 2011 was 16 percent (4 females out of 25 male judges). The first female Chief Justice, Anastazia Msosa, was also appointed in June 2013. Currently, there are two female judges in the Supreme Court of Malawi.
199. The Gender Equality Act of 2013, which came into effect in April 2014, has imposed quotas in public service appointments. The expectation is that an appointing or recruiting authority in the public service shall not appoint less than forty percent (40 percent) and not more than sixty percent (60 percent) of either sex in any department in the public service. Exceptions are where (a) a member of either sex applying for the post does not hold the minimum relevant educational qualifications or experience for the post; (b) a member of either sex offered the post has not accepted the offer; or (c) a member of either sex with the relevant educational qualifications or experience required for the post was not available or could not be identified for the post.
200. In 2013, under the Gender Equality and Empowerment Programme, the Ministry responsible for gender and UNFPA provided a one year grant to the Malawi Human Rights Commission (MHRC), an entity responsible for the implementation of the Gender Equality Act. The grant was for purposes of carrying out a project titled ‘Development of a Stakeholders Implementation and Monitoring Plan on the Enforcement of the Gender Equality Act, 2013.’ The project established an Implementation and Monitoring structure that has created linkages with various stakeholders in order to ensure the enforcement of the Act. Going forward, MHRC hopes that the project can be extended for purposes of: instituting legislations and policies that are relevant to the implementation of the Act; facilitating the decentralisation of district level programmes aimed at promoting gender equality; supporting gender advocates to effectively influence the political and social environment for the implementation of the Act; and increasing institutional integration of the Gender Equality Act in the public and private sector in Malawi.

### *Challenges*

201. Though there were certainly some ‘firsts’ during appointments that were made by the administration of President Joyce Banda (i.e. first female Chief Secretary to the Government, first female Solicitor General, first female Deputy Inspector General of Police), the fact that there was a female president didn’t translate into dramatic improvements in women holding high decision making positions. Women equally lost some positions to men (i.e. Director of Public Prosecutions, Chairperson of Electoral

Commission, and even the female Deputy Inspector General of Police was soon re-assigned to diplomatic duties).

202. According to **Table 8**, in public service, the highest policy grade is A, while the lowest management grade in F. By end of 2013, the representation of women in policy and management levels was still very low (24 percent).

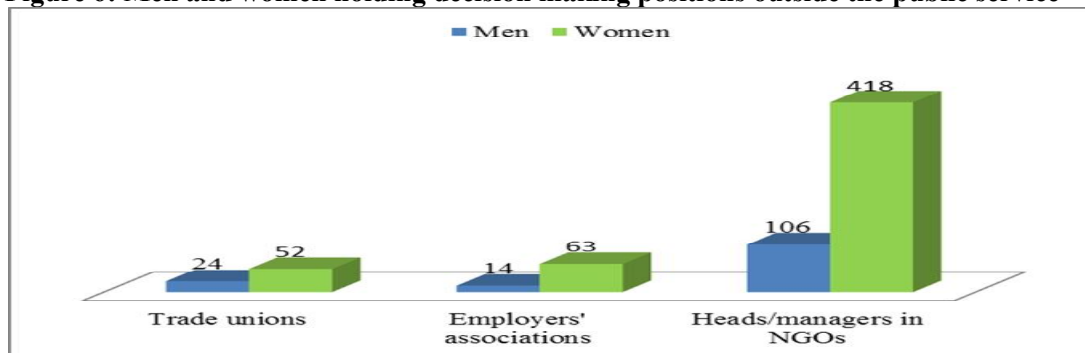
**Table 8: Female representation in policy and management positions- public service**

Grade	Female	Percentage	Male	Percentage	Total
A	1	33	2	67	3
B	0	0	4	100	4
C	20	24	63	76	83
D	37	23	124	77	161
E	116	24	362	76	478
F	176	24	560	76	736
Total	350	24	1,115	76	1,465

Source: Ministry responsible for Gender, 2013

203. **Figure 6** also demonstrates that according to the Malawi Gender and Development Index (2011), men who have leadership positions in trade unions, employers' associations and NGOs outnumber women by far. Outside the public sector, the Malawi Gender and Development Index (2011) observed that the highest gender gaps were found in institutions that are generally perceived as 'male' like the Malawi Institute of Engineers where women only represent 2.4 percent; the Association of Architects where they constitute 5 percent; and 11percent for the Law Society of Malawi.

**Figure 6: Men and women holding decision making positions outside the public service**



Source: Malawi Gender and Development Index, 2011

204. The Gender Equality Act is yet to be costed, fully funded and implemented for purposes of improving the appointment of women in the public service.

## H. Institutional mechanism for the advancement of women

**Strategic Objective H1: Create or strengthen national machineries and other governmental bodies.**

*Progress*

205. The 2000-2005 Gender Policy for Malawi defined the national Machinery as the Department of Gender Affairs in the Ministry of Gender, Children and Community



Services. This was a positive move as it gave the Ministry the mandate to function as the National Gender Machinery. However, this arrangement had serious limitations because a department cannot influence central government. The revised National Gender Policy (2012-2017), which is yet to be approved by Cabinet, proposes an Institutional Framework for implementation of the National Gender Policy. An assessment of the National Gender Machinery in 2011 recommended some options to strengthen the machinery. The options are: (a) reform the machinery to have two Principal Secretaries, one of which will head the Department of Gender Affairs; (b) reform the Ministry by removing the Department of Children Affairs and re-title the Ministry as Gender and Community Development; (iii) adopt the Commonwealth (1987) Gender Management Systems Approach; and (iv) let the Office of the President and Cabinet be responsible for Gender Affairs. A decision is yet to be made by the Ministry of Gender, Children, Disability and Social Welfare on the various options given. Nevertheless the existing considerations demonstrate the recognition to have a strong National Gender Machinery.

206. Another development that has helped to strengthen the Ministry of Gender is the establishment of the Sector Working Group (SWG) on Gender, Children, Youth, and Sports Development. Disability will also be added now that this Portfolio is combined with the Ministry of Gender as of June 2014. The major purpose of the SWG is to increase the effectiveness and efficiency of coordination in the implementation of the MGDS II, including gender equality efforts.
207. Government has also taken measures to strengthen the Ministry as the focal institution for gender and women empowerment. According to a new establishment warrant issued in June 2014, the department is upgraded and will be headed by a Director at the level of Principal Secretary. Gender positions have been created at district level, which was a serious gap.

### *Challenges*

208. The Ministry of Gender as the lead institution for the National Gender Machinery cannot fulfill its mandate in the current form as it has limited capacity to respond to the needs of its services. There are too few personnel, no M&E framework, and it is not adequately funded by the government, even for its day to day operations. Its programmes are 100 percent funded by the development partners. The technical capacity of most of the Ministry of Gender staff to confidently coordinate gender related interventions across all sectors remains lacking. There is also need for more female technical personnel to join the Ministry and be role models, as most portfolios in the Department of Gender Affairs are held by men.
209. The Ministry has no presence at the local government level. Government needs to fill the positions that have been proposed in June 2014; and make a decision on the proposed options for the National Gender Machinery as the current developments may cause confusion.

## **Strategic Objective H2: Integrate gender perspectives in legislation, public policies, programs and projects**

### *Progress*

210. Different sections of this report have displayed how Malawi has made some progress in integrating gender in legislation, policies, programs and strategies. Gender specific laws have been enacted in the areas of domestic violence, inheritance, child protection and gender equality (see **Annexure 1**). Even the MGDS II (2011-2016) has a thematic area on gender, which seeks to ensure that the critical gender issues that limit women's participation in achieving the goal of the MGDS are addressed.
211. The assessment of the National Gender Programme (2004-2009) that was conducted in 2011 revealed that progress on gender integration in policies, programmes and projects was at different levels in the various sectors. Some of the noted progress includes: gender mainstreaming in human resource management in the public sector;<sup>20</sup> prioritising gender and girls education through the Education policy and Investment Framework (2000- 2015) and the Girls Education Strategy (2014 – 2018); institutionalising gender in HIV and AIDS through close collaboration between the national AIDS Commission and the Ministry of Gender;<sup>21</sup> the development of an Agriculture Gender and HIV and AIDS Mainstreaming Strategy (2012 – 2017);<sup>22</sup> the implementation of instruments, policies and programs including affirmative action to promote and protect women participation in politics and decision making such as the 50:50 Campaign; and the promotion of various forms of human rights and governance advocacy through the NGO Gender Coordinating Network, a coalition of 41 NGOs.

### *Challenges*

212. The Ministry should lobby for the approval of the revised National Gender Policy to comprehensively direct the gender response.
213. **The integration of gender in programs and projects in the public sector still remains optional and there are no enforcement mechanisms to ensure the integration of gender. It is usually done if development partners put pressure as a funding requirement and this means that the process is short lived which lasts only during the life span of the project.**
214. Gender integration in the private sector has not received much attention despite the importance of the private sector in the area of women participation in the economy.
215. The health sector has not made much progress in integration of gender in other areas except reproductive health.
216. Though natural resources and environmental policies recognise the importance of gender, programmes have shown limited gender integration except in the forestry and fisheries sub-sectors.

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<sup>20</sup> Elaborated in the section on women and the economy, Paragraph 157

<sup>21</sup> However, the section on women and health also notes that the gender mainstreaming in HIV and AIDS has not been very systematic, hence weakening the response

<sup>22</sup> But the sector still needs to develop and implement gender responsive and women empowerment programmes to reduce the gender imbalances at the community level

217. While some policies have mainstreamed gender, implementation to realise the intentions of the policies has lagged behind and in most institutions capacity to implement gender responsive programs has been a challenge.

**Strategic Objective H3: Generate and disseminate gender-disaggregated data and information for planning and evaluation**

*Progress*

218. The education sector has an advanced Management Information System that adequately provides gender disaggregated data. The National Statistics Office has incorporated gender in its Demographic Household Surveys and other surveys and therefore produces sex disaggregated data. What is needed is to expand on the variables to include disability and other specific vulnerable populations, where possible.

*Challenges*

219. There is no data base for gender. Status reports are called from stakeholders as and when needed, usually with unsatisfactory results. Positively, the Ministry responsible for Gender Affairs is in the process of developing an information management system. The proposed National Gender Machinery in the revised National Gender Policy will have a monitoring plan and a data base. The Sector Working Group on Gender, Children, Youth, and Sports Development will have an M&E.
220. Most sectors still need to improve on the collection of sex and gender disaggregated data, as they omit to consistently include this even in key studies. There is no dissemination mechanism for the data that may be available in some sectors. The Ministry of Gender needs to intensify its efforts to mainstream gender in all sectors by promoting the creation of facilitating teams other than gender focal points, who have proved not to be effective.

**I. Human rights of women**

**Strategic objective 1.1: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the convention on the Elimination of All Forms of Discrimination against Women**

*Progress*

*Enactment of laws and adoption of policies*

221. The country has made milestones in enacting crucial legislation that is consistent with the spirit of CEDAW, the Maputo Protocol and the SADC Protocol on Gender and Development—all of which have been ratified by the executive. These include the Prevention of Domestic Violence Act of 2006, Child Care (Justice and Protection) Act of 2010, Criminal Procedure and Evidence Code of 2010, Deceased Estates (Wills, Inheritance and Protection) Act of 2011, Penal Code (Amendment Act) of 2011, and Gender Equality Act of 2013 (explained in **Annexure 1**). And though some have encountered limitations, the State has adopted some progressive policies and strategic responses towards promoting gender equality and women's human rights. They include: the National Platform for Action (1997), National Gender Policy (2000), National Gender Programme (2004-2009), Gender Mainstreaming Guidelines (2005), National Response to Combat Gender Based Violence (2008-2013), National Sexual and Reproductive Health and Rights Policy (2009), National HIV and AIDS Policy (2003), National HIV

Policy (2013), National HIV and AIDS Strategic Plan (2011-2016), Malawi Growth and Development Strategy II (2011-2016) and the Joint Sector Strategic Plan of the Gender, Children, Youth and Sports Sector Working Group. These are explained in **Annexure 2**.

*Service provision*

224. Malawi has a vibrant NGO community working in various aspects relating to the implementation of CEDAW and other treaties affecting women. Entities like Women and Law in Southern Africa Research and Education Trust (WLSA Malawi), Centre for Human Rights and Rehabilitation, Malawi Human Rights Resource Centre, Theatre for a Change, Eye of the Child, Women Legal Resources Centre, and Coalition of Women Living with HIV etc have played a critical role in offering legal and psycho-social services to women. Some of these institutions have also contributed to efforts by NGO Gender Coordinating Network to push for the enactment and enforcement of gender related laws. Development partners like the UN Women, UNFPA, UNICEF, Royal Norwegian Embassy, GIZ, ICEIDA, DFID, UNAIDS and international NGOs like Dan Church Aid, Action Aid and the Swedish Organisation for Individual Relief have been financing various NGO interventions. The Norwegian Church Aid has also been actively involved in work on human trafficking, including pushing for relevant legislation.
223. The Ministry responsible for Gender and UNFPA are also implementing a project on Gender Equality and Women Empowerment with 13 NGO partners in 13 districts. The programme is focusing on addressing the intersection between gender based violence, sexual and reproductive health, HIV and women's economic empowerment. The programme is setting up one stop centres, one of which is already operational in Chiradzulu district hospital. UNICEF has also set up a one stop centre in one of the country's biggest hospital— Queen Elizabeth Central Hospital in Blantyre district. In addition, since around 2001, the Malawi Police Service has established Victim Support Units in all police stations in Malawi. On the other hand, the Ministry of Health has scaled up post exposure prophylaxis, so that these services should be available in all ART centres—though actual availability has been inconsistent. In 2012, it also produced revised guidelines for comprehensive support of survivors of violence in health facilities.
224. Though there has not been much satisfactory progress, the NGO GCN and the Ministry of Gender have been implementing a 50: 50 campaign aimed at promoting the participation of women in politics since 2009. Malawi also has a Child Justice Court that administers the implementation of the Child Care (Justice and Protection Act). Institutions like Malawi Human Rights Commission and Ombudsman have also strengthened access to justice, including in human rights issues affecting women.

*State party reporting*

225. The CEDAW Committee has so far reviewed two State Party reports from Malawi (in 2006 and 2010 respectively. Malawi will be submitting another State Party report in 2014. Civil society, through Women and Law in Southern Africa Research and Education Trust (WLSA Malawi), has played a role in submitting and presenting shadow reports to the CEDAW Committee in both the 2006 and 2010 review processes. In 2013, Malawi made history in being the first country to submit a State Party report on the implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

### *Challenges*

226. **The fact that Malawi has not adopted a revised National Gender Policy since the expiry of its first policy in 2005 is further evidence of limitations in fully complying with CEDAW and related international commitments.** Some key pieces of gender related laws are also outstanding, and these are explained in **Annexure 3**. Action is needed in areas of laws on citizenship, political quotas, customary land management, marriage and family relations, HIV and AIDS protection, abortion, human trafficking, early marriage and lesbian relationships. Though there have been some strong advocacy efforts to pass gender related laws, these efforts have not been consistent as evidenced by the several proposed laws that are not yet enacted. This speaks to low presence of political will, and scanty coordination between NGOs and parliamentarians.
227. Costing, dissemination and well-coordinated implementation of laws is still an area that faces numerous gaps. As a result, though some good gender laws are in place, they are not fully implemented/enforced. The problem of inadequate dissemination of laws affects even Magistrates, who are supposed to apply laws such as Prevention of Domestic Violence Act. For instance, in a consultative forum relating to the review of the Act in 2012, out of more than six Magistrates that were present, only one had a copy of the Act. Even personnel in victim support units hardly have access to this law.
228. The stalling of the review process of the Prevention of Domestic Violence Act is getting into the way of full implementation of the Act. In 2008, the Ministry of Gender requested the Malawi Law Commission to review the law because of some implementation challenges. One of these challenges is that domestic violence is defined as a criminal offence despite that the law offers civil remedies. Though a Special Law Commission to review the Act started its work in 2009, resource constraints hamper its conclusion.
229. The monitoring of gender related programmes has not been vibrant. For instance, the National Gender Programme did not have a strong monitoring mechanism to coordinate sector implementation and reporting. The same can be asserted about the National Response to Combat Gender Based Violence. Generally, there is weak leadership in systematically monitoring spending on interventions towards the promotion of gender equality and women's human rights in different sectors.
230. The treatment of sexual violence cases reinforces the marginalisation of women. For instance, courts still insist that evidence of rape should be corroborated beyond the survivor's testimony. In addition, the Women Judges Association of Malawi established in 2013 that female judges/magistrates are more likely to issue stiffer punishments in sexual offences than their male contemporaries.
231. **CEDAW Committee concluding observations on State party reports are hardly disseminated to sectors and different stakeholders, thus increasing the likelihood of non-implementation.**

### **Strategic objective 1.2: Ensure equality and non-discrimination under the law and in practice**

#### *Progress towards achieving equality in practice*

232. The Constitution of the Republic of Malawi (1994) enshrines an equality clause, as well as special rights of women. The Gender Equality Act of 2013 has reinforced and

expanded this protection. In addition, all the laws that are captured in **Annexure 1** are a manifestation of de jure equality between men and women. So is Malawi's ratification of CEDAW (in 1987), the Maputo Protocol (in 2005) and the **SADC Protocol on Gender and Development** (in 2013).

233. The moves undertaken by the Malawi Law Commission to review different laws (some of which are presented in **Annexures 1 and 3**) since 2000 is additional testimony of efforts towards achieving equality under the law for women.
234. There is evidence that with increased awareness of some customary justice delivery structures, there is improved quality of justice that is free of discrimination by some women who access the structures.

*Challenges towards achieving equality in practice*

235. Evidence of lack of enjoyment of the right to equality by women in practice has been presented in several parts of this report. For instance:
  - a) Women have lesser access to credit than men.
  - b) Women are grossly under-represented in decision making and political positions.
  - c) Lesser women than men are participating in secondary and tertiary education.
  - d) Women have lesser capacity to acquire and hold rights to property—on one part due to lack of adequate financial resources, and on the other part due to some traditional practices that disregard women's right to own property.
  - e) Formal courts and institutions like Malawi Human Rights Commission and Ombudsman are inaccessible to many rural women. Delays in delivering justice are also rampant in most courts.
  - f) Though there are certainly some improvements, many customary justice delivery structures are unaware of human rights norms and key laws that are relevant to women. As a result, discrimination against women in some of these structures is still reported.
  - g) Laws that have been passed are not adequately enforced because of lack of resources, dissemination and monitoring—thereby creating a gulf between contents of paper laws and reality. For instance, despite the criminalisation of property dispossession of widows, the fact that the law is hardly enforced sustains the prevalence of the practice. The implementation of constitutional provisions that 'discourage' marriage of people under the age of 15 years and criminal laws against defilement are also not followed up through a stern crack down on child marriages.
  - h) Harmful practices that are contrary to the Constitution and several gender related laws continue to be practiced with impunity. These include practices that predispose women to HIV infection, gender based violence etc.
  - i) Sector programming does not routinely take action towards implementation of gender related laws since the common misconception is that this is the realm of the Ministry responsible for gender. Yet, this Ministry is acutely under resourced.
  - j) Laws and policies are not very well known and rights are negligibly demanded by citizens, including women.

### Strategic objective 1.3: Achieve legal literacy

#### Progress

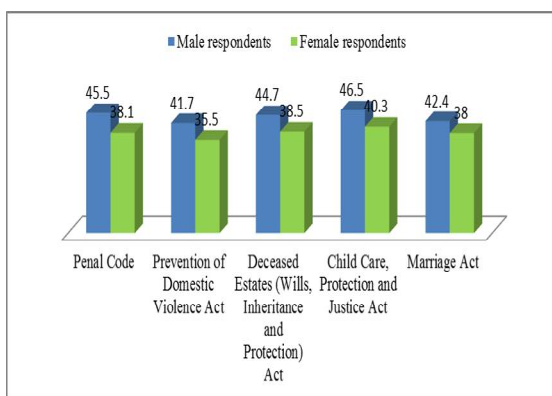
236. There are many NGO programmes that are intended at creating legal awareness, particularly on broad issues on human rights. Some of these pay specific attention to women’s rights.

#### Challenges

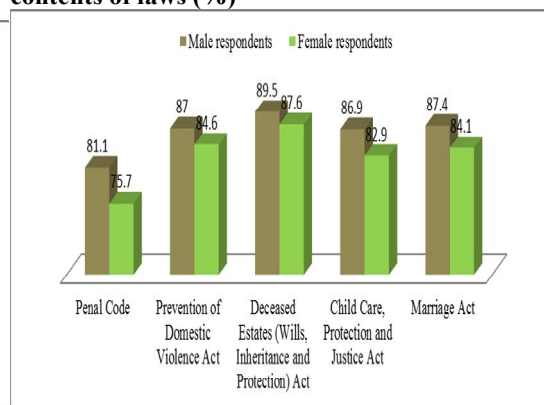
##### Knowledge of gender related laws is low

237. Legal literacy can be measured through knowledge of gender related laws by the citizenry, including women. A GBV Survey that was conducted in 17 districts in Malawi in 2012 found that fewer respondents (below 50 percent) had ever heard of these laws (**Figure 7**). On the other hand, from **Figure 8**, it can be observed that out of those that reported to have ever heard of the various gender related laws, generally, the rates are high with regards to knowledge of the contents of all the laws. However, for all laws, the knowledge level of females is surpassed by that of males.

**Figure 6: Respondents that have heard of various laws by sex (%)**



**Figure 7: Respondents claiming to know contents of laws (%)**

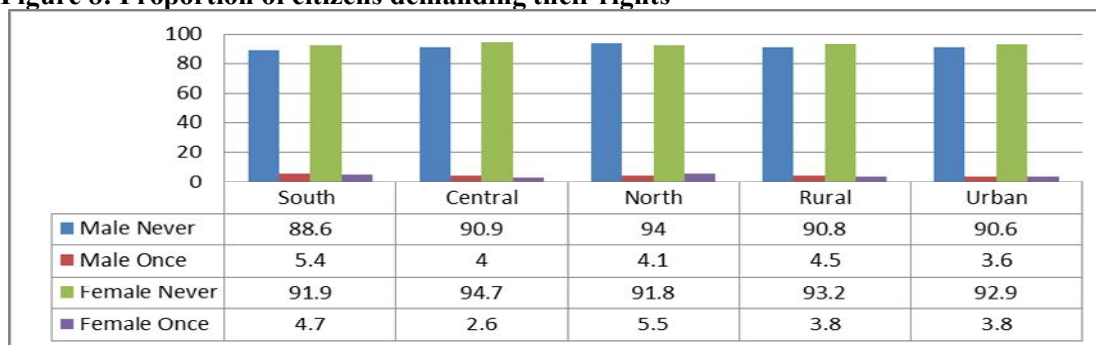


Source: GBV Survey, NSO/UNPFA/UN Women, 2012

##### Demanding rights and reporting violations is inadequate

238. One of the indicators of legal literacy is the capacity of citizens to demand their rights. **In Malawi, the situation is still worrisome because while there is widespread knowledge that rights can be demanded, only a small number is able to actually take action and make demands.** **Figure 9** demonstrates that out of this small number, the gender discrepancy of those who demand their rights varies across the three regions of Malawi. **The contributory factors for the low capacity of both males and females to demand their rights are: lack of knowledge about the content of human rights; the inaccessibility of institutions to which demands can be made; and the public’s confidence in public institutions where demands can be made.**

**Figure 8: Proportion of citizens demanding their rights**



Source: Democratic Accountability Baseline, 2012

239. The Malawi Justice Sector Baseline Survey of 2011 has suggested that in addition to the on-going work of promoting legal and rights awareness, outreach activities and policy interventions must focus on supporting the public to vindicate violated rights by reporting and making claims. This is because over 90 percent of both women and men in Malawi do not report violations due to lack of access to appropriate institutions, lack of confidence in institutions and lack of knowledge.

## J. Women and the Media

### Strategic Objective J1: Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication

#### Progress

240. According to studies by Gender Links, the percentage of women as sources in the media has improved from 2 percent in 2003<sup>23</sup> to 23 percent in 2010.<sup>24</sup> The media, especially the print media, has increasingly been used to profile women. The Nation Newspapers and the Blantyre Newspapers Limited have supplements on gender and women issues in their weekend supplements. The media played a critical role in profiling women in the 2014 Tripartite Elections through the 50:50 women representation campaign, though adverts were still commercial. Most radio stations have programs that target women and that educate the public on gender equality and women empowerment issues. Some radio stations have initiated radio forums in rural areas, where topics on gender and women empowerment are discussed. Most participants in these forums are women. Special phone in radio programs for women are increasingly popular, and with the advent of mobile phones and women, are able to network.

241. The number of women holding senior positions in both print and electronic media has increased over the last two to three years, although no numbers were available. A number of women have assumed senior positions of editor in a number of media outlets both print and electronic. The Nation Newspapers and Blantyre Newspapers Limited, the most popular and biggest media outlets that produce the country's Daily, Weekend and Sunday newspapers, has female editors. Two community radio stations have got female Station Managers while one nationwide popular radio station has a female Bureau Chief and a female Director of News. The owner of the Nation Newspapers is a woman. The

<sup>23</sup> Gender and Media Baseline Study (2003)

<sup>24</sup> Gender and Media Progress Study (2010)



percentage of women as presenters in TV and radio was 46 percent in 2010 (TV presenters 44 percent and Radio Presenters 48 percent).

### *Challenge*

242. Though women participation in the media has slightly improved, it is still unsatisfactory. Female TV reporters were 20 percent while radio reporters were 23 percent. A study done by Gender Links on composition of lectures at institutes of journalism in the SADC countries in 2011 showed that women constituted 29 percent of the teaching staff at Malawi Media Institute.

### **Strategic Objective J2: Promote a balanced and non-stereotyped portrayal of women in the media.**

### *Progress*

243. Gender Links has been building the capacity of media personnel in Malawi by providing training on a regular and/or continuing basis to ensure that both management and lower-level staff are gender responsive/sensitive in their reporting so as to avoid negative or stereotyped portrayal of women in reporting and advertising. The Media Institute of Southern Africa (MISA) Malawi chapter in collaboration with Gender Links has provided training to some journalists in the country on gender responsive and non-stereotyped reporting and advertising. Gender Links has been targeting both management and lower-level staff through the provision of training on a regular and/or continuing basis.
244. Gender Links has worked with 12 media houses in Malawi (out of 61), some of which have developed gender policies and action plans. The Nation Publications Limited has a Gender Policy which was adopted in 2013. The Malawi Institute of Journalism (MIJ), Radio Islam, Trans World Radio, Capital Radio and Joy Radio have gender policies too. However, the percentage of media houses with Gender Policies is small and more work needs to be done to ensure that all the outlets have gender policies. Despite these initiatives, the continued existence of gender stereotyping was recently acknowledged by the Chairperson of the Media Institute of Malawi.

### *Challenges*

245. Only a limited number of media houses that have seriously embraced the gender agenda, resulting in continued stereotyped portrayal of women due to traditional attitudes and male dominance. A contributing factor is that there is limited capacity available locally to offer trainings in gender responsive reporting. Training institutions have been slow to institutionalise this approach so that that all reporters and editors are methodically trained.
246. While it is true that the media has given enough space for coverage of women, it has not capitalised on its competitive advantage to solidly address underlining social factors that perpetuate gender inequalities.
247. The lack of an overall gender policy for the Media Council and the Malawi Communications Regulatory Authority affects the monitoring and data collection of the media gender response. It also does not inspire media houses to develop effective gender policies as a standard approach.

## **K. Women and the environment**

### **Strategic Objective KI: Involve women actively in environmental decision making at all levels**

#### *Progress*

248. The Ministry of Natural Resources and Climate Change Management has been implementing the 50:50 representations of men and women in its Village Natural Resources Management Committees, which are established throughout the country. In terms of participation of women in natural resources activities, the experience of most NGOs working in environment is that between 60 and 90 percent of committee members are women. In the village management committees for water resources and sanitation, women constitute between 30 percent and 50 percent, and they are trained with their male counterparts in the management of the water pumps. Increasingly, women are also participating in conservation agriculture because in addition to increased crop yield, it reduces time spent working on the farm. Women are producing ceramic stoves and honey as a business to sustain their livelihoods.
249. In terms of decision making within the Ministry of Natural Resources and Climate Change Management, one of the two Principal Secretaries is a woman, all the three Directors are men, and there are 13 women Assistant Directors including three Project managers. There are two female regional officers out of three. And of the 23 District Environmental Officers, eight are women. While this is good progress, more effort to achieve gender balance is necessary.

#### *Challenge*

250. The major problem is how to make more men participate in environmental and climate change management activities because in every district, women's participation of women in activities such as tree planting is always in the majority. In addition to mere participation, women also have to be more empowered to participate meaningfully in decision making at community levels as they sometimes tend to relegate leadership positions to men.

### **Strategic Objective K2: Integrate gender concerns and perspectives in policies and programmes for sustainable development**

#### *Progress*

251. There have been efforts to integrate the Ministry of Natural Resources and Climate Change Management in the draft Policy on Climate Change. NGOs like the Centre for Environmental Policy and Advocacy have played a key role. Additionally, the new National Biodiversity Strategy and Action Plan (2012 -2016) is addressing the concerns of vulnerable groups, including women. Under the National Climate Change Programme, a consultancy on Gender and Climate Change has just been finalised.
252. Malawi is implementing the Millennium Challenge Corporation (MCC) Compact on Energy, which has a strong component on environmental management in the Middle and Upper Shire Districts. The Compact has a full time gender expert at directorate level. Environment and Natural Resources Action Plan for the Compact has integrated gender and a gender expert was involved throughout to provide the needed expertise according to the requirements of the MCC's Gender Policy. Besides, in 2014, all staff within MCA

Malawi were trained in gender and social assessment in order to enhance their capacity. The Compact also has a Social and Gender Integration Plan (2013).

253. Baseline Surveys on the environment that were done in 2010 to 2013 looked at the gender issues in the geographical areas concerned and recommended appropriate actions to be incorporated in the plans. The National Water Development Programme has a Gender Specialist who ensures that gender concerns are being integrated in the programme activities at all levels.

#### *Challenges*

254. The MDGS II does not have gender specific strategies and indicators related to natural resource and climate change management. This implies that existing efforts to mainstream gender are ad hoc and the Ministry has no precise obligation to report on the realisation of gender related obligations under the MDGS II.
255. Most of the policies and the legal frameworks in the environment sector are outdated, dating back to the 1990s- The Environment Management Act (1996), National Environmental Policy 2004, National Environment Action Plan, 1994, National Forestry Policy, 1996 and National Forestry Act 1997. Most of these did not adequately integrate gender concerns as their idea of gender mainstreaming has been limited to women's participation in committees.
256. Malawi's population is growing at a very fast rate and it is estimated that by 2040 the population will have trebled from the current estimate of around 14 million. Due to this development, people are cultivating every available space and cutting trees for fuel, thereby causing a lot of environmental degradation. The power sector is the hardest hit as Malawi gets almost 99 percent of its electricity from hydro plants that are placed on one river, the Shire Rive. Due to upstream poor land management the hydro plants head ponds are full with sedimentation. The people who suffer most are the women as they have to walk long distances to get water and firewood.

### **Strategic Objective K3: Strengthen or establish mechanisms at the national, regional and international level to assess the impact of development and environmental policies on women**

#### *Progress*

257. Malawi is a Member of COMESA, and actively participates in and benefits from the research that they body undertakes in the areas of interest to the its members. COMESA undertook a baseline study on climate change, with a special chapter on gender. This study has the potential to benefit Malawi in the design of appropriate interventions.
258. At national level, there are Technical Committees such the Climate Change, Climate Adaptation for Rural Livelihoods and Agriculture (CARLA) project and the Environment and Natural Resources Management project which monitor the impacts of development initiatives such as irrigation programs, farmers land management practices and forestry management.

#### *Challenges*

259. Lack of technical know-how in gender mainstreaming among most staff within the responsible Ministry is a bottleneck that affects policy formulation, programme

implementation, and the depth of gender integration in environmental and social impact assessments. With emerging industries like extractives, the need for sound gender programming within the Ministry has become even more urgent.

## **L. The Girl Child**

### **Strategic Objective L1: Eliminate all forms of discrimination against the girl-child**

#### *Progress*

260. Most of the laws that are explained in **Annexure 1** can protect girl children from exploitation, abuse and discrimination. These include the Child Care (Protection and Justice) Act of (2010); the Deceased Estates (Wills, Inheritance and Protection) Act of 2011 and the Gender Equality Act of 2013. The Youth Policy (2013) is also an important catalyst for addressing discrimination against girls.
261. The Keeping Girls in School project funded by DFID is also an intervention towards eliminating discrimination against girls. This will be better supported by the Education Act of 2013, which makes primary education compulsory. The Gender Equality Act of 2013 has also emphasised on quotas in the enrollment of students at tertiary level.
262. Considering that acute poverty can be a source of discrimination, a Social Cash Transfer program is being implemented to provide social support to ultra poor or labour constraint families and vulnerable children. In May 2014, there were 118 female child headed households against 89 male child headed households beneficiaries.

### **Strategic Objective L2: Eliminate negative cultural attitudes and practices against girls**

#### *Progress*

263. The UN Joint Programme on Adolescent Girls that has been funded by the Royal Norwegian Embassy since around 2011 has helped to address girls' sexual and reproductive health, economic empowerment, and leadership through multiple strategies, including by giving out secondary school scholarships as an incentive to keep girls out of early marriage in Chikwawa and Mangochi districts. NGOs like FAWEMA have intensified their promotion of the rights of the girl child and girls that have been forced into marriage are being withdrawn, rehabilitated and sent back to school. In 2013, three girls in Mangochi district were withdrawn from marriages and returned to school after counseling and the provision of other support. Community action programs to change cultural attitudes and practices which impact negatively on children especially the girl child such as 'Journey of Life' and 'Communication for Development' are being implemented.
264. A programme on Women, Girls HIV and AIDS (2006-2011) implemented by the Ministry of Gender and its partners resulted in the modification and elimination of some cultural practices that predispose women and girls to HIV infection such as assigning a virgin girl for sexual entertainment during a chief's tour of his area; pledging girls as security for debt repayment, and 'community sexual parties.' Sexual cleansing rituals associated with initiation ceremonies were modified or eliminated in some districts. Even the National HIV and AIDS Strategic Plan (2011-2016) intends to address harmful practices that drive the HIV epidemic in the country.

### *Challenges*

265. Child marriages, sometimes due to poverty, are problematic but laws are weak. In Malawi, about 50 percent of adolescents get married by 18 years. The 2010 MDHS also exposed that one in every four teenagers (26 percent) of 15-19 years would have begun child bearing. Those with no education are worse off (45 percent compared to 4 percent of those with more than secondary education). The 2008 housing and population census established that girls that were marrying between 15-19 years outnumbered their male counterparts by seven times. The Constitution allows marriages of those aged 15 years old with parental consent, and the Child Care (Justice and Protection) Act only outlaws practices like child betrothal and forced marriages. However, it does not necessarily prohibit child marriages broadly, i.e. where a 14-15 year old is getting married voluntarily with parental consent. Child marriage has negative health outcomes, including child mortality, maternal mortality, fistula and domestic violence.
266. Cultural attitudes are not easy to eliminate, and there is the need to enhance efforts and replicate/adapt effective approaches that have been tested and tried. Unfortunately, most good interventions are implemented at a very low scale.

### **Strategic Objective L3: Promote and protect the rights of the girl-child and increase awareness of her needs and potential**

#### *Progress*

267. The Child Care (Protection and Justice) Act of 2010 provides for reporting of any violation of child rights. During commemorations of the Day of the African Child and the Day of the Girl Child, communities are routinely sensitised on the rights of children and responsibilities of parents.
268. The school life skills programme promotes child rights and responsibilities, including the rights of the girl child. The right of the child to education has received more coverage than any other child rights and increasingly communities are making by-laws to make parents send their children, particularly the girl child, to school.

#### *Challenge*

269. Socialisation continues to affect negative perceptions and values about the girl child, which means she is still brought up as of inferior status thus hindering her potential.

### **Strategic Objective L4: Eliminate discrimination against girls in education, skills development and training**

#### *Progress*

270. The Gender Equality Act (2013) has taken decisive action against sex discrimination in matters of training and education. And realising the various obstacles that hinder the girl child from accessing education, remaining in school and performing, the Ministry of Education has incorporated gender perspective in the policies and also is implementing affirmative action interventions to promote the education of the girl child.

#### *Challenge*

271. Eliminating discrimination against girls in education, skills development in trainings through legal measures is an important step, but this measure cannot succeed without transforming attitudes at community and institutional levels. More still needs to be done

to build a culture where decision makers at these levels are able to fully support the need to open up more opportunities to girls, including those with disabilities. The costing, funding and implementation of the Gender Equality Act is vital to this purpose.

### **Strategic Objective L5: Eliminate discrimination against girls in health and nutrition**

#### *Progress*

272. A comprehensive National School and Nutrition Strategic Plan (2009-2018) is being implemented to promote the provision of both nutrition and health services in schools. A National Nutrition Education and Communication Strategy (2011-2016) is also in place and a lot of educational materials have been developed for use by various stakeholders. The School Health and Nutrition program is reaching more than 50 percent of the schools. Through this programme one meal a day, vitamin A supplements, de-worming, water and sanitation are provided. The Early Childhood Development Centres, coordinated by the Ministry of Gender, Children, Disability, and Social Welfare, provide meals, health growth monitoring, and micronutrient supplements to the children. By 2013 stunting in the under-five population had improved from 48.7 percent (in 2004) to 34.3 percent.

#### *Challenges*

273. Malawi has been implementing a Youth Friendly Health Services (YFHS) initiative since 2007. A detailed evaluation was done in 2014, which revealed that knowledge of where to get YFHS was 24.5 percent for males and 23.8 percent for females. Contraceptives (44.7 percent) and HIV testing and counseling (32.9 percent) are the highest sought services by the youth. However, the evaluation found that girls were not comfortable to visit YFHS site due to judgmental attitudes of service providers and misconceptions that only married people can access contraceptives, among other factors.
274. Access to health services for girls is still a challenge as evidenced by Malawi's high adolescent fertility rate. In addition, the lack of gender disaggregated data limits the understanding of the real issues affecting girls' health in order to strategically develop targeted programmes.

### **Strategic Objective L6: Eliminate the economic exploitation of child labor and protect young girls at work**

#### *Progress*

275. The Employment Act (Cap:55:02) (Prohibition of Hazardous Work For Children) Order of 2012 gives appropriate conditions under which a child at age 14 may work including being supervised by an adult of the same sex. The list of Hazardous work in the Act includes entertainment and tourism industries where girls are sexually exploited. A child labour policy is being developed.
276. A National Child Labour Action Plan for Malawi (2010 – 2016) was developed. It seeks to eliminate the worst forms of child labour by 2016. Information Education and Communication (IEC) materials have been developed and are being used. A National Committee on Child labour was established, as well as district and community committees. The job of Labour Inspectors includes withdrawing of the child from child labour. The child is rehabilitated and then sent back to school. Since 2009, 2,561 girls and 2,950 boys have been withdrawn from child labour.

### *Challenge*

277. In its initiatives, the government is focusing more in the districts where estate farming is done at a larger scale, thereby neglecting such girl children that are in domestic services or those that are being sexually exploited. Fortunately, Theatre for a Change is working with the latter group in some areas.
278. There are gaps in the effective implementation of programmes with clear monitoring frameworks that allow for the collection of sex and gender disaggregated data; and that enhance the enforcement of existing laws towards addressing some aspects of child labour. Elaborate educational programmes for families and communities on the relevant laws need attention.

### **Strategic Objective L7: Eradicate violence against the girl-child**

#### *Progress*

279. Malawi undertook a survey on Violence against Children in 2013 and became one of five countries in Africa that have undertaken such a survey. Undertaken by the Ministry responsible for children and gender affairs, the study revealed that about 20 percent of girls experience sexual abuse as a child (compared to 14 percent for boys). The perpetrators of sexual violence on girls are intimate partners and older friends. Knowledge among girls on where to get help after suffering from sexual violence is low at less 25 percent. About 20 percent of young women believe it is sometimes acceptable for a husband to beat a wife.
280. NGOs continuously undertake campaigns and outreach programs on violence against children, and IEC materials have been produced. Children have marched to protest against the violence that they experience. Child Protection Workers have been engaged from 2009 to protect children and provide guidance to parents whose children show signs of being abused, among other functions. The Police Service provides services in its outreach programs and VSUs. Some communities are making by-laws to eliminate early marriages which are a form of violence against the girl child.

#### *Challenge*

281. Though the Child Care (Protection and Justice) Act of 2010 mandates parents to protect the child from violence, abuse and exploitation, the dissemination of the Act to communities and homes still remains a challenge.

### **Strategic Objective L8: Promote the girl-child's awareness of and participation in social, economic and political life**

#### *Progress*

282. Malawi with support from UNICEF implements Child Parliament forums once a year. Two such forums have been implemented in the past few years. The National Assembly hosts the forums. The purpose of the programme is to expose the children to the political process. Both female and male children participate in these forums. The composition of the actors in such forums is 50 percent girls and 50 percent boys. Similar forums are held at district and community levels. Further, schools conduct education visits to Parliament, either on their own or by invitation from the Member of Parliament from their constituency, to observe Parliament in session. The curriculum in education promotes

cultural and social activities and schools are expected to hold open days, which give the opportunity for the learners to interact with the community.

#### *Challenge*

283. The National Gender Machinery has not taken adequate efforts to help ministries and institutions to develop sector specific gender mainstreaming guidelines that comprehensively address issues relating to the girl child, including through the routine collection of sex and gender disaggregated data.

### **Strategic Objective L9: Strengthen the role of the family in improving the status of the girl-child**

#### *Progress*

284. Child Protection Workers under the Ministry of Gender who supervise the Child Care Providers of the Community Based Child Centres (CBCCs) also support children that may need parental help. The Ministry has teamed up with Pan African Network on Parenting to open up a Malawi Chapter to start addressing issues of parenting more seriously. The Chapter was launched in July 2014.

285. An Organisation called Youth Network and Counseling is working with teen mothers on how they can be good mothers. Traditionally older mothers do provide young mothers with information on good parenting including breast feeding and hygiene. However, there is need for concerted effort to promote and support the role of the family in improving the status of the girl child by providing skills and knowledge to the traditional counselors so that they do not reinforce approaches that make the girl child subservient.

286. The provision of the Social Cash Transfer is also one way in which the family is being strengthened in its role to provide for the child.

287. As for existing laws, the Child Care (Protection and Justice Act) of 2010 states the roles of the parent (family) in the upbringing of the child irrespective of whether the child is a boy or a girl. The Deceased Estates (Wills, Inheritance and Protection) Act does not discriminate against girls in inheritance matters, and empowers parents to make Wills.

#### *Challenge*

288. Civic education programmes by NGOs to promote responsibilities of families towards the girl child are limited, irregular and lack comprehensive geographical coverage.

### **General challenges related to the girl child**

289. Poverty and cultural practices are the most challenging vices to the protection of children and the girl child. Dependence on social support is another challenge especially where economic opportunities are hard to come by. The erosion of family values due to influx of information and substance abuse are critical areas that need attention. Parent education is also very critical area that needs urgent attention. Increased funding to programmes that target the family is good investment even for poverty reduction.

290. Knowledge and access to the law is very limited due to illiteracy levels among women and girls. For those who access the law the justice system is slow that they may just give up. Attempts by the Women Lawyers Association to provide legal services to such women and girls are being made but women lawyers are too few. Legal aid services where women and girls can get free government legal help are yet to filter to rural areas.



## SECTION 3: DATA AND STATISTICS

### 3.1 Core set of national indicators for monitoring progress in gender equality

280. In 2009, the Ministry of Gender in collaboration with the National Statistics Office (NSO) developed a set of core indicators for measuring progress in gender equality and women empowerment as shown in the Annex. These indicators were an adaptation of the African Gender and Development Index (AGDI) which is designed to measure the gap in Africa between women and girls on one hand and men and boys on the other hand. The AGDI consists of two parts, a Gender Status Index (GSI) and African Women's Progress Scorecard (AWPS). The AGDI is a measure that takes into account African Charters and documents on gender and women empowerment. It also identifies gender gaps in selected power blocks.
281. The Malawi Gender and Development Index (MGDI) provides quantitative assessments of gender equality in the political, economic and social areas and qualitative measure of performance in implementation of policies, conventions and protocols. As **Annexure 4** illustrates, the quantitative measure has three blocks of power namely social power (education and health), political power (decision making in public, private and civil society) and economic power (employment and businesses). Using these indicators it was revealed that the overall gender equality status was at 0.621, with the social power index giving the highest score of 0.939 in 2011. The Political Power being the least at 0.230 and the Economic Power Index at 0.694. This therefore shows that Malawi has done relatively well in the social and economic areas but needs to work hard in the political arena.
282. The second component of the MGDI deals with qualitative aspects of gender equality and women empowerment. It is a Scoreboard which measures government policy performance, ratification of international instruments and implementation of policies in line with the international instruments. The responsibility to collect the data rests with the Ministry of Gender in collaboration with the National Statistics Office. However, there is a weak strategy of routinely gathering data from all sectors to feed into this process.
283. The MGDI is limited and should be treated as a starting point for Malawi and it therefore will need to be improved upon to take on equally other important areas such as GBV and other key sector indicators. For now, the indicators are not comprehensive enough as they leave out many sectors that are prioritised in the MGDS II without holding them accountable for their gender response.

### 3.2 Status of data collection and compilation based on Minimum set of Gender indicators of UN Statistical Commission of 2013

284. Malawi has not yet started using the Minimum set of Gender Indicators agreed by the UN Statistical Commission in 2013, including the nine indicators on VAW. However since the government has taken the initiative to develop the core indicators on gender equality and women empowerment, the Ministry of Gender will work to incorporate the UN indicators. The NGM does not have a data base yet, but this is currently work in progress. Generally, there is an urgent need to develop a system of data collection from other

stakeholders to feed into the gender data base when it is developed. Information on gender is scattered and is hard to come by.

285. Issues of disability were under a separate Ministry but with effect from July 2014, they have been moved to the Ministry of Gender. It will therefore be easier to incorporate indicators on disability in the core indicators. Malawi has a National AIDS Commission which has the full mandate over the issues of HIV and AIDS. The Commission has a monitoring framework, but needs to strengthen aspects of sex and gender disaggregated data.

## SECTION 4: EMERGING PRIORITIES

### 4.1 Key priorities for action for gender equality and women empowerment for Malawi

286. The following are some of the key priority areas that Malawi should work on during the next three to five years to accelerate the implementation of the BPFA:

- a) Implementing the approved structure for the **National Gender Machinery and building capacity of the various levels of personnel is a priority.** Government approved the creation of positions for the Ministry of Gender as one way of strengthening the National Gender Machinery. Implementation of the structure is a priority because it will facilitate, among other things, the development of a national M&E framework, data base and review of the core indicators to incorporate the two sets of UN indicators, and lobbying for increased resource allocation for gender and women empowerment. This process will make the National Gender Machinery visible and able to coordinate gender issues with the sectors outside the Gender Sector Working Group and Technical Working Group.
- b) Despite the setback in the 50:50 campaign, the initiative deserves continued support and implementation. There will be need to first review what happened and draw lessons from the experience in order identify successes and challenges. Then renewed strategies will have to be drawn, including lobbying for the enactment of quota laws to accelerate women's representation in executive positions of political parties and elections.
- c) The mainstreaming of gender responsive budgeting in the public sector is another emerging priority for Malawi. **The Ministry of Finance and Economic Planning needs to be lobbied to make gender budgeting conditionality in both the development and recurrent budgets. In particular, the Ministry of Finance should be strengthened to lead these initiatives in close collaboration with the Ministry responsible for gender.**
- d) Following up on and lobbying for the approval/enactment of critical gender related policies and Bills that have not been lying idle for a long time is necessary.
- e) The full implementation of gender related laws, policies and strategies requires that they be costed, funded, enforced and monitored. The Ministry responsible for gender and the Malawi Human Rights Commission should be supported and strengthened to be able to coordinate these roles where applicable. The comprehensive implementation and enforcement of the Gender Equality Act is a priority in order to improve appointments of women in the public service and increase education opportunities.
- f) Since piecemeal interventions cannot achieve maximum impact, programming and funding has to focus more towards the development of women empowerment and gender equality programmes of nationwide coverage or full district coverage in cases of resource limitations.
- g) **In order to accelerate the promotion of gender equality in all sectors, there is need to make gender mainstreaming a compulsory and examinable course for all learners in all colleges/universities.** Considering that planners in all government Ministries and

Departments are primarily economists, there is particular need to ensure that these are trained in gender mainstreaming/gender responsive budgeting right at tertiary level.

- h) The full implementation of the 2014 gender assessment of the national HIV response will help in addressing the widening HIV prevalence gap between men and women, as well as the systematic implementation of gender transformative programming in the national response so that HIV resources can fully work for women and girls.
- i) Strengthening the capacity of the Ministry of Trade and Industry is essential for the development of gender responsive laws, policies strategies and programmes that empower women entrepreneurs, including through the creation of a special fund for women specific credit facilities.
- j) With an emerging extractives industry, there is urgent need to understand and fully address issues affecting different groups of women in this industry. Prioritising this area will mean that women in Malawi will be able to establish themselves as critical players and beneficiaries in the industry before it becomes another ‘male domain.’
- k) **Malawi needs to work on making it mandatory for all sectors to consistently produce sex and gender disaggregated data since this is the best way to guide evidence based programming for gender equality and women’s development.**

#### **4.2 Malawi’s priorities and recommendations in the current discussion on sustainable development goals and the post 2015 development agenda**

287. Malawi considers and recommends the following to form part of the discussion on the global agenda for sustainable development:

- a) Promoting education of the girl child is key priority for Malawi. The MAF identified that education is the key to breaking all the barriers to achieving gender equality in the long run. The Ministry of Education has already developed a National Strategy for Girls’ Education (2014-117) whose vision is to make all girls access, participate in, complete and excel at all levels of education. Its implementation is a matter of priority. Implementation of Compulsory Primary Education is a priority that even helps to accelerate the implementation of the strategy. The Ministry and its partners will engage into lobbying for Compulsory Primary Education. Some Traditional Authorities are already making By-Laws to ensure that no child of school going age stays at home.
- b) Gender Based Violence needs international and national collaboration and support. GBV affects women especially sexual violence which has more complex implications for women. Their sexual rights are violated, their dignity is lost, they are subjected to stigma and discrimination, and they are at risk of contracting sexually transmitted infections including HIV. The gender gap in HIV prevalence rate in Malawi is widening between men and women with the rate for women being on the high side. The link between HIV and AIDS has been established internationally and Malawi cannot succeed in arresting the situation without international support.
- c) Women with disabilities have generally been invisible from the women’s rights agenda. Yet, solutions that fit ordinary women do not automatically suit them. The women’s rights movement therefore needs to pay close attention to this group if it is to remain relevant.

## ANNEX

### Annexure 1: Gender related laws that have been enacted in Malawi 2006-2013

Act	Comment
Prevention of Domestic Violence Act of 2006	It offers civil protection for people within a domestic relationship.
Child Care (Justice and Protection) Act of 2010	It outlaws child betrothal, forced child marriage, and harmful practices against children. However, it does not out-rightly prohibit any form of child marriage, forced or otherwise.
Criminal Procedure and Evidence Code of 2010	It has introduced a provision relating to the handling of survivors of sexual violence during court proceedings, especially as they give evidence.
Deceased Estates (Wills, Inheritance and Protection) Act of 2011	It repealed a discriminatory Wills and Inheritance Act of 1967, and prioritises the nuclear family in inheritance.
Penal Code (Amendment Act) of 2011	It upgrades the age of defilement to 16 years. It also introduces provisions that protect children from sexual exploitation. However, it confers weak protections for women in sex work. Also, it does not criminalise marital rape.
Gender Equality Act of 2013	It outlaws sex discrimination, harmful practices, sexual harassment, and discrimination in public service appointments and education opportunities. It also protects the right to sexual and reproductive health.

### Annexure 2: Policies/strategic documents addressing gender equality & women's human rights

Policy/strategic document	Status	Comment
National Platform for Action (1997)	Expired.	This was developed as a follow up to the Beijing Conference. It was later translated into the National Gender Policy of 2000.
National Gender Policy (2000)	Expired and revised.	Revised policy was completed in 2012 but hasn't been adopted.
National Gender Programme (2004-2009)	Expired.	The programme was the vehicle for operationalising the National Gender Policy. However, it had a very weak monitoring framework, which made it difficult to coordinate and track its implementation by different sectors.
Gender Mainstreaming Guidelines (2005)	Applicable but generic.	It is expected that the guidelines can inspire sectors to develop their own gender mainstreaming guidelines, which in practice has not adequately been achieved.
National	Expired and under	One of the weaknesses of the expired strategy was

Response to Combat Gender Based Violence (2008-2013)	revision.	sectors were not adequately guided on how they could contribute to its implementation, and it the linkage between GBV and HIV programming was very loose.
National Sexual and Reproductive Health and Rights Policy (2009)	Replaced the National Reproductive Health Policy of 2002.	It provides a rights based framework for the promotion of SRH rights.
National HIV Policy (2003)	Expired and revised.	It emphatically sought to protect women and girls as part of the vulnerable groups in the HIV response, and had particular provisions for them, including in the context of widowhood, harmful practices etc.
National HIV Policy (2013)	Applicable	Its gender related provisions are not expansive when compared to the 2003 Policy. The expectation is that more content will be provided through strategic actions that are lined up in the operationalising document, the National HIV and AIDS Strategic Plan.
National HIV and AIDS Strategic Plan (2011-2016)	Applicable and under mid-term review.	It has some strategic actions that address gender aspects of the epidemic, including multiple concurrent partnerships, intergenerational sex, PMTCT, sex workers, sexual assault and harmful practices. It also intends to apply the National Gender Policy as part of its strategic actions, as well as advocate for the enactment of laws to punish GBV. However, it has excluded women and girls from the category of 'vulnerable groups' in the HIV response and strategies that relate to this group are not very coherent in order to guide a systematic gender transformative HIV response.
Malawi Growth and Development Strategy II (2011-2016)	Applicable, and will be operational from 2011 to 2016.	Unlike its predecessor, the MDGS II has more solid strategies aimed at reducing gender inequalities under the thematic area of gender. These include promoting women entrepreneurship and involvement in cooperatives; promoting equal access to appropriate technologies and micro-finance schemes; advocating for affirmative action to increase representation of women in politics and decision making positions; strengthening gender based violence (GBV) service delivery systems; strengthening legal and regulatory framework; and mainstreaming gender at all levels. However, a concern is that gendered strategies are not specifically part of most key priority areas, with the expectation that the issue will be mainstreamed during sectoral planning and implementation. Experience suggests that the mainstreaming approach is not practical given the low level of relevant skills by sectoral managers and planners.
Joint Sector Strategic Plan of	Developed as an implementation	It has been developed to guide sectors that have a mandate over issues related to women, children and

the Gender, Children, Youth and Sports Sector Working Group	framework for the Gender, Children, Youth and Sports Sector Working Group.	youth. It proposes strategic actions related to economic empowerment, gender based violence and HIV, amongst others.
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### Annexure 3: Laws that are yet to be enacted by Parliament

Act	Status	Comment
Citizenship Act (Chapter 15: 01)	Requires review	It strips women of citizenship on first anniversary of marriage with a foreign man if they do not renounce a husband's citizenship. Male counterparts are not given similar treatment.
Law on political quotas	Proposed amendment laws were developed by the Malawi Law Commission in 2011, but are yet to be developed into a Government Bill.	The proposed law imposes quotas in executive positions of political parties and their candidates' lists so that they are a minimum of 40 percent and a maximum of 60 percent for one sex.
Law on customary land management	Proposed law was referred to the Legal Affairs Committee of Parliament in 2013	Parliament did not pass the Bill that was submitted before it because of concerns about the erosion of powers of chiefs over land, as well as the protection of women's rights. the Legal Affairs Committee of Parliament was given the mandate to re-scrutinise the Bill and make appropriate recommendations.
Law on marriage and family relations	Proposed law has been ever been discussed by Cabinet, but process has stalled since it needs to be reviewed, i.e. in relation to age of marriage.	When initially drafted by the Malawi Law Commission, the proposed law outlawed polygamy. However, this provision was later removed from the Government Bill due to resistance by faith groups that practice polygamy.
Law on HIV	Proposed law has been developed into a Government Bill but is yet to be submitted to Parliament.	The Bill was first developed as the HIV and AIDS (Protection and Management) Bill of 2013. It contained some provisions that directly safeguarded women's rights, including in relation to access to information and health services like post exposure prophylaxis. It also excluded provisions related to mandatory testing, including of domestic servants, people entering polygamous unions and commercial sex workers as had been proposed by the Malawi Law Commission. However, some stakeholders disagree with the removal of provisions mandating the compulsory testing of sex workers, amongst other issues. To avoid an impasse, the title of the Bill has been reworded to 'HIV and AIDS Management Bill of 2013' and the intention is to submit it to Parliament as soon as possible. However, this new Bill has removed

		all ‘protection’ clauses from the proposed legislation, thereby effectively weakening the HIV response for women. It is argued that the provisions can later be inserted back into the law when all controversies are cleared. However, this is not comforting since the timeline for achieving this is not guaranteed. Yet, for women and girls, HIV protection is one of the most important aspects of the response.
Law on abortion	Special Law Commission to review the restrictive legal grounds of abortion was set up in 2013.	This is still work in progress, and information is yet to be shared on whether the review process will focus on amending the restrictive abortion provisions in the Penal Code, or whether the focus will be on developing a new statute. Its worthy noting that abortion law reform is a controversial topic.
Penal Code (Chapter 7:01)	Was partly reviewed in 2011, including by adding provisions that would trump on rights of some segments of women.	It continues to criminalise aspects of sex work, and in 2011, introduced a new provision criminalising lesbian conduct (in addition to existing provision criminalising gay behaviour).
Constitution (Amendment) Act	Proposed a revision of the age of marriage in 2013, but the Bill was not assented to by the President	It sought to increase marriageable age with consent from 15 to 16 years old. However, child activists argued that this age was still too low, and advocated that the President should not sign the Bill. This has therefore created an impasse whereby the Constitutional (Amendment) Bill has not been resubmitted to Parliament with a higher marriageable age, while the law that allows marriage at 15 years with consent still applies.
Law against human trafficking	Proposed law was developed by the Malawi Law Commission in 2011.	Process to submit this proposed law before Parliament is being delayed by bureaucratic processes despite evidence that Malawi has been reported by the U.S. Government as one of the countries where the number of victims of severe trafficking is significant or increasing.



### Annexure 4: Malawi Gender Indicators

#### Gender Status Indicators by component and sub component

Block	Component	Sub-Component	Indicator	Data			
				Women	Men	Indicator	
Social Power Capabilities	Education	Enrolment	Primary enrolment rate				
			Secondary Enrol. rate				
			Tertiary Enrol. rate				
			Primary dropout ratio				
			Secondary dropout ratio				
		Literacy	Ability to read and write				
			Primary Sch. completion				
	Health	Child Health	Stunting under 3				
			Underweight under 3				
			Mortality under 5				
				Life Expectancy at birth			
				HIV prevalence			
			Time spent at work				
Economic Power	Income	Wages	Wages in agriculture				
			Wages in civil service				
			Wages in formal sector (pub & pri)				
			Wages in Informal Sect.				
		Income	Income Inform Enterp.				
			Income SAHH enterp.				
			Income from remittances and inter household transfers				
	Time Use	Time use	Time spent on I market economic activities (as paid employee, own account or employer)				
			Time spent in non market economic activities or as unpaid family worker in market activities				
			Time spent in domestic care and volunteer activities				
		Employment	Share of paid employee, own account workers and				

	Access to resources	Means of production	employers in total employment					
			Ownership of rural/urban plots/house or land					
			Access to credit					
		Management	Freedom to dispose of own income					
			Employers					
			High civil servants (P1-P4)					
			Members of professional syndicates					
		Administrative, scientific, and technical						
		Political Power	Public Sector		Members of Parliament			
					Cabinet ministers			
High court judges								
Members of local councils Higher positions in civil service								
Civil Society	Senior positions in		Political parties					
			Trade Unions					
			Employers' Associations Professional syndicate					
	Heads off management of NGOs							
	Heads of community based associations or unions							

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