



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

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**Responses to the list of issues and questions with regard to
the consideration of the sixth periodic report**

Malawi *

* The present report is being issued without formal editing.

MALAWI'S SIXTH CEDAW REPORT: RESPONSES TO RAISED ISSUES

General

1: Ministry of Gender, Children and Community Development undertook a very consultative approach to this report production. Most relevant stakeholders including various government departments, District Assemblies, Women's rights organizations particularly NGO-Gender Coordination Network and Women Legal Resources Centre and the academia were given a questionnaire to respond to and held one to one interviews with them which informed the draft report. Further, a stakeholders workshop was conducted where the draft report was discussed among all stakeholders including the aforementioned Women's Rights Organisations and a further task force was put in place to vet the report and Women's Legal Resource centre was a member. All these initiatives informed the final report.

2: The Government of Malawi through the Ministry of Gender, Children and Community Development is very committed to the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women. In this respect, it has taken advanced steps in terms of ensuring that data disaggregated by sex is available. The Ministry with support from UNFPA trained Staff from National Statistics office on Gender statistics in order to build capacity of this department for the production of survey or census reports which have data disaggregated by sex. The Just released (November 2009) Population and Housing census has produced data of which most of the issues are disaggregated by sex. The Ministry has also engaged the National

Statistical Office with support from DFID to produce the Malawi Gender and Development Index (MGDI) report which will be out very soon. The MGDI will produce data and information on the status of gender equality and the effects of gender policies in reducing women's marginalization. Further the MGDI will help in monitoring the progress made in the implementation of the international and regional conventions, protocols and declarations in quantitative and qualitative terms. It will also provide planners and NGO's with a monitoring tool.

The Ministry has developed standard monitoring and evaluation tools to assist in collection of information which is disaggregated by sex. For instance, on the National Programme for Women, Girls and HIV and AIDS, a number of indicators have been developed to collect data disaggregated by sex, i.e. number of officers trained in gender and HIV and AIDS at National and District level by sex, percentage of Peer educators trained in gender HIV/AIDS issues by sex, percentage of teachers trained in giving career guidance and sexual reproductive health counseling in school by sex. Some of the indicators will be capturing comparable information between men and women on issues of access to credit, economic empowerment and adult literacy. These tools will be distributed to all District Assemblies and partners all over the country who are implementing interventions related to issues under the mandate of the Ministry. District Officers have already been trained on these Monitoring and Evaluation tools and during these trainings, it was being emphasized that there is need to collect data disaggregated by sex. It is expected that when these tools will be formally in use, information disaggregated by sex will be readily available.

Constitutional, legislative and institutional framework and status of the Convention

3: The process to enact bills is cumbersome. As much as the Law Commission has been very robust in reviews and development of new legislations like Gender Equality statute. Parliament set their own priorities so it's difficult to push on the passing of the Bills. Guiding Document is the Malawi Growth and Development Strategy (MGDS) which guides government priorities. It is anticipated, however, that the Deceased Estates Bill and the Marriage, Divorce and Family Relations Bill will be presented for enactment at the next sitting of Parliament after Cabinet approval in 2010. (N.B. Question 26. is answered by this response to question 3).

4: The Malawi Law Commission has developed one Gender Equality Bill. This was the third Bill Developed as part of a three phase Gender-Related Law Reform Programme initiated in 2001 to conduct a review of the laws of Malawi in accordance with Government's policy to promote gender equality and the empowerment of women in all spheres of life in Malawi.

The Gender Equality Bill covers 5 thematic areas, namely:

- (i) Prohibition of harmful (social or cultural) practices;
- (ii) Participation of women in all spheres of life;
- (iii) Health;
- (iv) Education and training; and
- (v) Dignity including sexual harassment

As discrimination is the main theme running through all the 5 thematic areas addressed in Bill,

“**Discrimination**” has been defined, with reference to the definition in the convention, as follows:

“**Discrimination**” means any distinction, exclusion or restriction made on the basis of sex which has

the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by either men

and women, of human rights and fundamental freedoms in the political, economic, social, cultural,

civil or any other field;

The Gender Equality Bill is pending publications in the Government *Gazette Extraordinary*. . The Bill should however be presented to Parliament for enactment after publication and cabinet approval, hopefully by end 2010.

Issue: 5

CASE STATISTICS DISCRIMINATION AGAINST WOMEN FROM 2007 TO JUNE 2009 by Malawi Human Rights Commission

Category of Rights	Received Cases	Cases under Investigations	Advised Cases	ADR	Referred Cases	Cases Under Legal Actions	Resolved Cases

Labour issues	18	1	6		6	1	4
Family & Marriage issues	22	5	8	1	2	1	5
Access of justice	18	5	5		3		5
Education issues	6	1	2		1		2
Land issues	4	2	2				
Political issues	2		1				1
TOTAL	70	14	24	1	12	2	17

6: Ministry of Gender in collaboration with Ministry of Justice, NGOGCN/WLSA with support from UNFPA has been training judicial officers, legislatures and prosecutors on the CEDAW and gender related legislations in Malawi

National Machinery for the advancement of women

7: The revised National Gender policy is at cabinet level waiting for approval. Necessary lobbying has been done. However the mandate to put it on the agenda rests with the cabinet.

Stereotypes, cultural practices

8: Gender Equality Bill (refer to Law Commission response under 17)

Violence against women

9: The Prevention of Domestic Violence Act (PDVA) is fully operational. Statistics is there, on women that have benefited from the piece of legislation especially being granted protection orders. The review that is going on is to clear the small hitches that are there to ensure that the piece of legislation provide maximum legal support to the survivors of Domestic violence. In view of this, The Ministry of Gender, Children and Community Development has been able to source funds for the review of the Prevention of Domestic Violence Act. The Law Commission has started the review process of the Act so that the gaps are addressed. The process will cost \$80,000 and will take about six months.

The Ministry of Gender, Children and Community Development with support from development partners and NGOs printed over 5,000 copies of the Prevention of Domestic Violence Act in English and two other main local languages and distributed to the District Assemblies and NGOs. The total cost was \$14,300. The Ministry and its partners (NGOGCN, WLSA, Malawi Human Rights Resource Centre etc, has trained Enforcement Officers, Judges, Magistrates and prosecutors on the new piece of legislation..

NGO-Gender network has produced a training manual for the PDVA to ensure effective training of the law enforcers. Reproductive Health Unit have developed Rape management guidelines and they have also provided awareness and capacity building to some health personnel and police on how the health personnel and police can provide collaboration support to the survivors of GBV.

Trafficking and exploitation of prostitution

10: The Trafficking Bill is pending publication in the Government Gazette Extraordinary. The Bill should however be presented to Parliament for enactment after cabinet approval in 2010.

11: There is no readily available statistics on this.

Political participation and participation in public life

12: After the launch of the National Programme on increasing women participation in politics (50:50 campaign) the Ministry of Gender in collaboration with NGOGCN implemented the following activities under the programme:- a Unit was established with the Ministry to coordinate the 50:50 campaign, Ministry and NGOGCN trained all the 234 Women Aspirants in campaign skills, public speaking etc before the May 2009 Elections, Election monitors for the women candidates were trained and supported during the voting day to represent the interests of the women during the voting and counting day. The 50:50 Campaign programme also supported the

actual campaign for all the 234 women aspirants regardless of party affiliation. The women aspirants were assisted with startup campaign funds each woman aspirant got equivalent of \$687 to assist them in their campaign, 500 T/shirts each and 76 Caps as campaign materials under the programme. A comprehensive media campaign on the need to vote for women candidates was implemented by NGOGCN and its network members. The Programme managed to ensure women representation in Parliament improve from 14% in 2004 to 22% in 2009 including having the first ever Female Vice President. The National programme assisted Malawi to improve on the numbers of women regardless of not having a legislative affirmative action.

On participation of women in Public sector. Department of Human Resource and Development has developed mainstreaming guidelines for the public sector and a Gender Officer for the Department has been appointed to mainstream the strategy and training Human Resources officers in public sector in order for them to appreciate and to recruit professional women in high public positions.

Further the report of the Law Commission on the Gender Equality Statute also in the thematic area: “Participation of women in all spheres of life” has recommended the introduction of quotas to secure the representation of women in politics and public life through amendment bills incidental to the Gender Equality Bill. In terms of politics, the Law Commission has developed draft Amendment Bills in relation to the Political parties (Registration and Regulation) Act, the Local Government Elections Act. These amendment bills:

- (a) prohibit discrimination on the grounds of sex or marital status in the conduct of Election;

- (b) Place an obligation on the Malawi Electoral Commission and Political parties to ensure the presentation of a minimum of 40 percent and no more than of 60 per cent for either sex;
- (c) Make it a criminal offence to discriminate or breach the quota provisions punishable by a fine or disqualification from taking part in an election.

Nationality

13. In its 1996 report on the Review of certain Laws of Malawi under Chapter XII of the Constitution (Review of certain laws on Defilement of Young Girls, Wills and Inheritance, Citizenship, Marriage and affiliation), Malawi Government Gazette Extraordinary. The Malawi Law Commission recommended the removal of those aspects of section 9 and section 16 of the Malawi Citizenship Act respectively that discriminate against women. Although this was a 1996 recommendation, it was not enacted by Parliament despite that certain other recommendations made in that Report were. The recommendation was re-echoed ten years later in the Law Commissions Report on the Review of the laws marriage and divorce in 2006. It is anticipated that during the consideration of the Marriage, Divorce and Family Relations Bill, Cabinet will also consider these recommendations.

14. The Department is working with the Policy Unit in the Office of the President and Cabinet and the Ministry of Internal Affairs and Public Security on the Immigration and Citizenship Policy. At present a draft policy in place but the department is in consultation with the

International Organisation for Migration (IOM) through the proposed project on the Capacity Building on Migration Management Program for Malawi. Specifically, the program will provide assistance in reviewing and developing Malawi's migration policies and legislation, in developing policy and procedural guidelines, among others. It is envisaged that through this program we will finalise the policy and address the concerns that were raised particularly in respect of disparities in treatment between women and men in terms of the Citizenship and Immigration laws. The discussions are at an advanced stage and we hope to finalize the policy soon.

Education

15: The Malawi government through the Education sector is implementing several policies and programmes that are aimed at increasing enrolment in schools, reducing dropout cases and absenteeism as follows

At primary level

- a) School feeding programme in schools is increasing retention of girls in child headed and poor families
- b) Child Friendly schools Programme. This is looking at sanitary issues such as building of extra toilets and water facilities. This has increased retention of girls in schools. It also includes training of head teachers.
- c) We are currently implementing a deployment policy for primary school teachers who are made to sign a bond to teach in rural schools in the districts of their origin after two years

training at Teachers Training College. This has improved internal efficiency and provides role models in rural schools.

- d) Introduction of life skills education is equipping girls with information to make an informed decision and it helps them to remain in schools
- e) Free primary education which was introduced in 1994 has assisted in enrolment and retention of girls in schools.
- f) Intensification of teacher training at certificate and graduate levels

At secondary school level.

- a) Government is implementing a 50-50 selection policy when selecting students into secondary schools. Limitation is that we do not have a pool of girls who have attained a passing mark to attain the 50 percent. But the policy is there and it is helping in enrolment of girls.
- b) Government is providing accommodation for girls in secondary schools which previously did not have. This is increasing the number of girls to be in schools since the challenges which the girls were facing as day scholars have been addressed.
- c) Bursary funds have been increased at the ratio of 3:2 in favour of girls
- d) Readmission policy that re-admits teen mothers back into schools 1 year after delivery since 2007
- e) Role Modeling program by some NGOs

- f) Establishment of mother groups in some districts who assist in taking care of issues of girls' retention in schools. These groups are also trained in policy lobbying to influence policy decisions
- g) Enhanced night schools in all government schools. This helps those who have not been selected to go to secondary school.

Tertiary level

- a) Quota system for girls to go to university(affirmative action)
- b) Increased bed space in University for the girls.
- c) More female hostels are being built in Teacher Training Colleges.
- d) Introduction of parallel programmes in the University of Malawi and Mzuzu University.

16: At Teacher Training College level Ministry of Education is implementing affirmative action. For instance, lower pass mark for girls was introduced. This has increased female teachers. Female boarding facilities have been increased at to cater for more women trainees.

17: Gender Audit of the Curriculum review. The Ministry has engendered text books by giving equal roles to both girls and boys (balanced stories of boys and girls in the text books). The social studies curriculum has incorporated gender as a topic.

At Teacher Training College level both male and female trainees are given equal opportunity to handle all subjects in order to increase female teachers who can teach mathematics and science such that now we have more female teachers at primary level handling science subjects.

At District level Ministry of Education is establishing mother groups (This is being piloted in a few Districts in Eastern Division) where there is a major problem of girls drop out. The mother Groups track the girls that have dropped out of schools within their areas to understand their problem and try to bring them back in schools.

The Gender Equality Bill has made provision for equality in education as follows:

- a) the same curricula;
- b) the same examinations
- c) teaching staff with qualifications of the same standard institutional premises and equipment of the same level
- d) Provision of sanitary facilities that take into account the specific needs of the sex of the pupils or students

The Bill has also provided for equality in access to grants, bursaries and scholarships. A quota system has been created for tertiary educational institutions which shall enroll no less than 40 percent and no more than 60 percent of either sex.

The bill also creates specific duties in relation to curriculum so as to eliminate stereotypes by requiring by requiring that the curriculum for primary and secondary schools shall:

- (a) promote the spiritual, moral, cultural and mental development of pupils or students at the educational institution and prepare them for society and experience of life after completion of school

- (b) integrate e gender issues and human rights at all levels:
- (c) address the special needs of female pupils or stents by incorporating life skills, including sex education;
- (d) address issues of environmental care and protection; and
- (e) introduce subjects that enhance the integration of female pupils or students in disciplines that are traditionally male dominated.

Further, the bill provides that the Minister responsible for education shall ensure that;

- (a) the curriculum for all schools complies with the requirements of this subsection; and
- (b) the curriculum for all schools is free from all forms of gender stereotyping.

The head teacher of any public school shall ensure that the curriculum for the school complies with these requirements. Lastly, the Minister responsible for education shall, by Order published in the Gazette, revise the national curriculum to ensure there is equal participation of male and female students at all levels in the education system.

Employment

18: There are no statistics readily available on unemployment, wage gap and occupational segregation.

19. In addition to prohibiting sexual harassment, the Gender Equality Bill also puts in place a requirement for public or private workplaces that employ not less than fifteen people to develop

and implement appropriate policy and procedures aimed at eliminating sexual harassment in the workplace. The Bill also places a statutory duty on the Minister of Gender, Children and Community Development to undertake civic education initiatives and public awareness campaigns on every aspect of the Bill, which includes sexual harassment.

Health

20: Malawi's maternal mortality rate is currently at 807/100,000 live births (MICS 2006). The deaths are due to infections (Sepsis), postpartum hemorrhage, complications of abortions mainly unsafe abortions, obstructed labour, HIV & AIDS and anemia. Malawi through Reproductive Health Unit in the Ministry of Health developed the Road Map in 2007 to accelerate the reduction of maternal and neonatal mortality and morbidity in Malawi. Some key strategies to address this are: Malawi reproductive health strategy 2006-2010; Malawi Reproductive Health Service delivery Guidelines, National Sexual & Reproductive Health and rights policy 2009. These issues are in the national development guiding framework such as Vision 2020 and Malawi Growth and Development Strategy (MGDS). The Government of Malawi recently also launched the Campaign on the acceleration on the reduction of maternal mortality in Africa (CARMMA). During the CARMMA launch, the First female Vice President was crowned Good Will Ambassador for Safe motherhood. With this title, the Vice president is popularizing the campaign and as of to date, she has adopted 10 Health Centres.

The Ministry of Health is also trying to address the issue of unsafe abortion in collaboration with human rights organizations, law society and civil society. It started with the strategic assessment

of unsafe abortions in Malawi and currently the preliminary report is out. The remaining part is to find out the magnitude of unsafe abortion in Malawi. Data analysis for magnitude study is underway and results will be out before March 2010. To strengthen maternal and neonatal services, MOH-RHU have integrated Focused Antenatal Care (FANC), BEMONC, Community Based Maternal Newborn and Child Care, Kangaroo Mother Care (KMC), HIV prevention and PMTCT, Family Planning, Post Abortion Care services into SRHR programme.

Again, the Gender Equality bill has provisions specifically on Sexual and reproductive Health Rights. These provisions include specific rights to:

- (a) access sexual and reproductive's health care service;
- (b) access family planning services;
- (c) be protected from sexually transmitted infection
- (d) self-protection from sexually transmitted infection
- (e) choose the number of children and when to bear those children;
- (f) control fertility; or
- (g) choose an appropriate method of contraception.

In order to ensure the realization of these rights, the Bill imposes an obligation on health service providers to respect the rights and dignity of all persons seeking their services, to provide their services, to provide their services irrespective of marital status and without requiring that both spouses attend as a pre-condition to performing the service. Lastly, health service providers must impart all information necessary for a person to make a decision regarding whether or not to undergo any procedure or to accept any service.

Under Inadequate family planning services especially in rural areas, low rate of contraceptive use and lack of sex education; Malawi has currently a contraceptive prevalence rate of 41% (38% modern methods & 3 % traditional methods- MICS 2006). The unmet need for family planning is at 28% and the total demand for family planning is at 62% (MDHS 2004). Currently efforts to strengthen the availability, access to and utilization of family planning services at both facility and community level are under way. Injectable contraceptive is now available at community level. More CBDAs are being trained to increase access to family planning services at community level. Sex education in schools is now part of the basic curriculum. Other line Ministries are also implementing this like Ministry of Education, Ministry of Youth Sports & Development with components of life skills, sex & peer education.

Traditional Birth Attendants redefined roles not to conduct any deliveries are part of the measures to reduce maternal and mortality rate in Malawi. Currently TBAs are being encouraged to refer any pregnant woman to a health facility to be delivered by a skilled attendant. The new roles for TBAs have been disseminated to all stakeholders and interested parties. There are still challenges in the hard to reach areas where even an ambulance cannot go to assist the women.

21: There has been no impact assessment yet of the Women, Girls, HIV and AIDS National Plan of Action and program. . A Multiple Indicator Cluster Survey of 2006 revealed that the comprehensive knowledge on prevention of HIV infection by female youth (15-24) was at 56.3% for urban and 38.7% for rural compared to male youth which was at 45.8% respectively.

The rights to sexual and reproductive Health have been introduced in proposed Gender Equality Bill, if enacted women, men will be able to enjoy SRH rights that will be justifiable.

Ministry of Health through RHU and HIV Unit in collaboration with UNFPA and other partners developed condom strategy in 2008 in line with condom programming. More focus was put on female condom so that women are able access the product on their own without fearing to lose a partner in the process. Condom programming is now well established in the Ministry of Health and more health facilities are stocking female condoms as part of empowering women to access and utilize the product. Female condom is also fully registered and is now part of the list of products under Central Medical Stores (CMS). This approach is in line with the National HIV Policy and Comprehensive HIV and AIDS programme for women and girls aimed at decreasing the feminization of the epidemic in Malawi. There is also a social marketed female condom branded care championed by Population Services International. This socially marketed Female condom which is available in beauty salons, barbershops, and pharmacies at a subsidized rate. Within this female condom programming, a male involvement component has been employed by training barbers so that they are part of the master trainers and female condom advocates.

Awareness of girls on SRH issues including their knowledge of how to protect themselves from HIV: Ministry of Health through the Reproductive Health Unit in collaboration with partners and other organizations developed National Standards of Youth Friendly Health Services. This is a focus towards young people in sexual and reproductive health including prevention of HIV

among young people. National Youth Council of Malawi in collaboration with other line Ministries of Health; Youth and Sports Development are trying to strengthen awareness on SRH among young people even at community level through youth organizations/clubs. The launch of 'Stop early marriage' campaign recently (2009) is part of creating awareness among girls to prevent teenage pregnancies as well as STIs, HIV and AIDS.

Ministries of Education and Youth and Sports Development are implementing in and out of school life skills and peer education programs respectively.

22: *High infection rates of women and the direct linkage between harmful traditional practices and the spread of HIV and AIDS:* The newly revised National SRHR policy 2009 recognises that many Malawian women and children experience harmful practices, domestic and sexual violence, but the magnitude is not known. In an effort to address some of these harmful practices, Ministry of Health through the Reproductive Health Unit developed guidelines for management of sexual assault and rape in Malawi in 2005. Currently the document is in use in most of the health facilities and VSU in Police stations.

In another development, Ministry of Health is working hand in hand with the umbrella body for traditional healers union of Malawi. The National Policy on Traditional Healers has been developed to regulate because the Ministry of Health decided that the National Health Policy should be launched first and any other health related policies should come later. The National

Policy on Traditional Healers has been finalized, but is yet to be tabled at Cabinet before it is launched.

Economic Empowerment

23: Although the Gender Equality Bill has no specific on economic empowerment, the report of the Law Commission on the Development of the Gender Equality Statute makes a number of specific recommendations for government to implement as policy in relation to Poverty Eradication and economic empowerment as follows.

- (a) Strengthening entrepreneurial skills among women;
- (b) Improving access to credit for women entrepreneurs;
- (c) Access to appropriate technology by women entrepreneurs to be improved
- (d) Access to local and international markets improved; and
- (e) Policy environment to support and sustain growth of micro, small and medium enterprises (MSME).

These recommendations shall be considered by Cabinet during its consideration of the Gender Equality Bill.

Rural women, vulnerable groups

24: Several initiatives are underway to support rural women in Malawi to access justice. For instance, Community Action Groups (CAGS,) and Community Victim support Units (CVSU)

have been established in communities to address issues of gender based violence. These are first point of contact for the community members themselves to respond to Issues of GBV. CAG members provide referral services to the women to various justice delivery structures. Several civil society organisations have got Community Based Educators in most of the communities, who provide awareness on women's rights issues and provide information as to where women could go to seek redress. Some of these CSOs have got paralegal services at district and Community level. However the services are not in all the communities.

To ensure access to health for rural women, the government of Malawi in the National Health strategy has proposed that in rural areas the radius of 10Km between one health facility to the other has to be employed to ensure coverage in the rural community. However, this is still not the case in most of the hard to reach areas. Outreach or mobile clinics have been established by government and other players which are able to reach most of the hard to reach areas. Bicycle ambulances and motor cycle ambulances have also been provided to ensure women are catered for in these hard to reach areas.

25 . Ideally, the Ministry of Persons with Disabilities and the Elderly is there for mainstreaming disability and elderly issues in relevant sectors policies and plans. In this context, it is assumed that since the Ministry of Gender, Children and Community Development is there to advance issues of women among others; the interest of older women and those with disabilities are included.

In response to the various problems and challenges that girls and women with disabilities and older women are facing, the Ministry of Persons with Disabilities has put in place the following interventions aimed at improving their situations and quality of life.

Girls with disabilities

- a) Advocating for inclusion of disabled girls in schools and vocational training institutions
- b) Advocating for accessibility of schools, colleges and vocational training centres
- c) Awareness to parents, teachers and the public on disability and mainstreaming
- d) Paying school fees for needy and deserving girls with disabilities
- e) Assisting girls with disabilities to access vocational training
- f) Providing appropriate assistive devices.

Women with disabilities and older women

- a) Provision of start up capitals for small scale enterprises
- b) Linking them to lending institutions especially MARDEF for loan facilities
- c) Encouraging them to actively participate in local initiatives
- d) Providing food and non food items to needy older women
- e) Provision of assistive devices
- f) Encouraging them to join clubs and CBOs
- g) Policy on the elderly underway
- h) Bill on equalization of opportunity for people with disability (FEDOMA)

26. *See answer to questions 3*

27. No any immediate efforts to ratify the optional protocol.
